

IN THE MATTER OF	*	BEFORE THE MARYLAND
JONATHAN COLE, DMD	*	STATE BOARD OF
RESPONDENT	*	DENTAL EXAMINERS
LICENSE No.: 8545	*	CASE NUMBER: 2008-091

* * * * *

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Dental Examiners ("the Board") and, Jonathan Cole DDS ("the Respondent") have agreed, in lieu of the filing of formal charges, to enter into to this Pre-Charge Consent Order. The Respondent waives his right to a hearing and agrees to be sanctioned by the Board. This Pre-Charge Consent Order is based upon the Board's belief that the Respondent violated provisions of the Maryland Dentistry Act ("the Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 4-101 et seq. (2005 Repl. Vol. and 2007 Supp.).

FINDINGS OF FACT

1. At all times relevant, the Respondent was and is licensed to practice dentistry in the State of Maryland under license number 8545.
2. At all times relevant, the Respondent was and is licensed to practice dentistry in the State of Pennsylvania under license number DS-024511-L issued by the Pennsylvania State Board of Dentistry (the "Pennsylvania Board").
3. On or about April 22, 2005, the Respondent self reported to the Pennsylvania Department of State, Professional Health Monitoring Programs ("PHMP") that he had been writing scripts for family members for the purpose of obtaining drugs for his own personal use.

4. The Respondent and the Pennsylvania Board entered into a Consent Agreement and Order dated August 29, 2005 (the "2005 Order").
5. The Respondent violated the terms and conditions of the 2005 Order, having pled guilty, on May 23 2006, to criminal misdemeanor charges for possession of Hydrocodone, a controlled dangerous substance.
6. On or about August 11, 2006, the Respondent and the Pennsylvania Board entered into a Consent Agreement and Order ("the 2006 Order") which is incorporated by reference as if fully set forth herein, the pertinent terms and conditions of which are:
 - a. The Respondent's Pennsylvania dental license was indefinitely suspended for no less than three years, said suspension was immediately stayed and the Respondent was placed on probation for no less than three years;
 - b. The Respondent was ordered to fully comply with the PHMP in the monitoring, supervision and investigation of his compliance with the terms and conditions of this Order.
7. On or about June 11, 2007, the Respondent applied for renewal of his Maryland dental license at which time he informed the Board that he had been disciplined by the Pennsylvania Board and simultaneously reported the aforementioned criminal conviction as well.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§ 4-315(a)(19) which authorizes the Board to sanction a licensee who has been disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and by agreement of the parties, it is by the Maryland State Board of Dental Examiners, hereby:

ORDERED that the Respondent shall be placed on **PROBATION** for a period concurrent with his probationary status with the Pennsylvania Board pursuant to the Pennsylvania Consent Agreement and Order dated August 11, 2006; and it is further

ORDERED that upon termination of his Pennsylvania probationary status, the Respondent may petition the Board for termination of the probationary status it ordered under this Pre-Charge Consent Order. It shall be within the Board's discretion to grant or deny Respondent's petition; and it is further

ORDERED that the Respondent shall comply fully with the terms and conditions of the Pennsylvania Consent Agreement and Order dated August 11, 2006. A violation of which will be deemed a violation of this Pre-Charge Consent Order resulting in immediate suspension of the Respondent's Maryland dental license without either prior notice or an opportunity to be heard, provided that Respondent be given the opportunity for a show cause hearing before the Board at the next regularly scheduled meeting of the Board to show cause why his Maryland dental license should not be suspended.; and it is further

ORDERED that within thirty (30) days from the date of this Pre-Charge Consent Order, the Respondent shall enter into a contract with the Maryland Dentist Well Being Committee (the "WBC"). Said contract shall be 5 years in duration and shall include a urine/toxicology monitoring component. A violation of the WBC contract, including but not limited to a positive result on a urinalysis/toxicology screening, will be deemed a violation of this Pre-Charge Consent Order resulting in immediate suspension of the Respondent's Maryland Dental License without either prior notice or an opportunity to be heard, provided that the Respondent be given the opportunity for a show cause hearing before the Board at the next regularly scheduled meeting of the Board to show

cause why his Maryland dental license should not be suspended.; and it is further

ORDERED Failure to submit, upon request to do so, to a urine/toxicology screening shall be a violation of this Pre-Charge Consent Order; and it is further

ORDERED that the WBC shall immediately report to the Board a positive result of a urinalysis/toxicology screening and of the Respondent's failure to submit a sample upon request; and it is further

ORDERED that a violation of the terms and conditions of this Pre-Charge Consent Order will result in the immediate suspension of the Respondent's Maryland dental license without either prior notice or an opportunity to be heard, provided that the Respondent be given the opportunity for a show cause hearing before the Board at the next regularly scheduled meeting of the Board to show cause why his Maryland dental license should not be suspended; and it is further

ORDERED that the term of this Pre-Charge Consent Order shall commence from the date of its execution by the Board and run concurrent with the term of the WBC contract; and it is further

ORDERED upon termination of the WBC contract, the Respondent may petition the Board to terminate this Pre-Charge Consent Order without further conditions or restrictions. It shall be within the Board's discretion to grant or deny such a request; and it is further

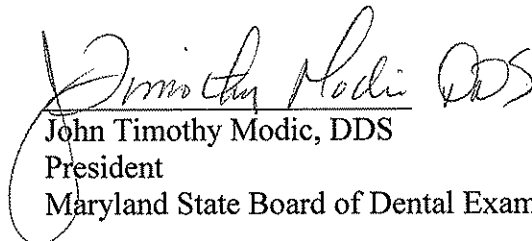
ORDERED the Respondent shall obey all laws of the United States, the State of Maryland and its political subdivisions. A guilty verdict or probation before judgment sentence for any crime, except minor traffic offences not involving drugs alcohol, shall constitute a violation of this Pre-Charge consent Order, for which the Board may impose any penalty it deems appropriate; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the WBC; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that this Pre-Charge Consent Order is a PUBLIC DOCUMENT as defined in Md. State Gov't Code Ann. §§ 10-611 et seq. (2004).

3/4/09
Date


John Timothy Modic, DDS
President
Maryland State Board of Dental Examiners

CONSENT

I, Jonathan Cole, DDS, License Number 8545, by signing this Consent agree to be bound by the terms and conditions of the foregoing Pre-Charge Consent Order and that I have been notified of my right to consult with an attorney.

By signing this Consent I submit to its terms and conditions of the Pre-Charge Consent Order as a resolution to this matter and waive my right to contest the terms and findings therein and all challenges legal or otherwise to the proceedings before the Board.

I acknowledge the validity and enforceability of this Pre-Charge Consent Order as if it were made 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 to which I am entitled by law. I also recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing and am also waiving any other legal remedies I may have regarding resolution of this matter.

I have had the opportunity to review this Consent and the Pre-Charge Consent Order and sign each voluntarily, understanding the terms, meaning and effect.

2/27/09
Date


Jonathan Cole, DDS

NOTARY

STATE OF PENNSYLVANIA

CITY/COUNTY OF Clearfield

I HEREBY CERTIFY that on this 27th day of February, 2009, before me, a Notary Public of the State of Pennsylvania and the City/County aforesaid, personally appeared Jonathan Cole, DDS, and made oath in due form of law that the foregoing Consent was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: December 1, 2010

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kathryn L. Boland, Notary Public
City Of Dubois, Clearfield County
My Commission Expires Dec. 1, 2010
Member, Pennsylvania Association of Notaries