

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
HEALTH REGULATION AND LICENSING ADMINISTRATION  
BOARD OF DENTISTRY**

**In Re:** :  
 :  
**Larry F. McNair, D.D.S.** :  
 :  
**License No.: DEN4485** :  
 :  
**Respondent** :

**ORDER SUSPENDING LICENSE**

**Jurisdiction**

This matter comes before the District of Columbia Board of Dentistry (the “Board”) pursuant to D.C. Official Code § 3-1201.01 *ff.* (2016 Repl.), otherwise known as the Health Occupations Revision Act (the “HORA”). The HORA, at D.C. Official Code § 3-1202.01(b) (2016 Repl.), authorizes the Board to regulate the practice of dentistry in the District of Columbia.

**Background**

On or about September 19, 2022, the Board issued a Notice of Intent to Take Disciplinary Action against Respondent’s dental license (“the Notice”). The Notice charged the Respondent with the following:

**Charge I: You violated a negotiated settlement agreement entered with the Board, for which the Board may take the proposed action under D.C. Official Code § 1205.14(a)(27).**

In accordance with Title 17 DCMR § 4105.2(c), the Notice was mailed on or about October 5, 2022, by U.S. Postal Service Certified Mail, return receipt requested, to the Respondent’s mailing address on file with the Board. The Post Office records show the Notice

was “Delivered, Left with Individual” on October 17, 2022. Pursuant to Title 17 DCMR § 4105.5, the Respondent was deemed served on October 17, 2022. The Notice informed Respondent that he had the right to request a hearing within twenty (20) days of receiving service of the Notice. The Respondent did not request a hearing in the time allotted. The Respondent hand-delivered a hearing request to the Board on November 15, 2022, although the letter was dated November 7, 2022. In the Respondent’s untimely hearing request, he wrote, “I am requesting...an extension due to the extenuating circumstances as related to COVID. I am also requesting an extension due to economic hardship professionally and personally.”

During a regularly scheduled meeting of the Board held on November 16, 2022, the Board found that the Respondent failed to timely submit a request for a hearing in this matter.

#### **Investigative Findings of Fact**

Based upon the content of the Board’s file in this matter, the Board hereby makes the following findings of fact:

1. At all times relevant, the Respondent was licensed to practice dentistry in the District of Columbia.
2. On February 17, 2021, Respondent entered into a negotiated settlement agreement (NSA) with the Board.
3. The purpose of the NSA was to resolve multiple patient complaints filed against the Respondent.
4. Pursuant to the terms of the NSA, within one (1) year of the date he signed the NSA the Respondent was required to pay five thousand dollars (\$5,000.00) and to complete and submit proof of completing the following courses:
  - a. 16 hours of Oral Diagnosis and Treatment Planning;
  - b. 12 hours of Periodontal and Preventive Therapy;
  - c. 4 hours of Fixed and Removable Prosthodontics;
  - d. 10 hours of Oral Inhalation Anesthesia in the Dental Office, which shall include 4 hours specific to Pharmacology;
  - e. 4 hours of Recordkeeping;
  - f. 4 hours of Billing; and
  - g. 10 hours of Professional Ethics.

5. The NSA required the Respondent to submit the payment and proof of completing the required courses to the Board's Executive Director, Ericka Walker.
6. As of February 17, 2022, and continuing thereafter, the Respondent had failed to submit the payment of five thousand dollars (\$5,000.00) to Ericka Walker.
7. The Respondent has not submitted payment of any amount toward the five-thousand-dollar (\$5,000.00) obligation.
8. As of February 17, 2022, the Respondent had only completed and submitted proof of completing the Professional Ethics course.
9. The Respondent has not submitted proof of completing any of the other six (6) courses as required under the NSA.

#### **Conclusions of Law**

D.C. Official Code § 3-1205.14 (2012 Repl.) provides in pertinent part:

(a) Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a majority of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any Applicant, licensee, or person permitted by this subchapter to practice the health occupation regulated by the board in the District who: (27) violates a negotiated settlement agreement entered into with the Board.

- (1) Deny a license, registration, or certification to any applicant or an application to establish a school of nursing or nursing program;
- (2) Revoke or suspend the license, registration, or certification of any licensee, registrant, or person certified or withdraw approval of a school of nursing or nursing program;
- (3) Revoke or suspend the privilege to practice in the District of any person permitted by this subchapter to practice in the District;
- (4) Reprimand any licensee, registrant, person certified, or person permitted by this subchapter to practice in the District;
- (5) Impose a civil fine not to exceed \$5,000 for each violation by an applicant, licensee, registrant, person certified, or person permitted by this subchapter to practice in the District;
- (6) Require a course of remediation, approved by the board, which may include:

- (A) Therapy or treatment;
  - (B) Retraining;
  - (C) Reexamination, in the discretion of and in the manner prescribed by the board, after the completion of the course of remediation; and
  - (D) Require participation in continuing education and professional mentoring.
- (7) Require a period of probation; or
- (8) Issue a cease and desist order pursuant to § 3-1205.16.

**Charge I: Violates a negotiated settlement agreement entered into with the Board.**

The Board finds that findings of fact 1-9 are sufficient to establish that the Respondent failed to comply with the terms of the negotiated settlement agreement (NSA). Further, in the Respondent's untimely hearing request, he did not deny or dispute that he had violated the NSA. Instead, he requested "an extension due to the extenuating circumstances as related to COVID." He further requested, "an extension due to economic hardship professionally and personally."

The purported reasons for the Respondent's violation of the NSA, do not negate the clear finding that he failed to fulfill every requirement of the NSA save only one.

Therefore, the Board finds by a preponderance of the evidence and concludes as a matter of law that the Respondent violated a negotiated settlement agreement entered with the Board for which the Board may take the proposed action pursuant to D.C. Official Code § 3-1205.14(a)(27) and (c)(2016 Repl.).

## Decision

In formulating its decision as to the appropriate sanction to be imposed, the Board took into consideration the nature of the charge and the Board's paramount duty to protect the public.

The negotiated settlement agreement that the Respondent entered into with the Board resulted from three (3) patient complaints filed against the Respondent alleging billing issues of billing for services not performed and excessive fees, and alleging standard of care violations.

The Respondent entered into an agreement with the Board requiring the Respondent to undergo extensive re-training as directed by the Board to address the issues raised by the complaints. Further, the re-training was deemed necessary by the Board to ensure that the Respondent practiced in a manner that protected the health, safety, and welfare of his patients. The Respondent was also required to pay Five Thousand Dollars (\$5,000.00) to address the issues with his billing and recordkeeping practices.

By failing to complete the required courses and training, the Respondent has failed to take the corrective actions deemed necessary by the Board to protect the health, safety, and welfare of his patients. Notably, the only course the Respondent completed was the ethics course, which did not include any clinical re-training.

Inasmuch as the Respondent has failed to complete any of the required clinical re-training, the Board finds that it is in the best interests of the health, safety, and welfare of the public to suspend the Respondent's license until such time as he complies with this order.

## ORDER

Based upon the aforementioned, it is hereby ORDERED that the District of Columbia dentist license of Larry F. McNair, D.D.S, # DEN4485, is hereby SUSPENDED, effective upon service of this Order; and it is further

ORDERED that Respondent shall pay a fine in the amount of Five Thousand Dollars (\$5,000.00), which shall be paid by check or money order made payable to "D.C. Treasurer;" and submitted to Ericka Walker, Executive Director, District of Columbia Department of Health, 899 North Capitol Street, N.E., 2nd Floor, Washington, D.C. 20002; and it is further

ORDERED that Respondent shall complete and submit proof to Ericka Walker, Executive Director, District of Columbia Department of Health, 899 North Capitol Street, N.E., 2nd Floor, Washington, D.C. 20002, of having completed, live or interactive webinar, continuing education courses in dentistry crafted by and provided by the University of Maryland School of Dentistry's Office of Institutional Advancement, as follows:

- i. Sixteen (16) hours of Oral Diagnosis and Treatment Planning;
- ii. Twelve (12) hours of Periodontal and Preventive Therapy;
- iii. Four (4) hours of Fixed and Removable Prosthodontics;
- iv. Ten (10) hours of Oral and Inhalation Anesthesia in the Dental Office, which shall include four (4) hours specific to Pharmacology including but not limited to prescription writing and documentation;
- v. Four (4) hours of Recordkeeping;
- vi. Four (4) hours of Billing including ethical billing practices; and it is

ORDERED that these courses shall not have been completed prior to February 25, 2021, shall comply with the requirements of 17 DCMR § 4207.1, must be pre-approved by the

Board, no portion of the courses shall be accepted toward the Respondent's continuing education requirements for any license renewal or reinstatement; and Respondent shall be audited to ensure compliance with this term of the Order; and it is further ORDERED that the Respondent's District of Columbia dentist license shall remain suspended until he complies with the terms of this Order, and the Board issues an Order lifting the suspension.

**February 24, 2023**

Date



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John R. Bailey, DDS  
Chairperson  
District of Columbia Board of Dentistry

**Judicial and Administrative Review  
of Actions of Board**

Pursuant to D.C. Official Code § 3-1205.20 (2001):

Any person aggrieved by a final decision of a board or the Mayor may appeal the decision to the **District of Columbia Court of Appeals** pursuant to D.C. Official Code § 2-510 (2012).

Pursuant to D.C. Court of Appeals Rule 15(a):

Review of orders and decision of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty (30) days after the notice is given.

**This 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.**

Copies to:

Larry F. McNair, DDS  
Respondent

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\*Rule 49(c)(4) Notice: Admitted to practice only in Virginia. Practicing in the District of Columbia under the direct supervision of Kimberly M. Johnson, a member of the D.C. Bar under D.C. Court of Appeals Rule 49(c)(4).