

IN THE MATTER OF	*	BEFORE THE MARYLAND
JACQUELINE THOMAS FURQAN, D.D.S.	*	STATE BOARD OF
Respondent	*	DENTAL EXAMINERS
License Number: 7665	*	Case Number: 2010-134

\* \* \* \* \*

**CONSENT ORDER**

On April 7, 2010, the Maryland State Board of Dental Examiners (the "Board") charged **JACQUELINE THOMAS FURQAN, D.D.S.** (the "Respondent"), D.O.B. **06/16/55, License Number 7665**, under the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ.") §§ 4-101 *et seq.* (2009 Repl. Vol.). 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:

- (5) Provides professional services while:
  - (i) Under the influence of alcohol; [and]
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession[.]

In June 2010, the Office of the Attorney General, by and through Tracee Orlove Fruman, Assistant Attorney General, and the Respondent, who was not represented by

counsel, 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 Findings of Fact, Conclusions of Law 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 7665. The Respondent's license is currently active.

2. At all times relevant to these charges, the Respondent was employed as a general dentist at a practice located at 9171 Central Avenue, Capitol Heights, Maryland 20743. The Respondent was employed by this dental practice for approximately 26 years.

3. On or about November 30, 2009, the Board received information that the Respondent might be practicing without a license.<sup>1</sup>

4. As a result, the Board opened an investigation into this matter.

5. The Board's investigator issued a subpoena to the Respondent's former employer ("Dentist A") requesting the Respondent's personnel file. Upon receipt of the Respondent's personnel file, the Board learned that the Respondent may have been terminated from her employment due to suspected alcohol abuse.

6. The Board's investigator interviewed Dentist A on December 15, 2009.

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<sup>1</sup> The Respondent attempted to renew her license in a timely manner, however, a tax lien prevented the Board from issuing the renewal license until after the Respondent resolved the tax issue.

7. Dentist A stated that he personally never smelled alcohol on the Respondent's breath, but had heard staff members state that they smelled alcohol on the Respondent's breath. In addition, Dentist A stated that he recalled the Respondent speaking with slurred speech on several occasions.

8. Dentist A also stated that he met with the Respondent on more than one occasion to discuss her work performance and her suspected substance abuse issues. Dentist A recalled that the Respondent admitted to having a problem and Dentist A referred her to the Board's website for information on counseling. Dentist A further stated that he reduced the Respondent's workload, but ultimately, there was no improvement on the Respondent's behalf.

9. In or about June 2009, Dentist A and the Office Manager met with the Respondent with the intention of terminating her employment. Dentist A prepared a letter addressing his concerns about the Respondent and presented the letter to the Respondent at their meeting. The letter terminated the Respondent from Dentist A's practice as a result of "accusations and rumors of [her] use of alcohol and/or drugs in the dental office."

10. The letter referred to an incident on December 1, 2008 in which three staff members complained that they smelled a distinct odor of alcohol on the Respondent's person, resulting in the Respondent being sent home from work and her patients rescheduled. The letter refers to the Respondent's explanation that she had a "hangover." The letter also references the Respondent speaking in a slurred voice and being confused about when she last worked.

11. Dentist A stated that the Respondent was upset after reading the letter and after consultation with the Office Manager, he ultimately rescinded her termination. Dentist A stated that he conditioned the Respondent's return to work on her agreement to limit her practice to x-rays, cleanings, and "small procedures, not even fillings." According to Dentist A, the Respondent agreed and also stated that she would continue to work on her rehabilitation.

12. The Respondent wrote a letter to Dentist A dated June 4, 2009, in which she admits to having a substance abuse problem. In the letter, the Respondent stated that she "is active in [her] church" and "weekly AA meetings," and that her "spiritual connection on [her] softball team keeps [her] focused." The Respondent stated that the letter of termination that was presented to her at the meeting with Dentist A "saved her life," and she now has a "stay sober attitude."

13. In her letter, the Respondent outlined her new duties to include: "(1) exam – problem search – txt planning, (2) X-rays and diagnosis, (3) extractions – simple or surgical root tip removal, (4) children "calming" dentistry – (a) first visits – no fear, and (b) preventative procedures – sealants, etc."

14. Dentist A stated that not long after the Respondent returned to work, she was sent home again because she smelled of alcohol.

15. Thereafter, the Respondent encountered an issue with the renewal of her license and has not returned to work since July 16, 2009, even though her license is now current.

16. On December 15, 2009, the Board's investigator interviewed the Office Manager, who stated that "several times" in the previous year she had to send the

Respondent home and reschedule her patients because the Respondent smelled of alcohol.

17. The Office Manager stated that she frequently received complaints from other staff members regarding an odor of alcohol on the Respondent's breath.

18. On December 15, 2009, the Board's investigator interviewed Dental Assistant A, who worked with the Respondent occasionally for approximately two years. Dental Assistant A recalled smelling alcohol on the Respondent's breath after lunch on one occasion. Dental Assistant A also recalled seeing the Respondent sleeping in one of the operatories during the Respondent's breaks.

19. On December 15, 2009, the Board's investigator interviewed the Assistant Manager, who had worked with the Respondent for approximately 11 years. The Assistant Manager recalled smelling alcohol on the Respondent several times over the course of "a few years." The Assistant Manager stated that the Respondent's speech was sometimes slurred.

20. The Assistant Manager stated that "sometimes" she believed that the Respondent was drunk, and on those occasions the Respondent would "leave and go sleep," in one of the operatories and the patients would be rescheduled. The Assistant Manager stated that this occurred two or three times a month.

21. The Assistant Manager recalled several patients complaining about the Respondent smelling of alcohol.

22. The Assistant Manager stated that it took the Respondent more time to treat patients when she "wasn't sober," and that the staff "didn't trust her" to do extractions when she wasn't sober.

23. The Assistant Manager also recalled several occasions when the Respondent called the office in the morning and stated, with slurred speech, that she was unable to work because she "had a rough night."

24. The Assistant Manager stated that every time she had a concern about the Respondent she discussed it with the Office Manager.

25. On December 15, 2009, the Board's investigator interviewed Dental Assistant B, who worked with the Respondent for approximately two years. Dental Assistant B stated that she noticed an odor of alcohol on the Respondent's breath the first time they met.

26. Dental Assistant B stated that at first, she smelled alcohol on the Respondent's breath "almost every day that [she] worked with [the Respondent]." Dental Assistant B stated that after five or six months, she smelled alcohol on the Respondent "off and on, sometimes it would be in the morning, [or] after lunch."

27. Dental Assistant B stated that there were occasions when she believed the Respondent was intoxicated and other occasions when the Respondent was "a little tipsy." Dental Assistant B stated that she brought her concerns about the Respondent to the Office Manager's attention.

28. Dental Assistant B also stated that some patients did notice that "something wasn't right" with the Respondent.

29. Dental Assistant B stated that the Respondent would often go to sleep in one of the operatories during lunch.

30. On December 15, 2009, the Board's investigator interviewed the Respondent.

31. During the interview, the Respondent admitted that she has had a problem with alcohol for "a couple of years" and that she is getting help through her church. The Respondent denied drinking alcohol while at work and stated that she didn't feel as though her drinking impaired her judgment while practicing dentistry.

32. When asked why the Office Manager sent the Respondent home from work, the Respondent denied that it was due to her smelling of alcohol. The Respondent stated "[t]hey sent me home because I was so mad" because the Office Manager was telling her what to do.

33. The Board's investigator asked the Respondent when she last had a drink. The Respondent stated "maybe last weekend, because I have been going on job interviews."

34. The Board's investigator conducted a telephone interview with Patient A, whose six children have been treated by the Respondent. Patient A stated that in early 2009, she brought her minor child to see the Respondent for a dental appointment. Patient A recalled the Respondent having a strong odor of alcohol on her breath and complained to the Office Manager. Patient A stated that she informed the Office Manager that she did not want the Respondent to treat her children again.

#### **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)(5)(i) and (16).

**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 from the date that this Order is signed by the Board, the Respondent's license to practice dentistry in the State of Maryland is **SUSPENDED** for a period of **NINETY (90) DAYS** with all but **THIRTY (30) DAYS STAYED**; and it is further

**ORDERED** that the Respondent shall enter into a treatment contract and urine/toxicology monitoring contract with the Dental Well-Being Committee ("DWBC") for a five (5) year period. The Respondent shall fully comply with all the terms and conditions of the treatment and urine/toxicology monitoring contract; and it is further

**ORDERED** within fifteen (15) days of the effective date of this Consent Order, the Respondent shall be evaluated by a Board-approved psychologist or psychiatrist or other provider with expertise in substance abuse. The evaluating provider shall receive a copy of this Consent Order, all previous substance abuse treatment records, physician treatment records, employment records and any other material in the Board's file, at the discretion of the Board. The Respondent shall promptly inform the Board's case manager of the date and time of her appointment with the Board-approved provider. The Respondent shall arrange for the evaluating provider to submit a written report to the Board regarding the Respondent's evaluation, to include recommendations, if any, for substance abuse treatment or other psychological and/or psychiatric treatment. The evaluating provider shall also make a recommendation as to whether the Respondent can safely practice dentistry; and it is further



**ORDERED** that upon reinstatement of her license to practice dentistry in the State of Maryland, the Respondent shall be placed on **PROBATION** for a period of at least **THREE (3) YEARS**, subject to the following terms and conditions:

1. The Respondent shall comply with any treatment recommendations of the evaluating provider, including but not limited to recommendations for substance abuse treatment and other psychiatric and/or psychological treatment. Should treatment be recommended, the Respondent shall commence the recommended treatment within ten (10) business days of the recommendation with a Board-approved substance abuse program and with any other Board-approved treatment provider/program as recommended by the evaluating provider. The Respondent shall arrange for the substance abuse treatment provider(s) and any other treatment providers to submit written reports to the Board and the DWBC on a monthly basis regarding the Respondent's attendance and treatment progress. Should the treating therapist(s) recommend discharge of the Respondent prior to the termination date of the three (3) year probationary period, the evaluating provider shall re-evaluate the Respondent and shall report to the Board what, if any, treatment gains the Respondent has achieved. The Board shall consider any further recommendation for treatment or counseling that the evaluating provider or the treating therapist(s) advises and adopt such recommendations at its discretion. Should the Board adopt any or all of the recommendations that the Respondent receive further treatment, the Respondent shall be so notified, and upon request, shall be given an opportunity

to be heard. The Respondent shall, in any event, comply with the recommendations of the Board;

2. The Respondent shall fully comply with all terms and conditions of the DWBC treatment and urine/toxicology monitoring contracts. The Respondent shall comply with any and all supplemental contracts entered into by the Respondent and the DWBC and other Board-approved treatment providers. Any changes in the Respondent's contracts with the DWBC and other treatment programs shall be approved, in advance, by the Board. The Board shall have authority to add further conditions and terms, if deemed necessary, provided that the Respondent is notified, and upon request, shall be given an opportunity to be heard. The Respondent shall, in any event, comply with the recommendations of the Board;

3. The Respondent shall attend and actively participate in any support group programs recommended by the DWBC and/or the treatment program. The Respondent shall provide written verification of attendance at the support group, which should consist of at least three (3) meetings per week, to the DWBC on at least a monthly basis or as otherwise directed. Modifications as to frequency of meetings may be made to allow for the Respondent to travel out of state as pre-approved by the DWBC;

4. The Respondent shall completely abstain from the use of controlled substances, mood altering drugs or drugs of abuse, including narcotic analgesics and alcoholic beverages, in any form except under the following conditions:

- a. The Respondent is a bona fide patient of a licensed health care practitioner who is aware of the Respondent's treatment contracts and urine/toxicology monitoring contracts and the terms of this Consent Order;
  - b. Such medications are lawfully prescribed by the Respondent's treating practitioner and approved by the substance abuse treatment facility and other treatment providers; and
  - c. The Respondent provides the Board, the DWBC, the substance abuse treatment facility, and the Board-approved treatment providers within seventy-two (72) hours of receiving the medication, the name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication and a signed statement consenting to the release of the medical information from the prescribing practitioner to the Board, the DWBC and the treatment providers for the purpose of verification.
5. The Respondent shall be required to submit to random monitored urinalysis/toxicology screens as recommended by the DWBC and/or the substance abuse treatment providers. The Respondent shall utilize a facility or laboratory that is approved by the Board or the DWBC;
  6. The Respondent shall submit, when requested, to additional monitored unannounced and observed urinalysis/toxicology, including blood testing, by the DWBC, substance abuse treatment providers or the Board for the

detection of prohibited substances within twenty-four (24) hours after a request is made;

7. A positive result on a urinalysis/toxicology screening shall constitute a Violation of Probation and of this Consent Order unless the Respondent has complied with the provisions of paragraph four (4) of this Consent Order, *supra*, and the result is positive for the lawfully prescribed medication. Failure to provide a specimen when requested by the DWBC, substance abuse treatment providers, or the Board shall be considered a positive result; and
8. The Respondent shall provide the Board and the DWBC with a copy of each urinalysis/toxicology report on a monthly basis. Failure to directly supply the Board and the DWBC with a copy of all urinalysis/toxicology reports shall be a violation of this Consent Order; and it is further

**ORDERED** that in the event that the Respondent should leave the State of Maryland to reside and practice outside the State, the Respondent shall, within ten (10) business days prior to departing, notify the Board and the DWBC, in writing of the dates of departure and return (if known). Periods of residency or practice outside the State of Maryland will not apply to the reduction of time periods specified in this Consent Order unless the Respondent affiliates with a recovery program in the new State of residence, that is approved by the Board and complies with the requirements of this Consent Order; and it is further

**ORDERED** that the Respondent's execution of this Consent Order shall constitute a release of any and all medical health-related reports, substance abuse

treatment records and psychological/psychiatric records pertaining to the Respondent to the Board, the DWBC, the substance abuse treatment program, and other treatment providers. Further, the Respondent agrees and consents to the release by the Board, the DWBC and all treatment providers of any information or data produced as a result of this Consent Order to any treatment provider; 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 DWBC and other treatment providers, and their agents, employees, in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Respondent shall comply with and practice within all statutes and regulations governing the practice of dentistry in the State of Maryland; 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 the Respondent may petition the Board, in writing, for termination of her probationary status without further restrictions only if the Respondent has satisfactorily complied with all conditions of this Consent Order, including the expiration of the three (3) year probationary period and the Respondent has no pending complaints before the Board; and it is further

**ORDERED** that the Respondent's failure to fully cooperate with and successfully complete the terms of the treatment and urine/toxicology monitoring contracts and any

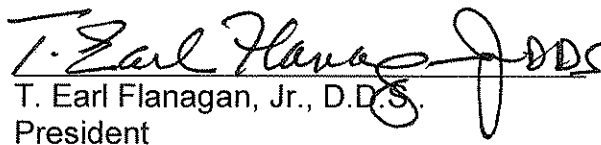
other treatment contracts or agreements shall be deemed a Violation of Probation and will subject the Respondent to further disciplinary action by the Board; and it is further

**ORDERED** that if the Respondent violates any of the terms of the treatment and urine/toxicology monitoring contracts or the terms and conditions of probation, the Board may immediately SUSPEND the Respondent's license without either prior notice or an opportunity to be heard, provided that Respondent is given the opportunity for a show cause hearing before the Board at the next regularly scheduled meeting of the Board; and it is further

**ORDERED** that any violation of any of the terms of this Consent Order shall be deemed a Violation of Probation and of this Consent Order, and the Respondent may be subject to additional disciplinary charges by the Board; 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.)

7 July 2010  
Date

  
T. Earl Flanagan, Jr., D.D.S.  
President

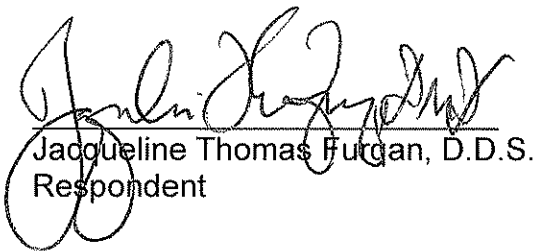
CONSENT

I, Jacqueline Thomas Furqan, D.D.S., acknowledge that I declined the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

7/1/2010  
Date

  
Jacqueline Thomas Furqan, D.D.S.  
Respondent

NOTARY

STATE OF MARYLAND  
CITY/COUNTY OF Prince Georges:

I HEREBY CERTIFY that on this 1<sup>st</sup> day of July, 2010  
before me a Notary Public of the foregoing State of Maryland and the City/County  
aforesaid, personally appeared Jacqueline Thomas Furqan, D.D.S., License Number  
7665, and made oath in due form of law that signing the foregoing Consent Order was  
her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Michelle Sallie-Whittle  
Notary Public

My Commission Expires: 11-09-2011

