

IN THE MATTER OF * BEFORE THE MARYLAND
TERRY LYNN TURMAN-MEIL, D.R.T. * STATE BOARD OF
APPLICANT * DENTAL EXAMINERS
Certificate Number: 10187 (EXPIRED) * Case Number: 2014-107

* * * * *

FINAL ORDER

On December 18, 2014, the Maryland State Board of Dental Examiners (the "Board") notified **TERRY LYNN TURMAN-MEIL, D.R.T.** (the "Applicant"), Certificate Number 10187 (EXPIRED), of its intent to deny her Application for Reinstatement of Expired 2013 Dental Radiation Technologist Certificate (the "2013 Application") under the Maryland Dentistry Act (the "Act"), codified at Md. Code Ann., Health Occ. §§ 4-101 et seq. (2014 Repl. Vol) and the Board's regulations, found at Md. Code Regs. ("COMAR") §10.44.01.00 *et seq.*

The Board based its intent to deny the Application on the following provisions of the Act:

§ 4-505. Certification of dental radiation technologists

- (a) "Dental radiation technologists" and "practice dental radiation technology" defined; rules and regulations; competency requirements. -- The Board of Dental Examiners shall:
 - (2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist;

The Board also based its intent to deny the Application on the following COMAR regulations, adopted by the Board under Health Occ. §4-405:

§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;

§10.44.19.11 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;

(4) Fraudulently or deceptively uses a certificate;

(6) Violates any rule or regulation adopted by the Board;

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

(12) Fails to comply with a Board order;

(15) Behaves dishonorably or unprofessionally.

§10.44.23.01 Unprofessional or Dishonorable Conduct.

B. A dentist, dental hygienist, or dental radiation technologist may not engage in unprofessional or dishonorable conduct.

C. The following shall constitute unprofessional or dishonorable conduct in the practice of dentistry, dental hygiene, or dental radiation technology:

(2) Engaging in conduct which is unbecoming a member of the dental profession;

(7) Willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board, which includes, but is not limited to:

(b) Complying with a subpoena;

(8) Committing any other unprofessional or dishonorable act or omission in the practice of dentistry, dental hygiene, or dental radiation technology.

FINDINGS OF FACT

The Board finds the following:

Relevant History of Certification and Applications to the Board

1. On or about June 16, 1997, the Applicant was initially certified by the Board to practice as a dental radiation technologist (D.R.T) in the State of Maryland. Subsequently, the Applicant allowed her certificate to expire by failing to renew her certificate.

2. On or about March 16, 2006, the Board received a Reinstatement Application (the "2006 Application") from the Applicant dated March 11, 2006. The Application was approved.

3. On or about February 27, 2007, the Board received a Renewal Application (the "2007 Application") from the Applicant dated February 21, 2007. The Application was approved.

4. On or about March 1, 2013, the Applicant again allowed her certificate to expire. From that time to the present, the Applicant has not been authorized to practice as a D.R.T. in Maryland.

5. On or about December 17, 2013, the Board received the 2013 Application from the Applicant dated December 16, 2013.

6. The 2013 Application is the subject of this Notice of Intent to Deny.

Current Complaint

7. On or about November 19, 2013, a Maryland-licensed dentist (the "Complainant") telephoned the Board inquiring about the certification status of the Applicant, who was working in his office at the time. The Complainant was advised that the Applicant was not currently authorized to practice as a D.R.T. in Maryland because her certificate had expired. The Board also informed him that the number on the D.R.T. certificate the Applicant had provided to him was actually registered to another individual.

8. Shortly thereafter, the Complainant submitted a written complaint (the "Complaint") to the Board as well. In the Complaint, the Complainant detailed that the Applicant had begun work in his office on October 14, 2013. However, after speaking with the Board, he realized that the Applicant had presented him with a "forged" D.R.T. certificate, and terminated her.

9. Based on the Complainant's telephone call and written Complaint, the Board initiated an investigation of the Applicant.

Forgery and Unauthorized Practice

10. In furtherance of the investigation, the Board interviewed the Complainant. According to the Complainant, in or around October of 2013, he hired the Applicant as a dental assistant in his office. The Applicant also practiced in the Complainant's office as a D.R.T., taking dental X-rays approximately five times per week until her termination approximately a month later.

11. Initially, when asked to provide her D.R.T. credentials, the Applicant told the Complainant that her original D.R.T. certificate was in storage because of a recent move and not immediately accessible. Using this excuse, the Applicant instead

presented the Complainant with a photocopy of what she claimed was her D.R.T. certificate.

12. After learning that the Applicant was not authorized to practice as a D.R.T., the Complainant telephoned the Applicant to ask for an explanation. Initially, the Applicant claimed the Board must have made some mistake. However, when pressed, the Applicant eventually admitted to forging the D.R.T. certificate. The Applicant had altered a former colleague's D.R.T. certificate to show her own name instead. The Complainant immediately terminated the Applicant.

Criminal History and False Answers on Applications to the Board

13. In the course of its investigation, the Board obtained records of the Applicant's criminal history. The records reveal that the Applicant has an extensive criminal history, including various charges related to controlled dangerous substances ("CDS") and crimes involving dishonesty including multiple types of fraud and forgery.¹

14. The Board then compared the Applicant's criminal history with the Applicant's previous renewal and reinstatement applications of 2006, 2007, and 2013. In every case, the Applicant failed to make the required disclosures of her criminal history.

2006 Application

15. After being initially certified by the Board to practice as a D.R.T in 1997, the Applicant allowed her certificate to expire by failing to renew her certificate.

16. On or about March 16, 2006, the Board received a Reinstatement Application (the "2006 Application") from the Applicant dated March 11, 2006.

¹ In fact, the Applicant is currently the subject of a warrant issued by the District Court for Queen Anne's County in case no. 3M00024349 when she failed to appear in connection with a criminal charge of theft (less than \$1000) currently pending against her.

17. On the 2006 Application, the "Character and Fitness" section required the Applicant to answer a series of questions pertaining to the period from March 1, 2003 to February 28, 2005:

- Question f. asked whether the Applicant had "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." The Applicant answered **NO**.
- Question g. asked whether the Applicant had "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..." The Applicant answered **NO**.
- Question h. asked, "Are there any criminal charges pending against you in any court of law, excluding minor traffic violations?" The Applicant answered **NO**.

18. The Applicant signed the 2006 Application under the heading "Release and Certification," which warned that providing false answers was grounds for discipline:

Practice of dental radiation technology without a current certification issued by the Maryland State Board of Dental Examiners is a violation of the Maryland Dentistry Act. I affirm that the contents of this document are true and correct to the best of my knowledge and belief. Failure to provide truthful answers may result in disciplinary action.

Nevertheless, the Applicant's answers to questions f., g., and h. of the "Character and Fitness" section were false.

19. In fact, the Applicant's criminal history during the relevant period includes the following:

- a) **Uttering a Forged Prescription.** In case no. 1N00012286, in the District Court for Anne Arundel County, the Applicant faced 16 (sixteen) criminal charges: Theft (Less than \$500 Value); three counts of CDS (Controlled Dangerous Substance) Possession (Not Marijuana); four counts of Forgery (Prescription); four counts of Uttering a Forged Prescription; and four counts of Obtaining Drugs by Fraud. On or about January 14, 2004, the Applicant pleaded guilty to and was convicted of one count of Uttering a Forged Prescription.

- b) **Forgery (Prescription).** In case no. 0N00012285, in the District Court for Anne Arundel County, the Applicant faced five (5) criminal charges, one count each of: Theft (Less than \$500 Value); CDS Possession (Not Marijuana); Forgery (Prescription); Uttering a Forged Prescription; and Obtaining Drugs by Fraud. On or about January 14, 2004, the Applicant pleaded guilty to and was convicted of Forgery (Prescription).
- c) **Obtaining CDS by making a forged prescription.** In case no. 4A00121083, in the District Court for Anne Arundel County, the Applicant faced a criminal charge of obtaining CDS by making a forged prescription. On or about January 14, 2004, the Applicant received probation before judgment (PBJ).
- d) **Obtaining CDS by forged prescription and fraud by identity theft.** In case no. 2A00124952, in the District Court for Anne Arundel County, the Applicant faced five criminal charges: obtaining CDS by false ID; obtaining CDS by forged prescription; two counts of fraud by identity theft; and unauthorized practice of dental hygiene. On or about January 14, 2004, the Applicant pleaded guilty to and was convicted of the charges of obtaining CDS by forged prescription; and one count of fraud by identity theft.
- e) **Obtaining CDS prescription by altering an order.** In case no. 05K03005842, in the Circuit Court for Caroline County (previously case no. 6J00011255 in the District Court for Caroline County), the Applicant faced three (3) criminal charges: uttering a forged prescription; obtaining CDS prescription by fraud; and obtaining CDS prescription by altering an order. On or about February 18, 2004, the Applicant pleaded guilty to and was convicted of obtaining CDS prescription by altering an order.
- f) **Obtaining CDS by altering a prescription.** In case no. 2A00127549, in the District Court for Anne Arundel County, the Applicant faced the criminal charge of obtaining CDS by altering a prescription. On or about January 14, 2004, the Applicant pleaded guilty and was convicted.
- g) **Theft (less than \$500 value).** In case no. 3M00010195, in the District Court for Queen Anne's County, the Applicant faced 11 (eleven) criminal charges: 11 (eleven) counts of theft (less than \$500 value). On or about February 13, 2004, the Applicant pleaded guilty to and was convicted of two counts of theft (less than \$500 value).
- h) **Theft (less than \$500 value).** In case no. 3A00127396, in the District Court for Anne Arundel County, the Applicant faced three (3) criminal charges: theft (less than \$500); possession of CDS (not marijuana); removing a CDS prescription drug's label required by law. On or about

January 14, 2004, the Applicant pleaded guilty to and was convicted of theft (less than \$500 value).

- i) **Obtaining CDS by making a forged prescription.** In case no. 5A00130436, in the District Court for Anne Arundel County, the Applicant faced a criminal charge: obtaining CDS by making a forged prescription. On or about January 14, 2004, the Applicant pleaded guilty and was convicted.
- j) **Theft (greater than \$500 value).** In case no. 6A00127994, in the District Court for Anne Arundel County, the Applicant faced a criminal charge: theft (greater than \$500 value). On or about January 14, 2004, the Applicant pleaded guilty and was convicted.
- k) In case no. 0J00011123, in the District Court for Caroline County, the Applicant faced three (3) criminal charges: two counts of writing a bad check (under \$500); and one count of theft (less than \$500 value).

2007 Application

20. On or about February 27, 2007, the Board received a Renewal Application (the "2007 Application") from the Applicant dated February 21, 2007.

21. On the 2007 Application, the "Character and Fitness Questions" section required the Applicant to answer a series of questions pertaining to the period from March 1, 2005 to February 28, 2007:

- Question b. asked whether any "investigation or charges" had been brought against the Applicant by "any federal or state entity." The Applicant answered **NO**.
- Question f. asked whether the Applicant had had a "plea of guilty, nolo contendere, conviction or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations." The Applicant answered **NO**.

22. The Applicant signed the 2007 Application under the heading "Release and Certification," which warned that providing false answers was grounds for discipline:

Practice of dental radiation technology without a current certification issued by the Maryland State Board of Dental Examiners is a violation of the Maryland Dentistry Act. I affirm that the contents of this document are true and correct to the best of my knowledge and belief. Failure to provide truthful answers may result in disciplinary action.

Nevertheless, the Applicant's answers to questions b. and f. of the "Character and Fitness Questions" section were false.

23. On the contrary, the Applicant's criminal history during the relevant period includes the following:

- a) In case no. 5M00014236, in the District Court for Queen Anne's County, the Applicant faced two (2) criminal charges: theft (less than \$500 value) and contributing to the delinquent condition (or need of supervision) of a child.
- b) In case no. 5M00011891, in the District Court for Queen Anne's County, the Applicant faced a criminal charge: Assault in the second degree.
- c) In case no. 1M00011922, the Applicant faced a criminal charge: obstructing and hindering.

2013 Application

24. On or about March 1, 2013, the Applicant again allowed her D.R.T. certificate to expire. From that time to the present, the Applicant has not been authorized to practice as a D.R.T. in Maryland.

25. On or about December 17, 2013, the Board received the 2013 Application from the Applicant dated December 16, 2013.

26. On the 2013 Application, the "Character and Fitness" section required the Applicant to answer a series of questions pertaining to the period from March 2, 2011 to March 1, 2013:

- Question b. asked whether any "investigation or charges" had been brought against the Applicant by "any federal or state entity." The Applicant answered **NO**.
- Question f. asked whether the Applicant had "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." The Applicant answered **NO**.

27. The Applicant signed the 2013 Application under the heading "Release and Certification," which warned that providing false answers was grounds for discipline:

Practice of dental radiation technology without a current certification issued by the Maryland State Board of Dental Examiners is a violation of the Maryland Dentistry Act. I affirm that the contents of this document are true and correct to the best of my knowledge and belief. Failure to provide truthful answers may result in disciplinary action.

Nevertheless, the Applicant's answers to questions b. and f. of the "Character and Fitness" section were false.

28. On the contrary, the Applicant's criminal history during the relevant period includes the following:

- a) In case no. 2A00242783, the Applicant faced a criminal charge: theft (less than \$1000).

Failure to Cooperate with Board Investigation

29. On or about June 13, 2014, the Board issued a subpoena ad testificandum to the Applicant commanding her to appear for an interview at the Board's office on June 27, 2014. In subsequent telephone contact with the Board's investigator, the Applicant acknowledged receiving the subpoena. However, the Applicant failed to appear as commanded by the Board's subpoena.

30. On or about July 1, 2014, the Board sent the Applicant a second subpoena ad testificandum commanding her to appear for an interview on July 9, 2014. Again, the Applicant failed to comply with the subpoena.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that it is authorized to deny the 2013 Application because the Applicant's conduct as described above indicates that the Applicant lacks good moral character, a requirement

for certification under COMAR §10.44.19.03A(2), and constitutes the violations the Board's regulations cited above. Specifically:

- a) **Willfully providing false answers on applications to the Board** constitutes: fraudulently or deceptively attempting to obtain a certificate in violation of COMAR § 10.44.19.11A(3); behaving dishonorably or unprofessionally, in violation of COMAR § 10.44.19.11A(15); violating any rule or regulation adopted by the Board, in violation of COMAR § 10.44.19.11A(6); and engaging in unprofessional or dishonorable conduct, in violation of COMAR § 10.44.23.01B, specifically: engaging in conduct which is unbecoming a member of the dental profession, in violation of COMAR § 10.44.23.01C(2) and committing any other unprofessional or dishonorable act or omission in the practice of dental radiation technology, in violation of COMAR § 10.44.23.01C(8).
- b) **Forging a D.R.T. certificate** constitutes: fraudulently or deceptively using a certificate in violation of COMAR § 10.44.19.11A(4); behaving dishonorably or unprofessionally, in violation of COMAR § 10.44.19.11A(15); violating any rule or regulation adopted by the Board, in violation of COMAR § 10.44.19.11A(6); and engaging in unprofessional or dishonorable conduct, in violation of COMAR § 10.44.23.01B, specifically: engaging in conduct which is unbecoming a member of the dental profession, in violation of COMAR § 10.44.23.01C(2) and committing any other unprofessional or dishonorable act or omission in the practice of dental radiation technology, in violation of COMAR § 10.44.23.01C(8).
- c) **Practicing as a D.R.T. without authorization** constitutes: behaving dishonorably or unprofessionally, in violation of COMAR § 10.44.19.11A(15); violating any rule or regulation adopted by the Board, in violation of COMAR § 10.44.19.11A(6); and engaging in unprofessional or dishonorable conduct, in violation of COMAR § 10.44.23.01B, specifically: engaging in conduct which is unbecoming a member of the dental profession, in violation of COMAR § 10.44.23.01C(2) and committing any other unprofessional or dishonorable act or omission in the practice of dental radiation technology, in violation of COMAR § 10.44.23.01C(8).
- d) **Pleading guilty to and being convicted of various types of theft and forgery** constitutes: being convicted of and pleads guilty or *nolo contendere* to a crime involving moral turpitude, in violation of COMAR § 10.44.19.11A(7); behaving dishonorably or

unprofessionally, in violation of COMAR § 10.44.19.11A(15); violating any rule or regulation adopted by the Board, in violation of COMAR § 10.44.19.11A(6); and engaging in unprofessional or dishonorable conduct, in violation of COMAR § 10.44.23.01B, specifically: engaging in conduct which is unbecoming a member of the dental profession, in violation of COMAR § 10.44.23.01C(2) and committing any other unprofessional or dishonorable act or omission in the practice of dental radiation technology, in violation of COMAR § 10.44.23.01C(8).

- e) **Failing to obey two Board subpoenas** constitutes: failing to comply with a Board order, in violation of COMAR § 10.44.19.11A(12); behaving dishonorably or unprofessionally, in violation of COMAR § 10.44.19.11A(15); violating any rule or regulation adopted by the Board, in violation of COMAR § 10.44.19.11A(6); and engaging in unprofessional or dishonorable conduct, in violation of COMAR § 10.44.23.01B, specifically: engaging in conduct which is unbecoming a member of the dental profession, in violation of COMAR § 10.44.23.01C(2) and willfully and without legal justification, failing to cooperate with a lawful investigation conducted by the Board, which includes complying with a subpoena, in violation of COMAR § 10.44.23.01C(7)(b).

ORDER

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

ORDERED that the Applicant's Application for Reinstatement of Expired 2013 Dental Radiation Technologist Certificate in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC** document pursuant to Md. Code Ann., General Provisions, § 4-101 *et seq.* (2014).

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 4-319, the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the


date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:

Laurie Sheffield-James, Executive Director
Maryland State Board of Dental Examiners
Benjamin Rush Building
55 Wade Avenue/Tulip Drive
Baltimore, Maryland 21228

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

01/21/2015
Date


Maurice S. Miles, D.D.S., President
Maryland State Board of Dental Examiners