STATE OF MAINE
BOARD OF DENTAL PRACTICE

IN RE: )
) ) CONSENT AGREEMENT
) )
DAVID R. STEUER, D.M.D. )
) )
Complaint No. 17-23 )
) )

This document is a Consent Agreement, effective when signed by all parties hereto, regarding conditions imposed upon the license to practice dentistry held by David R. Steuer, D.M.D. The parties to this Consent Agreement are: David R. Steuer, D.M.D. ("Dr. Steuer"), the State of Maine Board of Dental Practice ("the Board"), and the Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B).

STATEMENT OF FACTS

1. On May 9, 2006, the Board first licensed Dr. Steuer to practice dentistry in the State of Maine, license number DEN3810. Dr. Steuer holds a specialty in endodontics.

2. On November 16, 2007, the Board issued Dr. Steuer a permit to administer conscious (moderate) sedation at the Portland practice location of Dental Specialists of Maine.

3. On November 18, 2016, Dr. Steuer entered into a consent agreement with the Board that resolved License Renewal Application No. 16-70 and Complaint Nos. 15-37 and 16-46, which had been filed against his license (hereinafter referred to as "the 2016 Consent Agreement").

4. Pursuant to the 2016 Consent Agreement, the Board imposed discipline against Dr. Steuer's license for his unprofessional conduct, which included: making a false statement on a license renewal application; failing to disclose on a renewal application that he had undergone residential treatment for mental health and substance abuse issues; abusing prescription drugs; violating standards of care; and practicing after his license had lapsed.

5. The 2016 Consent Agreement imposed the following discipline: a reprimand; additional continuing education; civil penalties totaling $4000.00; a requirement to have a practice monitor for two years; and a requirement to enter into a prohibited substance monitoring agreement with the Maine Medical Professionals Health Program.

6. At all times relevant to the subject complaint Dr. Steuer was employed by Dental Specialists of Maine and working at its offices in Yarmouth and Portland, Maine.
7. On June 22, 2016, Patient L underwent a root canal on tooth #20 with another endodontist at Dental Specialists of Maine.

8. On January 6, 2017, because the other endodontist was unavailable, Dr. Steuer saw Patient L at the Dental Specialists of Maine office in Portland for a follow up to the root canal that the patient had undergone on June 22, 2016.

9. At that time Patient L was experiencing no adverse symptoms with respect to tooth #20 or any other teeth.

10. As a part of that follow up visit, Dr. Steuer had periapical radiography images taken, which revealed radiolucency at the edge of the image toward the anterior teeth.

11. Dr. Steuer then took an additional periapical radiography image of the anterior teeth, which revealed an unusually large radiolucent lesion surrounding several teeth.

12. As a result, Dr. Steuer conducted cold testing of the teeth in the subject area and concluded that teeth #22 and #23 were non-vital.

13. Dr. Steuer wanted to have additional imaging done, so he had cone beam computed tomography ("CBCT") images taken of the same area, but was unable to properly align the CBCT imaging machine and obtain relevant images.

14. Based on the radiography images and his cold testing, Dr. Steuer determined that teeth #22 and #23 were necrotic and developed a treatment plan of root canal therapy.

15. As part of his consultation with the patient, Dr. Steuer told Patient L that she had an "infected lesion," and he advised her that root canal therapy for teeth #22 and #23 was necessary. Accordingly, Dr. Steuer scheduled Patient L for root canal treatment on January 11, 2017.

16. Dr. Steuer’s treatment notes for Patient L on January 6, 2017, reflect no consideration of etiology or differential diagnoses.

17. In fact, the radiolucent lesion was of a size and location that would suggest the possibility of multiple differential diagnoses including malignancy, central giant cell granuloma, odontogenic keratocyst, and simple bone cyst.

18. Dr. Steuer did not refer Patient L for further testing, order a biopsy, or seek expert interpretation of the radiographs.

19. On January 11, 2017, Patient L returned to Dr. Steuer’s office for root canal therapy.

20. At that time Dr. Steuer took additional CBCT images and these CBCT images confirmed the unusually large radiolucent lesion.
21. At that time Dr. Steuer also telephoned Patient L’s primary dentist for the first time and told him that he had discovered a lesion in the area of Patient L’s teeth #22 and #23 and informed him that he would be performing treatment and debridement on Patient L.

22. On January 11, 2017, Dr. Steuer proceeded to treat Patient L by performing a partial root canal on teeth #22 and #23.

23. Dr. Steuer’s treatment notes for Patient L on January 11, 2017, reflect no consideration of any differential diagnoses.

24. On January 20, 2017, the Board suspended Dr. Steuer’s license for failing to comply with the 2016 Consent Agreement.

25. Thereafter, Dr. Steuer took no further actions with respect to the care and treatment of Patient L.

26. Patient L was eventually referred for a biopsy which was performed on March 8, 2017, and which led to a diagnosis of lymphoma.

27. On March 23, 2017, Patient L filed a complaint against Dr. Steuer for failing to diagnose her cancer, which complaint the Board docketed as Complaint No. 17-23.

28. Dr. Steuer’s family relocated out of the State of Maine and Dr. Steuer now intends to wind up his practice in Maine and relocate with his family.

29. Pursuant to a Notice of Hearing dated May 24, 2018, the Board scheduled Complaint No. 17-23 for an adjudicatory hearing on July 13, 2018.

30. The parties now desire to resolve Complaint No. 17-23 by executing this Consent Agreement in lieu of holding the adjudicatory hearing.

COVENANTS

31. Dr. Steuer admits to the facts as stated above and admits that such conduct constitutes grounds for disciplining him pursuant 32 M.R.S. § 18325(1)(E) for engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of dentistry by:

a. Failing to refer Patient L for further testing, order a biopsy, or seek expert interpretation of the radiographs upon initially detecting the unusually large radiolucent lesion; and

b. Pursuing a course of treatment with Patient L on January 11, 2017, without first documenting differential diagnoses and considering whether root canal therapy
might have adverse effects if the lesion was caused by something other than an infection.

32. As DISCIPLINE for the conduct admitted to in paragraph 31 above, Dr. Steuer agrees as follows:

a. To accept a REPRIMAND;

b. VOLUNTARILY SURRENDER his license effective August 13, 2018; and

c. Not apply for any license with the Board for a period of five (5) years after the effective date of this Consent Agreement.

33. Violation of any term or condition of this Consent Agreement by Dr. Steuer may be deemed by the Board to constitute unprofessional conduct and be grounds for additional discipline against his Maine dental license, including without limitation possible monetary penalties and license suspension or revocation.

34. This Consent Agreement is not appealable, constitutes disciplinary action that is reportable to the National Practitioner Data Bank, and is effective until amended or terminated in writing by agreement of all the parties hereto. This Consent Agreement cannot be amended orally.

35. Requests for amendment of this Consent Agreement must be made in writing and submitted to the Board. The Board, at its discretion, may (a) deny such a request, (b) grant such a request, or (c) grant such a request in part. A Board decision regarding a request to modify this Consent Agreement need not be made pursuant to a hearing and is not appealable to any court.

36. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402(3) and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

37. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

38. Terms of this Consent Agreement constitute the entire agreement between and among the parties.

39. If any provision of this Consent Agreement is for any reason determined to be invalid, the effectiveness and enforceability of all other provisions of the Consent Agreement shall not be affected by such determination.

40. The Board and Dr. Steuer agree that no further agency action will be initiated against his license by the Board based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may, however, consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Dr. Steuer, and this Consent Agreement may be
introduced as evidence in any future adjudicatory hearing involving Dr. Steuer. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Steuer and whether to approve any future application for licensure submitted by Dr. Steuer.

41. This Consent Agreement becomes effective on the date on which the final signature is affixed hereto.

42. Dr. Steuer acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult an attorney before signing this Consent Agreement, that he signed this Consent Agreement of his own free will and without undue influence of any kind from any person, and that he agrees to abide by all terms and conditions set forth herein.

SIGNATURES.

Dated: \text{July 11, 2018} \\
DAVID R. STEUER, D.M.D.

Dated: \text{7.13.18} \\
LISA P. HOWARD, D.D.S. \\
Chairperson

Dated: \text{7.13-2018} \\
ANDREW L. BLACK \\
Assistant Attorney General

Effective Date: \text{July 13, 2018}