

IN THE MATTER OF	*	BEFORE THE MARYLAND
SARAH COLLIER	*	STATE BOARD OF DENTAL
APPLICANT	*	EXAMINERS
	*	Case No.: 2010-157

\* \* \* \* \*

**CONSENT ORDER**

On September 15, 2010, the Maryland State Board of Dental Examiners (the "Board") notified Sarah Collier ("the Applicant"), (DOB: 12/01/1979) of the Board's Intent to Deny her Application for Dental Radiation Technologist Certification under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101 *et seq.* (2009 Repl. Vol.) and Code of Md Regs tit. 10 §§ 44.19 *et seq.* The pertinent provisions state:

**H.O. § 4-505 Certification of dental radiation technologists.**

(d) After July 1, 1988, an individual may not practice dental radiation technology unless certified by the Board.

**Code of Md. Regs tit. 10, § 44.19**

**.03 Qualifications.**

A. Except as otherwise provided in these regulations, to qualify to be certified as a dental radiation technologist, an applicant shall be an individual who:

(2) Is of good moral character.

**.11 Penalties for Violations of these Regulations**

A. Subject to the hearing provisions of this chapter, the Board may deny a certificate to practice dental radiation technology, reprimand any certified dental radiation technologist, place any certified dental

radiation technologist on probation, or suspend or revoke the certificate of any certified dental radiation technologist, if the holder of the certificate:

(3) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;

(7) Is convicted of or pleads guilty or nolo contendere to a felony or crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

On February 2, 2010, the Office of the Attorney General, by and through the Administrative Prosecutor, attended a Case Resolution Conference ("CRC") before a subcommittee of the Board. The Applicant also attended the CRC on her own behalf. Both parties entered into negotiations in an attempt to resolve the case, without the need for an evidentiary hearing. The parties presented a mutually acceptable proposal to the CRC subcommittee, who recommended ratification of the proposed resolution by the full Board. As a result of those negotiations and the Board's approval of the proposed terms, the Applicant agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

#### **FINDINGS OF FACT**

1. On or about August 12, 2009, the Board received the Applicant's Application for Dental Radiation Technologist Certification ("Application").

2. In Section III of the Application, under the heading "Character and Fitness," the Applicant answered "YES" to Questions F and G, which state as follows:

F. Have you pled guilty, nolo contendere, had a conviction or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?

G. Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substances?

3. The Board's investigation revealed that the Applicant failed to disclose certain details of the circumstances leading to three separate criminal offenses, arising from her substance use/ abuse.

4. Her first offense, a November 16, 2005 arrest, involved five (5) moving traffic violations, which resulted in a guilty plea to the charge of Driving while Impaired.

5. Her second offense, a May 25, 2006 arrest, pertained to possession of controlled dangerous substances, while also driving with a suspended license. Those charges resulted in a "stet"<sup>1</sup>.

6. Her third offense, a February 23, 2008 arrest, arose from the Applicant leaving her two minor children, unattended in her vehicle while she patronized a restaurant/bar. The Applicant was issued a criminal citation for the confinement of two (2) children under the age of eight (8) in a motor vehicle. She was subsequently convicted of that charge and sentenced to thirty (30) days incarceration, twenty eight (28) days suspended, followed by a one (1) year period of supervised probation.

7. As a condition of her probation, the Applicant was referred to Howard County Department of Social Services ("HCDSS") and subject to implementation of a Safety Plan, assessment of risk factors for substance abuse, weekly, unannounced urinalysis/toxicology screens, treatment and counseling for substance abuse, and

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<sup>1</sup> The stet docket is an inactive criminal docket whereby the Defendant waives their right to a speedy trial and the case is essentially stayed for a period of one year.

recommended attendance at support group counseling sessions.

8. The Applicant also received counseling for domestic abuse, which ultimately led to her removing her minor children from the marital home and seeking refuge at a local domestic abuse shelter. The Applicant subsequently sought and was granted a Final Protective Order issued by the District Court of Maryland for Howard County. That Order is in effect until October 14, 2012.

9. The Board's investigation revealed that the Applicant successfully completed all conditions of her probation by demonstrating her "abstinence from alcohol"... "active participation in substance abuse treatment, recovery support systems, counseling and life skill building."

10. The social worker at HCDSS documented that the Applicant's achievements during the period, April 2008-January 2011, enabled the Applicant..."to attain independence and self sufficiency on multiple levels, with the most important being that [she] can be a safe and sober provider for her family."

11. 2010 tax returns submitted by the Applicant, support her claim that she currently is the sole financial provider for her two (2) minor children.

12. The Applicant has proffered that she has abstained from use/abuse of any substances, excluding legitimately prescribed medications, since December 2009. The Board's investigation supports this proffer.

13. The Applicant's successful rehabilitation efforts, including but not limited to her abstinence from using alcohol; her efforts to reduce the stressors/triggers that contributed to her alcohol and substance abuse; and her continued participation in support groups, is evidence of her stated commitment to maintaining her sobriety.

14. The Applicant's actions, as described above, constitute, in whole or in part, good moral character, in support of issuance of a Certification to practice dental radiation technology pursuant to Code of Md. Regs tit. 10 § 44.19.03A(2). The Applicant has met all other qualifications for Certification set forth in Code of Md. Regs. tit. 10 § 44.19.03 A(1),(3-6).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a majority of a quorum of the Board considering this case hereby:

**ORDERED** that the Applicant be issued a Certificate to practice Dental Radiation Technology after the Board has executed this Consent Order; and it is further

**ORDERED** that the Applicant shall enter into a treatment and monitoring contract with the Dental Hygiene Well-Being Committee ("DHWBC"); and it is further

**ORDERED** that the Applicant be placed on **PROBATION** for a period of one (1) year, or in the alternative for a period of time deemed appropriate by the DHWBC, subject to the following terms and conditions:

1. The Applicant shall fully comply with all terms and conditions of the DHWBC treatment and monitoring contracts. This may include urinalysis/toxicology screens subject to the discretion of the DHWBC. The Applicant shall comply with any and all supplemental contracts entered into by the Applicant and the DHWBC. Any changes in the Applicant's contracts with the DHWBC shall be approved, in advance, by the Board. The Board shall have authority to add further conditions and terms, if deemed necessary by the

DHWBC, provided that the Applicant is notified, and upon request, is given an opportunity to be heard. The Applicant shall, in any event, comply with the recommendations of the Board and the DHWBC;

2. The Applicant shall attend and actively participate in any support group programs recommended by the DHWBC. Upon request, the Applicant shall provide written verification of attendance at a support group.

3. The Applicant shall completely abstain from the use of alcoholic beverages, controlled substances, mood altering drugs or drugs of abuse, including narcotic analgesics, in any form except under the following conditions:

a. The Applicant is a bona fide patient of a licensed health care practitioner who is aware of the terms of this Consent Order and Applicant's treatment and monitoring contracts with the DHWBC.

b. Such medications are lawfully prescribed by the Applicant's treating practitioner and approved by the DHWBC and other treatment providers; and;

c. The Applicant provides the Board and the DHWBC, within seventy-two (72) hours of receiving the prescription, the name of the practitioner prescribing the medication, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication and a signed statement consenting to the release of the medical information from the prescribing practitioner to the Board, the DHWBC and any other treatment provider.

4. If recommended by the DHWBC, the Applicant shall be required to submit to random, monitored, urinalysis/toxicology screens and/or any other method of testing deemed necessary by the DHWBC. The Applicant shall utilize a facility or laboratory that is approved by the Board or the DHWBC;

5. Upon request by the Board or the DHWBC, the Applicant shall submit within twenty four (24) hours, to additional unannounced and/or observed urinalysis/toxicology screening, including blood testing, for the detection of prohibited substances;

6. A positive result on a urinalysis/toxicology screen shall constitute a Violation of Probation and of this Consent Order unless the Applicant has complied with the provisions of paragraph four (4) of this Consent Order, *supra*, and the result is positive for the lawfully prescribed medication. Failure to provide a specimen when requested by the DHWBC, within twenty four (24) hours, shall be considered tantamount to a positive result; and considered a Violation of Probation and of this Consent Order; and it is further

**ORDERED** that in the event that the Applicant should leave the State of Maryland to reside and practice outside the State, the Applicant shall, within ten (10) business days prior to departing, notify the Board and the DHWBC, in writing, of the dates of departure and return (if known). Periods of residency or practice outside the State of Maryland will not reduce the time period(s) specified in this Consent Order unless the Applicant affiliates with a recovery program in the new State of residence, that is approved by the Maryland Board and fully complies with the requirements of this Consent Order; and it is further

**ORDERED** that the Applicant's execution of this Consent Order shall constitute a release to the Board, and the DHWBC, of any and all medical health-related reports, substance abuse treatment records and psychological/psychiatric records pertaining to the Applicant. Further, the Applicant agrees and consents to the release by the Board, the DHWBC and all treatment providers of any information or data produced as a result of this Consent Order to any other treatment provider; and it is further

**ORDERED** that the Applicant shall at all times cooperate with the Board, any of its agents or employees, and with the DHWBC and other treatment providers, and their agents, employees, in the monitoring, supervision, and investigation of the Applicant's compliance with the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Applicant shall comply with and practice within all statutes and regulations governing the practice of dental radiation technology in the State of Maryland; and it is further

**ORDERED** that the Applicant shall be responsible for all costs incurred under this Consent Order; and it is further

**ORDERED** that the Applicant may petition the Board, in writing, for termination of her probationary status if the Applicant has satisfactorily complied with all conditions of this Consent Order and the DHWBC advocates for and supports termination, provided that the Applicant has no pending investigations pending before the Board; and it is further



**ORDERED** that the Applicant's failure to fully cooperate with the Board or the DHWBC shall be deemed a Violation of Probation and will subject the Applicant to further disciplinary action by the Board; and it is further

**ORDERED** that if the Applicant violates any of the terms of the treatment and monitoring contracts or the terms and conditions of probation, the Board may immediately SUSPEND the Applicant's Certification, without either prior notice or an opportunity to be heard, provided that Applicant is given the opportunity for a show cause hearing before the Board at the next regularly scheduled meeting of the Board; and it is further

**ORDERED** that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol. and 2010 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

**ORDERED** that this Order is a public document pursuant to Md. State Gov't Code Ann., §§ 10-611, *et seq.* (2009 Repl. Vol. and 2010 Supp.)

03/16/2011  
Date

T. Earl Flanagan, Jr. DDS  
T. Earl Flanagan, Jr., D.D.S..  
President

CONSENT

I, Sarah Collier, acknowledge that I declined the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

3/16/11  
Date

Sarah Collier  
Sarah Collier  
Applicant

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore:

I HEREBY CERTIFY that on this 16<sup>th</sup> day of March, 2011  
before me a Notary Public of the foregoing State of Maryland and the City/County  
aforesaid, personally appeared Sarah Collier, and made oath in due form of law that  
signing the foregoing Consent Order was her voluntary act and deed, and the  
statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Mary J. Hoke  
Notary Public

My Commission Expires: 02/14/2013

MARY J. HOKE  
NOTARY PUBLIC  
BALTIMORE CITY  
MARYLAND  
MY COMMISSION EXPIRES FEB. 14, 2013