

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF DENTISTRY**



IN THE MATTER OF:

MARK MCCLURE, D.D.S.,

Respondent.

CONSENT ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Dentistry (the Board) under D.C. Code § 3-1201.01, which codifies the Health Occupations Revision Act (the HORA). The HORA, under D.C. Code § 3-1202.01(b), authorizes the Board of Dentistry to regulate the practice of dentistry in the District of Columbia, and under D.C. Code § 3-1204.08(8), authorizes the Board to conduct hearings.

Background

On February 11, 2019, the Board issued a Notice of Intent to Take Disciplinary Action (Notice) against the license of Dr. Mark McClure (Respondent) to practice dentistry in the District of Columbia. The Notice charged Respondent as follows:

You violated D.C. Official Code § 3-1205.14(a)(21) in that you performed, offered, or attempted to perform services beyond the scope of those authorized by your license, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(13) in that you submitted false statements to collect fees for which the services were not provided or submitted statements to collect fees for services which were not medically necessary, for which the Board may take disciplinary action against you

pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(26) in that you failed to conform to standards of acceptable conduct and prevailing practice within a health profession for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(24) in that you violated the recordkeeping requirements of 17 DCMR 4213.4, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(24) in that you practiced Medicine without a license in violation of D.C. Official Code § 3-1205.01, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(19) in that you prescribed, dispensed, or administered drugs when not authorized to do so, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(45) in that you committed fraud or made false claims in connection with the practice of dentistry, or relating to Medicaid, Medicare, or insurance, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(24) in that you violated 17 DCMR 4217.1, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14(c).

You violated D.C. Official Code § 3-1205.14(a)(37) in that you failed to keep adequate dental records, for which the Board may take disciplinary action against you pursuant to D.C. Official Code § 3-1205.14 (c).

On March 4, 2019, Respondent, through his then-counsel, Wynde Juliet Winston and Roy Mason, made a timely request for a hearing.

The parties have elected to resolve this matter by consent agreement in lieu of a hearing. This consent agreement is not an admission by Respondent to the charges nor a concession by the District that its case was not well-founded. The Parties agree to the

following terms and conditions as follows:

TERMS AND CONDITIONS

1. Respondent shall return this signed and notarized consent order to the Board within five business days from the date of service of this Consent Order.

2. Upon receipt of the signed and notarized consent order, Respondent shall be placed on **PROBATION**. Respondent will be placed on probation for a period of two years. Dr. McClure must petition the Board in order to terminate probation. Termination will depend on full compliance with the terms under paragraphs (2)(a) through (2)(e)(vii) of this Consent Order:

- a. Fine: Respondent will pay a \$30,000 fine, by check or money order, within 12 months from the date of service of this Consent Order.
- b. Supervision: Respondent will be supervised by a Board-approved dentist during the probation period. The supervising dentist will file a report each quarter on Respondent's progress in completing the terms of this agreement.
- c. Evaluation Program: Respondent will complete the Dentist Professional Review and Evaluation Program (D-PREP), which is offered by the American Association of Dental Boards. Because the D-PREP is individualized, Respondent will submit the content, once created, to the Board for approval. Respondent must inform the Board which of the continuing education courses below, if any, will be covered by D-PREP.

d. Continuing Education: If not otherwise addressed by the D-PREP, Respondent will submit proof to the Board of completing 14 hours of continuing education courses in dentistry during the probation period. The courses must comply with the requirements of 17 DCMR § 4207, must be pre-approved by the Board, and no portion of the courses shall be accepted toward Dr. McClure's continuing education requirements for any licensure renewal period. The course subject areas are below:

- i. Recordkeeping – 4 hours
- ii. Ethics – 4 hours
- iii. Insurance coding – 2 hours
- iv. Dental Diagnosis and Treatment Planning – 4 hours

e. Scope of Practice:

- i. As part of the licensed practice of dentistry in the District of Columbia, Respondent will not offer or create a treatment plan, perform treatment or any service for any part of the body or for any condition originating below a patient's collarbone or in a patient's ear or shoulder.
- ii. As part of the licensed practice of dentistry in the District of Columbia, Respondent will not perform neural therapy, Autonomic Response (or Resistance) Testing, Allergy Elimination Technique, or administer DMPS (2-3 dimercapto-1-propanesulfonic acid).

- iii. As part of the licensed practice of dentistry in the District of Columbia, Respondent will not perform Neuralgia Inducing Cavitational Osteonecrosis removal.
- iv. As part of the licensed practice of dentistry in the District of Columbia, Respondent will not inject any substance into a patient using a Stabident injection for any purpose other than to act as an anesthetic to perform dental procedures authorized by the scope of the practice of dentistry outlined in D.C. Code § 3-1201.02(5).
- v. As part of the licensed practice of dentistry in the District of Columbia, Respondent will not inject gold, silver, ozone, Arnica Montana, Quercetin, Bromelain or Zeel lymph into patients.
- vi. Respondent's practice will be within the District of Columbia scope of practice for dentistry.
- vii. Respondent may apply for a valid license from the District of Columbia for any health-related service that is prohibited by this agreement, provided that the services are regulated as part of the practice of a licensed health profession.

3. **ORDERED** that Respondent shall be responsible for all costs incurred or associated with this Consent Order; and it is further

4. **ORDERED** that Respondent may petition the Board for termination of his probation after two (2) years, provided he has been fully compliant with the terms of probation; and it is further

5. ORDERED that if Respondent violates any provision of this Consent Order, the Board shall take such further action against his license as it deems appropriate, including formal disciplinary action to revoke licensure; and it is further

6. ORDERED that this Consent Order is the Final Order of the Board in this disciplinary matter and a public record and shall be posted on the Department of Health's website and Board newsletter and reported to the National Practitioner Data Bank and the Healthcare Integrity Protection Data bank.

05/27/2021

DATE



Wesley, Thomas, DMD, FACD, FICO
Chairperson
Board of Dentistry


CONSENT OF RESPONDENT

- (1) My signature below signifies my acceptance of the terms and conditions of the foregoing Consent Order and my agreement to be bound by its provisions.
- (2) I acknowledge the validity of this Consent Order, as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give

testimony, to call witnesses on my behalf, and to all other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America.


- (3) I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, to give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America I would have had at a hearing in this matter.
- (4) I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing.
- (5) I have had an opportunity to review this document and to consult with my own legal counsel. I choose to sign this Consent Order, and I understand its meaning and effect.

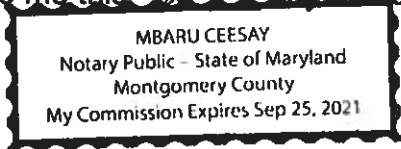
May 24, 2021
Date



Dr. Mark McClure, DDS
License No. DEN5755

SIGNED AND SWORN before me this 24th day of May 2021.




NOTARY PUBLIC, D.C.

My commission expires: 09/25/2021

