

IN THE MATTER OF \* BEFORE THE  
KENNETH BRIAN RILEY, D.D.S. \* STATE BOARD OF  
RESPONDENT \* DENTAL EXAMINERS  
License Number: 10295 \* Case Number: 2010-312

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION  
OF LICENSE TO PRACTICE DENTISTRY**

The State Board of Dental Examiners (the "Board") hereby orders that **SUMMARY SUSPENSION** of the license of **KENNETH BRIAN RILEY, D.D.S.** (the "Respondent") (D.O.B. 04/10/1961), License Number 10295, to practice dentistry in the State of Maryland continues to remain in effect. The Board takes such action pursuant to its authority under Md. St. Gov't Code Ann. § 10-226(c)(2009 Repl. Vol.), concluding that the public's health, safety and welfare continues to require emergency action.

**INTRODUCTION**

A show cause hearing was held on August 4, 2010. Dr. Riley appeared before the Board with counsel. Dr. Riley did not object to the Board continuing its order of summary suspension.

**FINDINGS OF FACT**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

**BACKGROUND FINDINGS**

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

1. At all times relevant to this Order for Summary Suspension (the "Order"), the Respondent was and is licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on or about April 20, 1989, under License Number 10295.

2. At all times relevant to this Order, the Respondent was employed as a dentist at Egert, Riley, Deroo, Wyatt, Eisenberg DDS & Associates, located at 4 East Rolling Crossroads, Catonsville, Maryland 21228.

3. The Board initiated an investigation of the Respondent after reviewing an article about him that was published in the June 5, 2010, edition of the Baltimore Sun. The article was entitled "Catonsville Dentist Charged With Illegal Drug Distribution." The article reported that the Respondent had been criminally charged with dealing 500 to 1,000 tablets of hydrocodone per week from his office and home since 2006. Hydrocodone is a narcotic analgesic and a Schedule III controlled dangerous substance.

4. The Board's investigative findings are set forth *infra*.

#### **BOARD INVESTIGATIVE FINDINGS**

5. The Respondent has been registered with the United States Drug Enforcement Administration ("DEA") since August 14, 1989 and assigned registration number BR1953555. The Respondent's registration number authorized him to order, dispense, and handle controlled dangerous substances ("CDS").

6. On or about June 3, 2010, a Baltimore City Police Detective (the "Affiant") who was working in conjunction with the DEA Diversion Drug Task Force Group submitted an Affidavit in Support of a Criminal Complaint (the "Affidavit"), in which he

reported the results of a criminal investigation by various law enforcement entities into the Respondent's alleged unlawful distribution of CDS.

7. The Affiant reported that law enforcement authorities began investigating the Respondent after a confidential source ("CS") reported that he/she had been purchasing approximately 500 to 1000 hydrocodone tablets from the Respondent on a weekly basis since 2005. The CS reported that he/she made such purchases from the Respondent at various locations, including the Respondent's home and the parking lot of the Respondent's Catonsville dental practice. The CS reported that the Respondent disclosed to him/her that he obtained these CDS through his dental practice, where he arranged to be responsible for ordering and handling all pharmaceutical drugs for the practice. The CS disclosed the means and manner in which the Respondent arranged with him/her to purchase hydrocodone, which among other things, involved coded cell phone and text communications and drug/money transfers in parking lots and other remote locations.

8. The Affiant reported that after receiving this information, law enforcement authorities conducted further surveillance of the Respondent. Law enforcement authorities observed a series of controlled purchases between the CS and the Respondent. They witnessed the Respondent sell the CS quantities of hydrocodone on the following four dates:

- (a) April 15, 2010—500 tablets of hydrocodone
- (b) April 22, 2010—1000 tablets of hydrocodone
- (c) May 3, 2010—1000 tablets of hydrocodone
- (d) May 26, 2010—1000 tablets of hydrocodone.

9. Based on the Affidavit, a criminal complaint was issued against the Respondent in the United States District Court for the District of Maryland. The criminal complaint alleged that the Respondent violated various provisions of federal drug laws (*i.e.*, Title 21 U.S.C. §§ 841 and 846). The Respondent was subsequently arrested pursuant to this complaint.

10. On or about June 15, 2010, the Respondent was indicted on federal drug charges in the United States District Court for the District of Maryland.

11. Count One (1) of the indictment alleges that on or about 2005, and continuing through the date of the indictment, in the District of Maryland, the Respondent did knowingly and willfully combine, conspire, confederate and agree with persons known and unknown to knowingly, intentionally, and unlawfully distribute and possess with intent to distribute a mixture or substance containing hydrocodone, a Schedule III controlled substance, in violation of Title 21 United States Code, Section 841.

12. Count Two (2) of the indictment alleges that on or about April 15, 2010, in the District of Maryland, the Respondent did knowingly, intentionally and unlawfully distribute and possess with intent to distribute a quantity of a mixture or substance containing hydrocodone, a Schedule III controlled substance, in violation of Title 21 United States Code, Section 841.

13. Count Three (3) of the indictment alleges that on or about April 22, 2010, in the District of Maryland, the Respondent did knowingly, intentionally and unlawfully distribute and possess with intent to distribute a quantity of a mixture or substance containing hydrocodone, a Schedule III controlled substance, in violation of Title 21 United States Code, Section 841.

14. Count Four (4) of the indictment alleges that on or about May 3, 2010, in the District of Maryland, the Respondent did knowingly, intentionally and unlawfully distribute and possess with intent to distribute a quantity of a mixture or substance containing hydrocodone, a Schedule III controlled substance, in violation of Title 21 United States Code, Section 841.

15. Count Five (5) of the indictment alleges that on or about May 26, 2010, in the District of Maryland, the Respondent did knowingly, intentionally and unlawfully distribute and possess with intent to distribute a quantity of a mixture or substance containing hydrocodone, a Schedule III controlled substance, in violation of Title 21 United States Code, Section 841.

16. Board investigation determined additional information about the Respondent's acquisition of opioid medications through his dental practice. According to data compiled by the DEA, the Respondent, from 2007 through 2009, was the top purchaser of hydrocodone among dentists in the State of Maryland. For example, in 2007, the Respondent ordered/purchased 43,500 tablets of hydrocodone. In 2008, the Respondent ordered/purchased 36,200 tablets of hydrocodone. In 2009, the Respondent ordered/purchased 23,200 tablets of hydrocodone.

17. Based on the above investigative facts, the Board has a basis to charge the Respondent with committing prohibited acts as set forth in the Act under H.O. § 4-315. Specifically, the Board finds that the Respondent violated one or more of the following subsections of H.O. § 4-315:

- (a) *License to practice dentistry.* – Subject to the hearing provisions of § 4-318 of this subtitle, the Board may . . . reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the . . . licensee:

- (2) Fraudulently or deceptively uses a license; [and]
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession.

**CONCLUSIONS OF LAW**

Based on the foregoing facts, the Board concludes that the Respondent constitutes a danger to the public and that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(2009 Repl. Vol.).

**ORDER**

Based on the foregoing findings, it is therefore this 4<sup>th</sup> day of August, 2010, by a majority vote of a quorum of the State Board of Dental Examiners, by authority granted to the Board by Md. St. Govt. Code Ann. § 10-226(c)(2) (2009 Repl. Vol.), it is hereby:

**ORDERED** that the Respondent's license to practice dentistry in the State of Maryland, under License Number 10295, is continues to be **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that this document constitutes a Final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol.).

*T. Earl Flanagan, D.D.S.*

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T. Earl Flanagan, D.D.S, President  
Maryland State Board of Dental Examiners

### **NOTICE OF HEARING**

The Respondent, Kenneth Brian Riley, D.D.S. is entitled to a full evidentiary hearing held before the Board of Dental Examiners at Spring Grove Hospital Center, Benjamin Rush Building, 55 wade Avenue, Baltimore, Maryland 21218, following a written request by the Respondent for same.