

IN THE MATTER OF  
KEITH SEICKE, D.D.S.

Respondent

License Number: 12889

\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* DENTAL EXAMINERS  
\* Case Number: 2010-056

\* \* \* \* \*

### FINAL ORDER

On the 18<sup>th</sup> day of December, 2009, the Maryland State Board of Dental Examiners (the "Board") notified Keith Seicke, D.D.S., License Number 12889, D.O.B. 05/06/66 (the "Respondent"), of its intent to revoke his license to practice dentistry under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101 *et seq.* (2009 Repl. Vol.).

The pertinent provisions of the Act under H.O §§ 4-315 provide the following:

- (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;
  - (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
  - (5) Provides professional services while:
    - (i) under the influence of alcohol; or
    - (ii) Using any narcotic or controlled dangerous substance, as defined in §§ 5-101 of the Criminal law Article, or other drug that is in excess of therapeutic amounts or without medical indication;

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]

(20) Willfully makes or files a false report or record in the practice of dentistry [.]

In its Notice, the Board informed the Respondent that he had the opportunity to request a hearing before the Board by submitting a request in writing to the Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Respondent, and the Respondent has not requested a hearing.

### **FINDINGS OF FACT**

The Board makes the following findings of fact:

1. The Respondent was originally licensed to practice dentistry in Maryland on September 10, 1992 under license number 11124. The Respondent failed to renew his license during the 1996 renewal period, during which time the Board began investigating the Respondent for improperly prescribing narcotic medications.

2. The Board's investigation determined that the Respondent repeatedly wrote prescriptions for hydrocodone<sup>1</sup> and other Schedule III controlled dangerous substances and that such prescriptions were obtained for his own use without a valid dental reason. Board investigation further determined that the Respondent wrote prescriptions in the names of former patients who were no longer under his treatment and care.

---

<sup>1</sup> Hydrocodone is a Schedule III opioid analgesic generally used for the treatment of moderate to moderately severe pain.

3. On November 8, 1996, the Respondent was arrested by the Baltimore County Police. After receiving and waiving his Miranda rights, the Respondent admitted to the following:

- a. wrote prescriptions for non-dental reasons, using his treating dentist's DEA number, after his license had lapsed;
- b. wrote prescriptions in his patients' names, even though he picked up the medications;
- c. wrote prescriptions in the names of insured patients so that he would not have to pay for the medications;
- d. practiced dentistry at home after his license lapsed, including performing a root canal on one patient and providing treatment for another patient who presented with a broken jaw.

4. In or around November 1996, the Respondent was charged in the Circuit Court for Baltimore County in the case of State of Maryland v. Keith Alan Seicke, Criminal Case No. 97CR0025, with the following: possession of a controlled dangerous substance, to wit, hydrocodone, in violation of Md. Ann. Code Art. 27 § 287; possession with intent to distribute a controlled dangerous substance, to wit, hydrocodone, in violation of Md. Ann. Code Art. 27 § 286; possession of a controlled dangerous substance, to wit cocaine, in violation of Md Ann. Code Art. 27 § 287; possession with intent to distribute a controlled dangerous substance, to wit cocaine, in violation of Md. Ann. Code Art. 27 §286; possession of a controlled dangerous substance, to wit marijuana, in violation of Md. Ann. Code Art. 27, §287; possession of drug paraphernalia, to wit, scales and paper, in violation of Md. Ann. Code Art. 27 § 287(a); and obtaining a controlled dangerous substance by fraud, deceit, misrepresentation, and subterfuge, to wit, hydrocodone and codeine, in violation of Md. Ann. Code Art. 27 § 287(b).

5. On March 13, 1997, the Respondent appeared in the Circuit Court for Baltimore County and entered a plea of guilty to one count of possession with intent to distribute marijuana, a felony, in violation of Mc. Code Art. 27 § 286. On March 15, 1997, the Court stayed the guilty finding and imposed probation before judgment pursuant to Md. Code Art. 27 § 641. The Respondent was placed on unsupervised probation for five (5) years, subject to conditions including: completion of one hundred (100) hours of community service within six (6) months; and payment of court costs of two hundred and forty-five dollars (\$245.00).

6. By letter dated January 30, 1997, the Board ordered the Respondent to cease and desist from the unauthorized practice of dentistry.

7. On February 19, 1997, the Respondent signed a Consent Agreement in which he agreed to cease and desist from practicing dentistry.

8. On or about July 28, 1998, the Respondent submitted an application to the Board requesting reinstatement of his license to practice dentistry. Prior to receiving the Respondent's application for reinstatement, the Board advised the Respondent to contact the Maryland State Dental Association's Dental Well Being Committee (the "Committee") for an evaluation and to enter into a Well Being Contract if recommended by the Committee. The Respondent failed to enter into a Well Being Contract with the Committee and refused the Committee's request for urine samples. As a result of these failures, the Committee informed the Board that it would not advocate for the Respondent's reinstatement.

9. On or about April 28, 1999, the Board issued a Notice of Initial Denial of Reinstatement of the Respondent's license. The Respondent requested a hearing but

subsequently withdrew his request for reinstatement. (A copy of the *Notice of Initial Denial of Reinstatement* of the Respondent's License, dated April 27, 1999, is attached hereto and incorporated herein as Exhibit A).

10. In or around August 2000, the Respondent submitted an application (the "Application") for reinstatement of his dental license to the Board.

11. On September 6, 2000, the Board initially voted to deny the Respondent's reinstatement but subsequently entered into a Consent Order with the Respondent whereby it issued the Respondent a new dental license (license number 12889), subject to the imposition of a five (5) year period of probation. During the period of probation, the Respondent was required to comply with all terms and conditions set forth by the Board. The Respondent agreed that any violation of the Consent Order would constitute grounds for an immediate revocation of his license, without either prior notice or an opportunity to be heard. (A copy of the *Reinstatement of Maryland Dental License and Consent Order*, dated May 16, 2001, is attached hereto and incorporated herein as Exhibit B).

12. The Board issued an Order for Termination of Probation on January 5, 2005. (A copy of the *Order for Termination of Probation* dated January 5, 2005 is attached hereto and incorporated herein as Exhibit C).

13. The Board initiated a new investigation of the Respondent after reviewing a September 14, 2009 article published in the Baltimore Sun. The article reported the Respondent's arrest following a search of his residence and dental office by agents of the Drug Enforcement Administration (hereinafter "DEA").

14. The findings of the Board's investigation are set forth *infra*.

15. In 2007, the DEA began an investigation of the Respondent after receiving information that he was visiting pharmacies in the Columbia/Ellicott City area and receiving large quantities of Schedule III narcotic analgesics.

16. Pursuant to a search warrant, the DEA searched the Respondent's home and seized prescription bottles of hydrocodone and oxycodone<sup>2</sup>, prescribed in other people's names. The DEA also searched the Respondent's dental office and seized records of false prescriptions written in other people's names. (A copy of the September 4, 2008 DEA *Report of Investigation*, which identifies the evidence seized, is attached hereto and incorporated herein as Exhibit D).

17. The DEA subsequently interviewed the Respondent who admitted to the following:

- a. In or around 2005, the Respondent met and befriended a Pharmacist (hereinafter "Pharmacist") and conspired with him to obtain prescriptions for Schedule II and III controlled dangerous substances, namely hydrocodone and oxycodone.
- b. The Respondent wrote these prescriptions in names other than his own, for his own use. The Respondent utilized names, addresses and personal information of real individuals including but not limited to his mother, father and other relatives, former patients and deceased persons, without their permission or knowledge.
- c. Over the course of the next four (4) years, the Respondent, with the help of the Pharmacist, falsely prescribed and obtained, approximately 35,000 units of hydrocodone and unknown additional units of oxycodone.
- d. On many occasions, the Respondent personally visited the various pharmacies<sup>3</sup> where the Pharmacist worked and paid for the prescriptions in

---

<sup>2</sup> Oxycodone is a Schedule II opioid analgesic generally used for the treatment of moderate to severe pain when a continuous round-the-clock analgesic is necessary for an extended period of time.

<sup>3</sup> In 2004-2005, the Pharmacist worked at the K-Mart pharmacy in Glen Burnie, Maryland. He left there in or around 2006 and began employment with the BJ's pharmacy in Columbia, Maryland. BJ's pharmacy subsequently closed at which time, the Pharmacist secured employment with Safeway Pharmacy at 10000 Baltimore National Pike in Ellicott City, Maryland. At all relevant times, the Respondent followed the Pharmacist to each of these locations in order to continue using the Pharmacist to facilitate his addiction.

cash. On other occasions, the Pharmacist met the Respondent on the street in order to complete the cash transaction. At times, the Respondent called the Pharmacist on his cell phone in order to place the orders for the fraudulent prescriptions.

- e. During the relevant period of time, the Respondent obtained two to three prescriptions per week of Schedule II and III controlled dangerous substances. At times, the Respondent took 10 to 15 tablets per day<sup>4</sup> while continuing to practice dentistry. (A copy of the February 13, 2009 DEA *Report of Investigation* is attached hereto and incorporated herein as Exhibit E).

18. At the conclusion of the criminal investigation, the Respondent was formally charged and was required to surrender his DEA permit so that he could no longer write prescriptions either within or outside the practice of dentistry.

19. On September 10, 2009, the Respondent appeared in the United States District Court for the District of Maryland and pursuant to a plea agreement, entered a plea of guilty to Acquiring Controlled Dangerous Substances by Misrepresentation and Fraud in violation of 21 U.S.C. § 843 (a)(3), a felony. The specifics of the guilty plea are set forth in the August 10, 2009 Plea Agreement, executed by both the Respondent and his attorney. (A copy of the *Plea Agreement, In the Matter of United States v. Keith Seicke*, Criminal case no. RDB-09-0436, is attached hereto and incorporated herein as Exhibit F).

20. The elements of the offenses to which the Respondent pled guilty are as follows:

(A) During the dates alleged in the Information, the Defendant [the Respondent] did knowingly and willfully acquire and obtain controlled substances;

---

<sup>4</sup> Respondent admitted to taking two (2) tablets of hydrocodone in the morning to avoid withdrawal symptoms during the day while he actively practiced dentistry and treated patients. He would then take five (5) more tablets at the conclusion of his work day and five (5) more in the late evening.

(B) The Defendant [the Respondent] acquired such controlled substances by misrepresentation, fraud and deception. (See Exhibit F)

21. The Respondent's sentencing hearing is scheduled to take place on November 24, 2009 in the United States District Court for the District of Maryland.

22. The Respondent's conduct, as described above, constitutes, in whole or in part, a violation of one or more of the following provisions of H.O. §§ 4-315 (a)

(2) Fraudulently or deceptively uses a license;

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

(5) Provides professional services while (ii) using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article<sup>5</sup> or other drug that is in excess of therapeutic amounts or without valid medical indication;

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; [and]

(20) Willfully makes or files a false report or record in the practice of dentistry.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is in violation of H.O. §§ 4-315(a)(2)(4)(5)(16) and (20).

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20<sup>th</sup> day of January, 2010, by the affirmative vote of a majority of the Board considering this case:

---

<sup>5</sup> Controlled Dangerous Substance is defined as... " a drug or substance listed in Schedule I through Schedule V"... Md. Criminal Law Code Ann. §§ 5-101 (f) (1) (i) ( 2009 Repl. Vol.) Respondent admits to abusing both Schedule II and Schedule III controlled dangerous substances, *to wit*, hydrocodone and oxycodone.

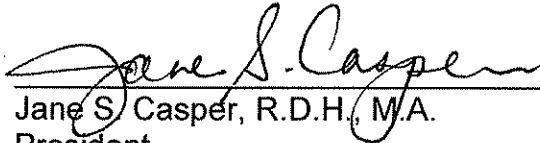


**ORDERED** that the Respondent, Keith Seicke, D.D.S 's license, under License Number 12889, to practice dentistry in the State of Maryland be and hereby is **REVOKED**; and be it further

**ORDERED** that the Respondent is prohibited from practicing dentistry in the State of Maryland; and be it further

**ORDERED** that this Order shall be a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2004 Repl. Vol.).

Date: 1/20/10

  
Jane S. Casper, R.D.H., M.A.  
President  
Maryland State Board of Dental Examiners

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. § 4-319 (2009 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Gove't Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol.), and Title 7, Chapter 200 of the Maryland Rules.