

IN THE MATTER OF	*	BEFORE THE MARYLAND
JENNIFER LEWIS, DRT	*	STATE BOARD OF
Respondent,	*	DENTAL EXAMINERS
CERTIFICATE NUMBER: 16592	*	CASE NUMBER: 2013-193
* * * * *	*	* * * * *

ORDER

On or about February 3, 2016, the Maryland State Board of Dental Examiners (the "Board") charged **JENNIFER LEWIS, DRT, Certificate Number 16592**, (the "Respondent"), under the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. I §§ 4-101 *et seq.* (2014 Repl. Vol.) and Md. Code Regs. ("COMAR") 10.44.19.12 *et seq.* (2015).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. I § 4-505 and COMAR 10.44.19.12:

Health Occ. I § 4-505. Certification of dental radiation technologists.

(a) *"Dental radiation technologist" 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[.]

COMAR 10.44.19.12 Penalties for Violations of These Regulations.

A. Subject to the hearing provisions of this chapter, the Board may... 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 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;
- (9) Willfully makes or files a false report or record or fails to file a report or record in the practice of dental radiation technology or willfully induces another to file a false report; [and]
- (15) Behaves dishonorably or unprofessionally[.]

The Respondent requested a hearing on this matter. On July 20, 2016, the Board conducted a hearing. A quorum of the Board was present. However, the Respondent did not appear at the hearing. "If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter." Health Occ. I § 4-318. The Respondent was served with the charges, but did not appear. She did not contact the about before or after the hearing to explain her absence. Therefore, the hearing was held without her present. The prosecutor for the state introduced seven exhibits into evidence. The Board determined the matter based on this evidence.

FINDINGS OF FACT

The Board bases its findings and order on the following facts that the Board has reason to believe are true:

I. Background

1. At all times relevant to the charges herein, the Respondent was certificated to practice dental radiation technology in the State of Maryland under Certificate Number

16592. The Respondent was first granted a certificate in the State of Maryland on or about January 26, 2011.

2. The Respondent's certificate was renewed on or about February 5, 2013 and again on or about March 18, 2015. The Respondent's current certificate expires on March 1, 2017.

3. At all times relevant to the charges herein, the Respondent was employed as a dental radiation technologist by a dentist ("Employer A")¹ in Parkton, Maryland.

II. Complaint

4. On or about March 28, 2013, a Baltimore County Police Department Narcotics detective ("Detective A") contacted the Board regarding a fraudulently obtained prescription for controlled dangerous substance ("CDS"). Detective A provided the Board with a copy of an Application for Statement of Charges which contained facts alleging the Respondent's involvement in the fraudulently obtained prescription for CDS.

5. According to police records, on or about January 15, 2013, the Respondent called-in a fraudulent prescription for Lortab² to a pharmacy ("Pharmacy A") located in Cockeysville, Maryland, in her own name using Employer A's authority without his consent.

6. On or about January 17, 2013, Detective A visited Employer A for the purpose of interviewing the Respondent. According to police records, Detective A advised the Respondent of her Miranda Rights which she stated she understood and waived.

¹ To ensure confidentiality, the names of individuals involved in this case, other than the Respondent, are not disclosed in this document. The Respondent may obtain the identity of all individuals referenced in this document by contacting the administrative prosecutor.

² Lortab (Hydrocodone) is an opioid medication and a schedule II controlled dangerous substance ("CDS"). It is used to treat moderate-to-severe pain and may be habit forming.

Detective A then explained to the Respondent that she was a target in an investigation involving fraudulently obtained prescriptions in her name. At the time of the interview, the Respondent admitted to attempting to obtain a prescription for Lortab at Pharmacy A on or about January 15, 2013. Furthermore, the Respondent admitted to calling in the prescription in her name and identifying herself as Employer A's office manager, "Staff A". The Respondent provided the follow written statement to Detective A:

I Jennifer Lewis tried to call in a [prescription] to [Pharmacy A] in [H]unt [V]alley was unable to pick up. And [Pharmacy B] in Hunt Valley was able to pick up for Lortab 5/325 mm. 30 pills.

III. Board Investigation

7. On or about April 17, 2013, the Board initiated a complaint against the Respondent based on the police report.

8. Board investigation revealed that, the Respondent was terminated by Employer A, on or about January 17, 2013.

9. Subsequent to the Board's contact with Detective A, the Board subpoenaed the Respondent's criminal record from the District Court of Maryland for Baltimore County.

10. These court records revealed that on or about March 27, 2013, the Respondent was charged in the District Court of Maryland for Baltimore County under *State of Maryland vs. Jennifer Anne Lewis*, case number 3C00379109 with: **Count 1:** Controlled Dangerous Substance Obtained by Fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2)(i); **Count 2:** Controlled Dangerous Substance Obtained by Fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2)(i); **Count 3:** Possession of a controlled dangerous substance in violation of Md. Code Ann., Crim. Law § 5-601(a)(1); **Count 4:**

Controlled dangerous substance obtained by fraud in violation of Md. Code Ann., Crim. Law § 5-601(a)(2)(i); **Count 5:** Possession of a controlled dangerous substance, in violation of Md. Code Ann., Crim. Law § 5-601(a)(1).

11. On or about July 31, 2013, the Respondent entered a plea of not guilty based on an agreed statement of facts as to count one but was found guilty and convicted of that obtaining controlled dangerous substance by fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2)(i). The remaining charges were disposed by *nolle prosequi*. Based on the guilty finding, the Respondent was sentenced to one year incarceration all suspended. Additionally, she was placed on two years of unsupervised probation.

IV. 2013 Renewal Application

12. On or about January 30, 2013, the Respondent filed a 2013 Dental Radiation Technologist Renewal Application ("2013 Renewal Application") with the Board. The Board received the Respondent's Dental Radiation Technologist Renewal application on or about February 5, 2013.

13. In the 2013 Renewal Application under "Section IV – Character and Fitness", the Respondent falsely answered "No" to the following questions, which pertained to the period starting on March 1, 2011 and ending March 1, 2013:

- b) Have any investigations or charges been brought against you or are any currently pending in any jurisdiction, including Maryland, by any licensing or disciplinary board or any federal or state entity?
- k) Have the use of drugs and/or alcohol resulted in an impairment of your ability to practice dental radiation technology?
- l) Have you illegally used drugs?

- o) Has your employment been affected or have you voluntarily resigned from any employment, in any setting, or have you been terminated or suspended, from any hospital, related health care or other institution, or any federal entity for any disciplinary reasons or while under investigation for disciplinary reasons?

14. With respect to question b, the Respondent failed to disclose that during the renewal period, on or about January 17, 2013, she was under investigation by the Baltimore County Police Department Narcotics division for prescription fraud.

15. With respect to questions k, l and o, the Respondent failed to disclose that on or about January 17, 2013, she was under the impairment of drugs while working at Employer A's dental office and was terminated from her employment as a result. Employer A reported that on or about January 17, 2013, the Respondent was "high as a kite in the office."

16. The 2013 Renewal Application included a "Release and Certification", which read, "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." The Respondent provided her signature below this statement.

V. 2015 Renewal Application

17. On or about March 18, 2015, the Respondent filed a 2015 online Dental Radiation Technologist Renewal Application ("2015 Renewal Application") with the Board.

18. In the 2015 Renewal Application section titled "Character and Fitness", the Respondent falsely answered "No" to the following questions, which pertained to the period starting on March 1, 2013 and ending March 1, 2015:

6. 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?
7. Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other divisionary 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?

19. The Respondent failed to disclose in her 2015 Renewal Application that on or about July 31, 2013, she was convicted of obtaining controlled dangerous substance by fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2)(i), in the Maryland District Court for Baltimore County.

Conclusions of Law

The Respondent's conviction for obtaining a controlled dangerous substance by fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2)(i), in the District Court of Maryland for Baltimore County on or about July 31, 2013, constitutes a violation of Health Occ. I § 4-505 and COMAR 10.44.19.12, specifically: being convicted of a crime involving moral turpitude, in violation of COMAR 10.44.19.12A(7); and behaving dishonorably or unprofessionally, in violation of COMAR 10.44.19.12A(15).

20. The Respondent's failure to disclose in her 2013 Renewal Application that on or about January 17, 2013, she was: under criminal investigation by the Baltimore County Police Department for prescription fraud; under the impairment of drugs while working at Employer A's dental practice; and terminated from her employment as a result, constitutes a violation of Health Occ. I § 4-505 and COMAR 10.44.19.12, specifically: fraudulently or deceptively obtaining or attempting to obtain a certificate, in violation of COMAR 10.44.19.12A(3); willfully making or filing a false report in the practice of dental

radiation technology, in violation of COMAR 10.44.19.12A(9); and behaving dishonorably or unprofessionally, in violation of COMAR 10.44.19.12A(15)..

The Respondent's failure to disclose in her 2015 Renewal Application that on or about July 31, 2013, she was convicted of obtaining a controlled dangerous substance by fraud, in violation of Md. Code Ann., Crim Law § 5-601(a)(2)(i), in the District Court of Maryland for Baltimore County, constitutes a violation of Health Occ. I § 4-505 and COMAR 10.44.19.12, specifically: fraudulently or deceptively obtaining or attempting to obtain a certificate, in violation of COMAR 10.44.19.12A(3); willfully making or filing a false report in the practice of dental radiation technology, in violation of COMAR 10.44.19.12A(9); and behaving dishonorably or unprofessionally, in violation of COMAR 10.44.19.12A(15).

The Board found that there were grounds for action pursuant to Health Occ. I § 4-505 and COMAR § 10.44.19.12A(3), (7), (9) and/or (15). The Board may impose disciplinary sanctions against the Respondent's certificate, in accordance with COMAR 10.44.31 *et seq.*, In this matter, the Board chose to revoke the Respondent's certificate. There were numerous, recent, serious violations of the Act. The Respondent did not appear or contest the matter.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by the Board:

ORDERED that the Respondent's certificate to practice dental radiation technology in the State of Maryland, certificate number 16592, is hereby **REVOKED**; and it is further

ORDERED that this Final Order shall be a **Public Document** pursuant to Md. Code Ann., General Provisions, §§ 4-101 *et seq.* (2014).

NOTICE OF RIGHT TO APPEAL

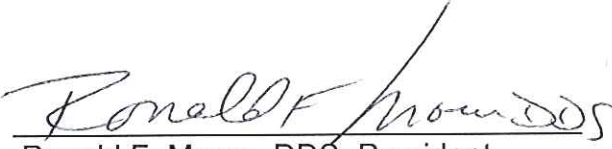
Pursuant to Md. Code Ann., Health Occ. I § 4-319, the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed with thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't. § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.

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

Tony W. Torain, J.D., Executive Director
Maryland State Board of Dental Examiners
Benjamin Rush Building
55 Wade Avenue
Baltimore, Maryland 21228

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

11/02/2016
Date


Ronald F. Moser, DDS, President
MD State Board of Dental Examiners