

**STATE OF MAINE
BOARD OF DENTAL PRACTICE**

In re: MARC LANCE HOROWITZ, D.D.S.
Case Nos. 23-92 and 24-22

CONSENT AGREEMENT

This document is a Consent Agreement (Agreement), effective when signed by all parties hereto, regarding disciplinary action against Marc Lance Horowitz's license to practice dentistry. The parties to this Consent Agreement are: Marc Lance Horowitz, D.D.S. (Dr. Horowitz), 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-A)(C).

STATEMENT OF FACTS

1. On November 14, 2002, the Board first issued Dr. Horowitz a license to practice dentistry in the State of Maine, license number DEN3679.

PRIOR DISCIPLINE

2. Dr. Horowitz has been previously disciplined by the Board. In 2005, in case No. 05-23, Dr. Horowitz admitted that he violated a standard of care by failing to diagnose existing endodontic issues, placing crowns with open margins and with no interproximal contact, and seating a crown on build up material rather than on existing tooth structure. Dr. Horowitz agreed to attend courses in diagnosis and treatment planning, a hands-on course in prosthetics, and to submit patient records to the Board for review.

3. In 2008, in Case Nos. 07-51 and 08-17, Dr. Horowitz conceded that if the matter went to hearing, the Board could determine that he failed to consistently follow the CDC Guidelines for Infection Control in Dentistry, failed to perform a physical assessment of and medically manage a pregnant patient, failed to maintain adequate patient records, misused nitrous oxide, and failed to consistently use a rubber dam during endodontic procedures. As discipline, Dr. Horowitz accepted a five-year license probation in which he agreed to complete continuing education courses, undergo an evaluation with a medical professionals health program, and submit his dental practice to site inspections.

4. In 2009, in Case No. 09-05, Dr. Horowitz admitted that he performed a deficient root canal treatment on a pediatric patient. For discipline, he agreed to accept a five-year license probation (concurrent with that in Case Nos. 07-51 & 08-17), which imposed an additional condition of submitting patient records to the Board for review.

5. In 2020, in Case No. 19-49, Dr. Horowitz admitted that he violated a standard of care and Board Rule by failing to obtain written signed consent for a change in treatment plan related to his extraction of a minor patients' two deciduous teeth. As discipline, Dr. Horowitz accepted a warning.

CASE NO. 23-92

6. Patient MB first presented to Dr. Horowitz on March 8, 2023, complaining of broken tooth # 4. Dr. Horowitz billed for and responded that a comprehensive exam was completed that day, although the patient record supports only a limited exam. No comprehensive periodontal screening is documented in the patient record.

7. At the same appointment, Dr. Horowitz informed the patient that root canal therapy may be necessary as the tooth was already heavily restored and had a large area of decay. Tooth #4 was treatment planned for excavation of decay, a core build up, and a crown, which were performed by Dr. Horowitz during subsequent appointments.

8. The post operative radiograph of the permanent crown on tooth #4 shows open mesial and distal margins and remaining decay. Dr. Horowitz did not diagnose, document, or further treat the remaining decay.

9. Patient MB submitted this complaint to the Board on August 23, 2023. She alleged, among other things, that after reviewing her records some events and procedures were omitted or redacted from her patient record. She also alleged that more radiographs were taken by Dr. Horowitz than were included in the patient record provided to her.

10. On August 1, 2023, beginning at approximately 9:25 am, Dr. Horowitz modified nearly all of Patient MB's substantive patient notes. There is no indication as to what was modified, or why. The following patient notes were modified:

- a. March 8, 2023
- b. March 28, 2023
- c. April 6, 2023
- d. April 25, 2023
- e. May 11, 2023

Case No. 24-22

11. Patient MD presented to Dr. Horowitz on April 27, 2022 and was treatment planned for extraction of tooth # 13, four maxillary crowns with semi precision attachments, and the fabrication and delivery of maxillary and mandibular cast partial dentures. On the same date, Patient MD completed a medical history form and indicated that he was taking the medication Eliquis, which is an anticoagulant. In his response to the complaint, Dr. Horowitz states that he advised Patient MD to withhold his Eliquis before the extraction.

Nothing in Patient MD's records reflects this conversation and it is also not documented anywhere in the record whether Dr. Horowitz consulted with Patient MD's medical physician regarding whether he should withhold his Eliquis, and if so, for how long in advance of the extraction.

12. On May 23, 2022, Patient MD presented to Dr. Horowitz for the extraction of tooth #13. Patient MD's extraction was rescheduled because he did not withhold Eliquis before the appointment. On June 1, 2022, Patient MD presented again to Dr. Horowitz for extraction of tooth # 13. According to the note, Patient MD stated he had been off his Eliquis for four days. This note was modified by Dr. Horowitz on January 18, 2024 at 9:42 a.m. Nothing in the note indicates how or why it was modified.

13. Dr. Horowitz delivered temporary crowns to Patient MD for tooth #s 3, 9, 10, and 11 on July 27, 2022. After that, Dr. Horowitz began the process of fabricating and adjusting Patient MD's maxillary and mandibular cast partial dentures over multiple visits. Permanent crowns were eventually placed. Over the course of these visits, the doctor-patient relationship broke down.

14. On or around January 17, 2024, Patient MD requested his patient records from Dr. Horowitz, which were sent to him on January 23, 2024.

15. Dr. Horowitz modified many of Patient MD's notes. Nothing in the notes indicates how or why it was modified. Patient MD's notes were modified as follows:

- a. June 1, 2022 1:21 p.m. note modified on January 18, 2024 at 9:42 a.m.
- b. July 6, 2022 1:08 p.m. note modified on January 18, 2024 at 9:42 a.m.
- c. July 27, 2022 1:18 p.m. note modified on January 18, 2024 at 9:44 a.m.
- d. August 25, 2022 4:42 p.m. note modified on January 18, 2024 at 9:45 a.m.
- e. September 14, 2022 2:42 p.m. note modified on January 18, 2024 at 9:45 a.m.
- f. September 27, 2022 2:54 p.m. note modified on January 18, 2022 at 9:45 a.m.
- g. October 21, 2022 3:33 p.m. note modified on January 18, 2024 at 9:46 a.m.
- h. October 26, 2022 2:12 pm. note modified on January 24, 2023 at 3:11 p.m.
- i. November 5, 2022 6:25 a.m. note modified on January 24, 2023 at 3:11 p.m.
- j. November 11, 2022 4:56 p.m. note modified on January 24, 2023 at 3:11 p.m.
- k. December 19, 2022 1:50 p.m. note modified on January 24, 2023 at 3:03 p.m.
- l. January 24, 2023 2:20 p.m. note modified on February 8, 2023 at 10:10 a.m.

16. On February 20, 2024, Patient MD submitted this complaint to the Board alleging that the treatment he received from Dr. Horowitz was substandard.

17. Absent acceptance of this Consent Agreement by signing, dating, and returning it to Penny Vaillancourt, Acting Executive Director, Board of Dental Practice, 143 State House Station, Augusta, Maine 04333-0143, by **April 21, 2025**, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

18. Dr. Horowitz admits to the facts as stated above and admits that such conduct constitutes grounds for imposing discipline against his license as follows:

- a. Pursuant to 32 M.R.S. § 18325(1)(O) and Board Rule Chapter 9(I)(R) for engaging in unprofessional conduct by violating a standard of care that has been established in the practice of dentistry, specifically for failing to diagnose and address decay after treatment and leaving open margins on Patient MB's crown.
- b. Pursuant to 32 M.R.S. § 18325(1)(O) and Board Rule Chapter 9(I)(J) for engaging in unprofessional conduct by altering two patients' records with the intent to deceive.
- c. Pursuant to 32 M.R.S. § 18325(1)(O) and Board Rule Chapter 12(I)(H) for failing to document Patient MB's remaining decay on tooth # 4 and failing to document a conversation with Patient MD's medical physician regarding withholding anticoagulant medication before an extraction.

19. As DISCIPLINE for the conduct admitted to in the paragraphs above, the Board imposes, and Dr. Horowitz accepts the following:

- a. A **CENSURE** for the conduct in paragraph 17(a) above;
- b. A **WARNING** for the conduct in paragraphs 17(b) and (c) above; and
- c. The following **CONDITION OF PROBATION** to be in effect for 90 days after execution of this Agreement: submit to the Board documentation substantiating successful completion of **sixteen (16) hours of continuing education**, specifically on the following subjects: 10 hours in restorative techniques, including crowns and complex restorative cases, three (3) hours in recordkeeping and treatment planning, and three (3) hours in ethics, all of which must be pre-approved by the Board Chair. This continuing education may not be reused and is in addition to any other continuing education requirements that Dr. Horowitz may otherwise be required to complete (if any) and must be satisfied during this probationary period.

20. Violation of any term or condition of this Consent Agreement by Dr. Horowitz 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.

21. 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.

22. 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.

23. 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.

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

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

26. 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.

27. The Board and Dr. Horowitz 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. Horowitz, and this Consent Agreement may be introduced as evidence in any future adjudicatory hearing involving Dr. Horowitz. 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. Horowitz and whether to approve any future application for licensure submitted by Dr. Horowitz.

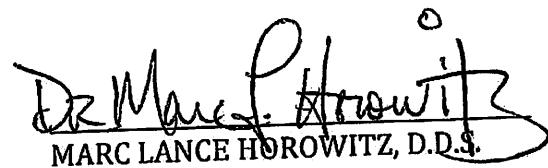
28. This Consent Agreement becomes effective on the date on which the final signature is affixed hereto.

29. Dr. Horowitz acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with 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.

30. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.

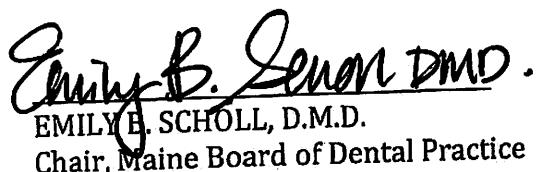
SIGNATURES

DATED: 3/21/25


DR Marc L. Horowitz
MARC LANCE HOROWITZ, D.D.S.

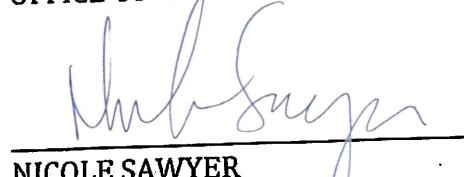
DATED: 4/8/2025

MAINE BOARD OF DENTAL PRACTICE


Emily B. Scholl DMD.
EMILY B. SCHOLL, D.M.D.
Chair, Maine Board of Dental Practice

DATED: 04/08/2025

OFFICE OF THE ATTORNEY GENERAL


Nicole Sawyer
Assistant Attorney General