

IN THE MATTER OF	*	BEFORE THE MARYLAND
THEODORE LICHTMAN, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 3745	*	Case Number: 2013-039
* * * * *	*	* * * * *

**CONSENT ORDER**

On March 20, 2013, the Maryland State Board of Dental Examiners (the "Board") charged **THEODORE LICHTMAN, D.D.S. (the "Respondent")**, D.O.B. **07/06/1932**, License Number **3745**, under the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ.") §§ 4-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.). The pertinent provisions of the Act and those under which these Charges are based are as follows:

Health Occ. § 4-315 Denials, reprimands, probations, suspensions, and revocations—Grounds.

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

- (2) Fraudulently or deceptively uses a license [and]
- (18) Violates any rule or regulation adopted by the Board; to wit:

Code of Md. Reg., tit. 10. § 44.23.01B The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology: (8) Committing any other unprofessional or dishonorable act or omission in the practice of dentistry, dental hygiene, or dental radiation technology.

The parties entered into negotiations in an attempt to resolve the charges against the Respondent without the need for an evidentiary hearing. As a result of those negotiations, the Respondent agreed to enter into this Consent Order consisting of Procedural Background, Findings of Fact, and Order, with the terms and conditions set forth below.

### **FINDINGS OF FACT**

1. At all times relevant to these charges, the Respondent was and is licensed to practice dentistry in the State of Maryland, having been issued license number 3745. The Respondent's license is currently active and is scheduled to expire on June 30, 2013.<sup>1</sup>

2. At all times relevant to these charges, the Respondent maintained a private practice in Bowie, Maryland.

3. On or about August 14, 2012, the Board received a complaint from a pharmacist ("Pharmacist A") at Pharmacy A alleging that the Respondent was self-prescribing medications that were outside the scope of the practice of dentistry.<sup>2</sup>

4. Thereafter, the Board initiated an investigation.

5. According to Pharmacist A, on or about August 14, 2012, the Respondent called Pharmacy A to refill several personal prescriptions. One of the prescriptions, metoprolol<sup>3</sup> 50 mg. #90, was out of refills and required a new prescription from the

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<sup>1</sup> The Respondent was previously disciplined by an Order dated June 15, 2005. His license was suspended for 90 days with all but 30 days stayed. Upon reinstatement, the Respondent was placed on probation for one year.

<sup>2</sup> To protect confidentiality, all names other than the Respondent will be omitted from this charging document. The Respondent may obtain a listing of the names from the Administrative Prosecutor.

<sup>3</sup> Metoprolol (brand name: Toprol XL) is a beta-blocker used to treat chest pain and high blood pressure.

prescribing provider. Pharmacist A noted that the Respondent was the prescribing provider for this drug.

6. A review of the Respondent's prescribing history from April 2004 through August 2012 at Pharmacy A revealed that he self-prescribed the following medications:

<b>Name of Medication</b>
Diflorasone <sup>4</sup> 0.05%
Olux <sup>5</sup> 0.05%
Levitra <sup>6</sup> 20 mg
Cephalexin <sup>7</sup> 500 mg
Zithromax <sup>8</sup> 250 mg
Ciprofloxacin <sup>9</sup> 500 mg
Clindamycin <sup>10</sup> 300 mg
Triazolam <sup>11</sup> 0.25 mg
Cialis <sup>12</sup> 20 mg
Anucort-HC <sup>13</sup> 25 mg
Amoxicillin <sup>14</sup> 875 mg
Triamcinolone <sup>15</sup> 0.1%
Skelaxin <sup>16</sup> 800 mg
Tramadol <sup>17</sup> 37.5 mg
Dexamethasone <sup>18</sup> 4mg/ml
Flector <sup>19</sup> 1.3%

<sup>4</sup> Diflorasone is a topical steroid used to treat inflammation and itching of the skin.

<sup>5</sup> Olux is a topical steroid used to treat inflammation and itching of the skin. This medication was originally prescribed by another physician.

<sup>6</sup> Levitra is phosphodiesterase inhibitor used to treat erectile dysfunction.

<sup>7</sup> Cephalexin is an antibiotic.

<sup>8</sup> Zithromax is an antibiotic.

<sup>9</sup> Ciprofloxacin is an antibiotic.

<sup>10</sup> Clindamycin is an antibiotic.

<sup>11</sup> Triazolam is a benzodiazepine used to treat insomnia.

<sup>12</sup> Cialis is a muscle relaxer used to treat erectile dysfunction.

<sup>13</sup> Anucort-HC is a steroid medicine administered rectally and is used to treat hemorrhoids or other inflammatory conditions of the rectum or anus.

<sup>14</sup> Amoxicillin is an antibiotic.

<sup>15</sup> Triamcinolone is a corticosteroid used to prevent inflammation.

<sup>16</sup> Skelaxin is a muscle relaxant.

<sup>17</sup> Tramadol is a narcotic-like pain reliever.

<sup>18</sup> Dexamethasone is a corticosteroid used to prevent inflammation.

Fluocinonide <sup>20</sup> 0.05%
Diphenoxylate/Atropine <sup>21</sup>
Metoprolol ER 50 mg
Lisinopril <sup>22</sup> 10 mg
Uroxatral <sup>23</sup> 10 mg
Zonalon <sup>24</sup> 5%
Lidocaine <sup>25</sup> 3%
Jalyn <sup>26</sup>

7. Pharmacist A stated that the Respondent was “unpleasant and demeaning” and made “negative and inappropriate comments” on the telephone.

8. On or about October 3, 2012, the Board issued a subpoena duces tecum for a copy of the prescriptions written by the Respondent from January 2011 to present.

9. On or about October 9, 2012, the Respondent contacted the Board’s investigator by telephone and stated that he recently sold his practice and no longer had access to the computers in his former office. The Board’s investigator described the Respondent’s demeanor as belligerent.

10. The Respondent was granted an extension to comply with the Board’s subpoena; however, he was not able to provide any documentation.

11. On or about October 22, 2012, the Board received written correspondence from the Respondent dated October 18, 2012. In the letter, the Respondent apologized for “getting a little out of hand” and having a “bad attitude” when speaking with

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<sup>19</sup> Flector is a patch that contains a nonsteroidal anti-inflammatory drug and is used to treat inflammation and pain.

<sup>20</sup> Fluocinonide is a topical steroid used to treat inflammation and itching.

<sup>21</sup> Diphenoxylate/Atropine is an anti-diarrheal.

<sup>22</sup> Lisinopril is an ACE inhibitor used to treat high blood pressure.

<sup>23</sup> Uroxatral is a alpha-adrenergic blockers used to treat urinary conditions in men.

<sup>24</sup> Zonalon is a cream used to treat itching associated with certain skin conditions.

<sup>25</sup> Lidocaine is a local anesthetic.

<sup>26</sup> Jalyn used to treat benign prostatic hyperplasia (BPH) in men with an enlarged prostate.

Pharmacist A. The Respondent also stated that in the past, another pharmacist at Pharmacy A "had allowed me to give him a Hard rx prior to waiting for the fax refill to arrive."

12. In his letter, the Respondent indicated that he sold his practice two weeks prior and was unable to comply with the subpoena.

13. On or about January 9, 2013, the Respondent's primary care physician provided the Board with a list of medications that he has prescribed for the Respondent. Those medications are: Toprol XL, Simvastatin<sup>27</sup>, and Levaquin<sup>28</sup>.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the Maryland Dentistry Act, H.O. §§ 4-315(a)(2) and (18) to wit: COMAR 10.44.23.01B(8).

### **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 Respondent shall cease and desist all self-prescribing of prescription medication; and it is further

**ORDERED** that Respondent's license to practice dentistry in the State of Maryland shall be **SUSPENDED** for a period of thirty (30 days); and it is further

**ORDERED** that the suspension of the Respondent's license shall be **IMMEDIATELY STAYED**; and it is further

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<sup>27</sup> Simvastatin is a cholesterol-reducing medication.

<sup>28</sup> Levaquin is an antibiotic.


**ORDERED** that the Respondent shall be placed on probation until the expiration of his license on June 30, 2013; and it is further

**ORDERED** that the Respondent shall not renew his license to practice dentistry in the State of Maryland; and it is further

**ORDERED** that any violation of any of the terms of this Consent Order shall constitute unprofessional conduct in addition to any other applicable grounds under the Act; 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 2011 Supp.)

6/5/2013  
Date

  
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Ngoc Quang Chu, D.D.S., President  
Maryland State Board of Dental  
Examiners

**CONSENT OF THEODORE LICHTMAN, D.D.S.**

I, **THEODORE LICHTMAN**, by affixing my signature hereto, acknowledge that:

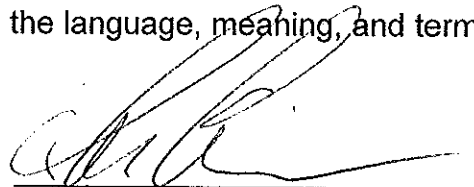
1. I opted not to consult with legal counsel before entering into this Consent Order.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 4-318 (2009 Repl. Vol. and 2011 Supp.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2011 Supp.).
3. I acknowledge the validity of this Consent Order as if entered into after 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 provided by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, and agree to abide by the terms and conditions set forth herein. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order as set forth in § 4-318 of the Act and Md. State Govt. Code Ann. §§10-201 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may be subject to disciplinary action, which may include reprimand, suspension or revocation of my license to practice dentistry in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

5/6/13  
Date

  
Theodore Lichtman, D.D.S.


**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Anne Arundel :

I HEREBY CERTIFY that on this 6 day of May, 2013 before me a Notary Public of the foregoing State of Maryland and the City/County aforesaid, personally appeared Theodore Lichtman, D.D.S., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

My Commision Expires: 4/19/15

  
Notary Public

