

IN THE MATTER OF * BEFORE THE MARYLAND
JAMES E. SULLIVAN, D.D.S. * STATE BOARD OF
Respondent * DENTAL EXAMINERS

License Number: 8704 * Case Number: 2006-157

* * * * *

**ORDER OF SUMMARY SUSPENSION
OF LICENSE TO PRACTICE DENTISTRY**

The Maryland State Board of Dental Examiners (the "Board") hereby SUMMARILY SUSPENDS the license of James Eugene Sullivan, D.D.S. ("Respondent"), date of birth: 1/14/57, license number: 8704, to practice dentistry in the State of Maryland, pursuant to the Maryland Dentistry Act, Md. Health Occ. ("H.O.") Code Ann. §§ 4-101 *et seq.* (2005) and Md. State Gov't Code Ann. § 10-226(c)(2)(2004). The pertinent provisions of the Act, and under which these findings are brought, are as follows:

H.O. § 4-315

- (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...reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the...licensee:
- (2) Fraudulently or deceptively uses a license;
 - (5) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; and

(17) Is mentally or physically incompetent to practice dentistry.

The applicable section of State Gov't § 10-226(c)(2) provides:

(c) Revocation of [sic] suspension. –

(2) A unit may order summarily the suspension of a license if the unit:

- (i) finds that the public health, safety, or welfare imperatively requires emergency action; and
- (ii) promptly gives the licensee:
 - 1. written notice of the suspension, the finding and the reasons that support the finding; and
 - 2. an opportunity to be heard.

Based on information received by the Board, the Board has reason, as set forth below, to find that the public health, safety, and welfare imperatively requires emergency action under State Gov't § 10-226(c)(2)(2004).

INVESTIGATIVE INFORMATION

1. The Respondent is licensed to practice dentistry in the State of Maryland, initially receiving his license on September 13, 1984.
2. On or about March 2, 2006, the Board received a complaint from a detective with the Montgomery County Police Department informing the Board that they were investigating the Respondent because of a large number of prescriptions written by the Respondent to a few named individuals for controlled dangerous substances and other drugs. The Board referred the complaint to its investigative unit.
3. Information provided by the Montgomery County Police Department and further Board investigation revealed that the Respondent was writing large numbers

of prescriptions to people (noted as Persons A-E)¹ and then personally dropping off the prescriptions at pharmacies and then personally picking up the filled prescriptions.

4. Initial information obtained from Hillandale Pharmacy and several CVS pharmacies revealed the following prescriptions written by or to the Respondent:²

Hillandale Pharmacy: Prescriptions written by Dr. Waldbillig to Respondent				
DATE:	PRESCRIPTION:	QUANTITY:	REFILLS:	TOTAL:
8/24/2004	Z-Pak	6 tablets	2 times	18
9/3/2004	Fioricet-Codeine #3 ³	15 tablets	6 times	105
4/18/2005	Fiorinol-Codeine #3	15 tablets	0 times	15
5/17/2005	Fioricet-Codeine #3	15 tablets	4 times	75
				213 Pills

Hillandale Pharmacy: Prescriptions written by Respondent to Respondent				
DATE:	PRESCRIPTION:	QUANTITY:	REFILLS:	TOTAL:
2/4/2005	Valium ⁴ 10 mg	10 tablets	2 times	30
9/20/2005	Valium 10 mg	10 tablets	1 times	20
12/27/2005	Cephale ⁵ 500mg	28 tablets	0 times	28
				78 Pills

¹ For confidentiality reasons those persons are not named in this document. The Respondent can obtain the names by contacting the Administrative Prosecutor.

² Not each and every prescription is referenced in this document, nor does this prescription survey likely reveal each and every prescription obtained by the Respondent.

³ Fioricet with Codeine # 3 is a combined barbiturate and opiate analgesic. It is a class III controlled dangerous substance ("CDS"). See *a/so* Butalbital with Codeine and Ascomp with Codeine.

⁴ Diazepam (Valium) is a benzodiazepine and a Class IV CDS used for the management of anxiety.

⁵ A cephalosporin.

CVS Pharmacy # 1485: Prescriptions written by Respondent to Person A (refills were prescribed in many instances but are not noted in the remaining charts.)

DATE:	PRESCRIPTION:	QUANTITY:
11/7/2002	Butalbital Codeine #3	24 Capsules
11/7/2002	Tetracycline 250mg	14 Capsules
11/14/2002	Butalbital Codeine #3	24 Capsules
11/14/2002	Tetracycline 250mg	14 Capsules
11/21/2002	Butalbital Codeine #3	24 Capsules
11/21/2002	Tetracycline 250mg	14 Capsules
11/29/2002	Butalbital Codeine #3	24 Capsules
11/29/2002	Tetracycline 250mg	14 Capsules
12/6/2002	Butalbital Codeine #3	24 Capsules
12/6/2002	Tetracycline 250mg	14 Capsules
12/14/2002	Butalbital Codeine #3	24 Capsules
12/14/2002	Tetracycline 250mg	14 Capsules
12/23/2002	Tetracycline 250mg	14 Capsules
12/23/2002	Butalbital Codeine #3	24 Capsules
12/30/2002	Butalbital Codeine #3	24 Capsules
12/30/2002	Tetracycline 250mg	14 Capsules
1/6/2003	Tetracycline 250mg	14 Capsules
1/6/2003	Ascomp w/ Codeine	24 Capsules
1/16/2003	Tetracycline 250mg	14 Capsules
1/16/2003	Ascomp w/ Codeine	24 Capsules
1/24/2003	Tetracycline 250mg	14 Capsules
1/24/2003	Ascomp w/ Codeine	24 Capsules
1/29/2003	Tetracycline 250mg	14 Capsules
1/29/2003	Ascomp w/ Codeine	24 Capsules
2/9/2003	Tetracycline 250mg	14 Capsules
2/9/2003	Ascomp w/ Codeine	25 Capsules
2/18/2003	Tetracycline 250mg	14 Capsules
2/18/2003	Ascomp w/ Codeine	25 Capsules
2/24/2003	Tetracycline 250mg	14 Capsules
2/24/2003	Ascomp w/ Codeine	25 Capsules
3/3/2003	Ascomp w/ Codeine	25 Capsules
3/3/2003	Tetracycline 250mg	21 Capsules
3/9/2003	Tetracycline 250mg	21 Capsules
3/9/2003	Ascomp w/ Codeine	25 Capsules
3/16/2003	Ascomp w/ Codeine	25 Capsules
3/16/2003	Tetracycline 250mg	21 Capsules
3/22/2003	Tetracycline 250mg	21 Capsules
3/22/2003	Ascomp w/ Codeine	25 Capsules
3/31/2003	Tetracycline 250mg	21 Capsules
3/31/2003	Ascomp w/ Codeine	25 Capsules
4/6/2003	Tetracycline 250mg	21 Capsules
4/6/2003	Ascomp w/ Codeine	25 Capsules
4/11/2003	Fiorinal w/ Codeine	25 Capsules
4/11/2003	Tetracycline 250mg	21 Capsules

4/18/2003	Fiorinal w/ Codeine	25 Capsules
4/18/2003	Tetracycline 250mg	21 Capsules
4/25/2003	Fiorinal w/ Codeine	25 Capsules
4/25/2003	Tetracycline 250mg	21 Capsules
5/2/2003	Tetracycline 250mg	21 Capsules
5/2/2003	Fiorinal w/ Codeine	25 Capsules
5/9/2003	Tetracycline 250mg	21 Capsules
5/9/2003	Fiorinal w/ Codeine	25 Capsules
5/16/2003	Tetracycline 250mg	21 Capsules
5/16/2003	Fiorinal w/ Codeine	25 Capsules
5/23/2003	Fiorinal w/ Codeine	25 Capsules
5/23/2003	Tetracycline 250mg	21 Capsules
5/29/2003	Tetracycline 250mg	21 Capsules
5/29/2003	Fiorinal w/ Codeine	25 Capsules
6/5/2003	Fiorinal w/ Codeine	25 Capsules
6/5/2003	Tetracycline 250mg	21 Capsules
6/14/2003	Fiorinal w/ Codeine	20 Capsules
6/20/2003	Fiorinal w/ Codeine	20 Capsules
6/25/2003	Fiorinal w/ Codeine	20 Capsules
7/1/2003	Fiorinal w/ Codeine	20 Capsules
7/7/2003	Fiorinal w/ Codeine	20 Capsules
7/14/2003	Fiorinal w/ Codeine	20 Capsules
7/21/2003	Fiorinal w/ Codeine	20 Capsules
7/26/2003	Fiorinal w/ Codeine	20 Capsules
8/1/2003	Fiorinal w/ Codeine	20 Capsules
8/7/2003	Fiorinal w/ Codeine	20 Capsules
8/13/2003	Fiorinal w/ Codeine	20 Capsules
8/19/2003	Fiorinal w/ Codeine	20 Capsules
8/25/2003	Fiorinal w/ Codeine	20 Capsules
9/1/2003	Fiorinal w/ Codeine	20 Capsules
9/6/2003	Fiorinal w/ Codeine	20 Capsules
9/11/2003	Fiorinal w/ Codeine	20 Capsules
9/15/2003	Fiorinal w/ Codeine	20 Capsules
9/21/2003	Fiorinal w/ Codeine	20 Capsules
9/29/2003	Fiorinal w/ Codeine	20 Capsules
10/4/2003	Fiorinal w/ Codeine	20 Capsules
10/10/2003	Fiorinal w/ Codeine	20 Capsules
10/16/2003	Ascomp w/ Codeine	20 Capsules
10/20/2003	Ascomp w/ Codeine	20 Capsules
10/26/2003	Ascomp w/ Codeine	20 Capsules
10/31/2003	Fiorinal w/ Codeine	20 Capsules
11/6/2003	Fiorinal w/ Codeine	20 Capsules
11/12/2003	Fiorinal w/ Codeine	20 Capsules
11/19/2003	Fiorinal w/ Codeine	20 Capsules
11/25/2003	Fiorinal w/ Codeine	20 Capsules
12/2/2003	Fiorinal w/ Codeine	20 Capsules
12/8/2003	Fiorinal w/ Codeine	20 Capsules
12/12/2003	Fiorinal w/ Codeine	20 Capsules

12/19/2003	Fiorinal w/ Codeine	20 Capsules
12/28/2003	Fiorinal w/ Codeine	20 Capsules
12/31/2003	Fiorinal w/ Codeine	20 Capsules
1/6/2004	Fiorinal w/ Codeine	20 Capsules
1/12/2004	Fiorinal w/ Codeine	20 Capsules
1/17/2004	Fiorinal w/ Codeine	20 Capsules
1/22/2004	Fiorinal w/ Codeine	20 Capsules
1/30/2004	Fiorinal w/ Codeine	20 Capsules
2/5/2004	Fiorinal w/ Codeine	20 Capsules
2/12/2004	Fiorinal w/ Codeine	20 Capsules
2/19/2004	Fiorinal w/ Codeine	20 Capsules
2/24/2004	Fiorinal w/ Codeine	20 Capsules
3/4/2004	Fiorinal w/ Codeine	20 Capsules
3/12/2004	Fiorinal w/ Codeine	20 Capsules
3/18/2004	Fiorinal w/ Codeine	20 Capsules
3/21/2004	Fiorinal w/ Codeine	20 Capsules
3/28/2004	Ascomp w/ Codeine	20 Capsules
4/2/2004	Ascomp w/ Codeine	20 Capsules
4/8/2004	Ascomp w/ Codeine	20 Capsules
4/14/2004	Ascomp w/ Codeine	20 Capsules
4/18/2004	Ascomp w/ Codeine	20 Capsules
4/23/2004	Ascomp w/ Codeine	20 Capsules
4/29/2004	Ascomp w/ Codeine	20 Capsules
5/5/2004	Ascomp w/ Codeine	20 Capsules
5/11/2004	Ascomp w/ Codeine	20 Capsules
5/19/2004	Fiorinal w/ Codeine	20 Capsules
5/24/2004	Fiorinal w/ Codeine	20 Capsules
5/30/2004	Fiorinal w/ Codeine	20 Capsules
6/5/2004	Fiorinal w/ Codeine	20 Capsules
6/10/2004	Fiorinal w/ Codeine	20 Capsules
6/17/2004	Fiorinal w/ Codeine	20 Capsules
6/25/2004	Fiorinal w/ Codeine	20 Capsules
6/30/2004	Fiorinal w/ Codeine	20 Capsules
7/3/2004	Fiorinal w/ Codeine	20 Capsules
7/8/2004	Fiorinal w/ Codeine	20 Capsules
7/15/2004	Fiorinal w/ Codeine	20 Capsules
7/21/2004	Fiorinal w/ Codeine	20 Capsules
7/29/2004	Fiorinal w/ Codeine	20 Capsules
8/4/2004	Fiorinal w/ Codeine	20 Capsules
8/11/2004	Fiorinal w/ Codeine	20 Capsules
8/17/2004	Fiorinal w/ Codeine	20 Capsules
8/23/2004	Fiorinal w/ Codeine	20 Capsules
8/30/2004	Fiorinal w/ Codeine	20 Capsules
9/7/2004	Fiorinal w/ Codeine	20 Capsules
9/14/2004	Fiorinal w/ Codeine	20 Capsules
9/20/2004	Fiorinal w/ Codeine	20 Capsules
9/29/2004	Fiorinal w/ Codeine	20 Capsules
10/7/2004	Fiorinal w/ Codeine	20 Capsules

10/12/2004	Fiorinal w/ Codeine	20 Capsules
10/19/2004	Ascomp w/ Codeine	20 Capsules
10/25/2004	Ascomp w/ Codeine	20 Capsules
10/31/2004	Ascomp w/ Codeine	20 Capsules
11/3/2004	Ascomp w/ Codeine	20 Capsules
11/9/2004	Ascomp w/ Codeine	20 Capsules
11/16/2004	Ascomp w/ Codeine	20 Capsules
11/24/2004	Ascomp w/ Codeine	20 Capsules
11/30/2004	Ascomp w/ Codeine	20 Capsules
12/10/2004	Ascomp w/ Codeine	20 Capsules
12/16/2004	Ascomp w/ Codeine	20 Capsules
12/21/2004	Ascomp w/ Codeine	20 Capsules
12/27/2004	Ascomp w/ Codeine	20 Capsules
1/4/2004	Ascomp w/ Codeine	20 Capsules
1/10/2004	Ascomp w/ Codeine	20 Capsules
1/17/2004	Ascomp w/ Codeine	20 Capsules
1/25/2004	Ascomp w/ Codeine	20 Capsules
1/31/2004	Ascomp w/ Codeine	20 Capsules
2/8/2004	Ascomp w/ Codeine	20 Capsules
2/16/2004	Ascomp w/ Codeine	20 Capsules
2/22/2004	Ascomp w/ Codeine	20 Capsules
2/27/2004	Ascomp w/ Codeine	20 Capsules
3/5/2004	Ascomp w/ Codeine	20 Capsules
3/10/2005	Ascomp w/ Codeine	20 Capsules
3/15/2005	Ascomp w/ Codeine	20 Capsules
3/24/2005	Ascomp w/ Codeine	20 Capsules
3/29/2005	Ascomp w/ Codeine	20 Capsules
4/4/2005	Ascomp w/ Codeine	20 Capsules
4/9/2005	Ascomp w/ Codeine	20 Capsules
4/14/2005	Ascomp w/ Codeine	20 Capsules
4/21/2005	Ascomp w/ Codeine	20 Capsules
4/28/2005	Ascomp w/ Codeine	20 Capsules
5/7/2005	Ascomp w/ Codeine	20 Capsules
5/19/2005	Ascomp w/ Codeine	20 Capsules
5/22/2005	Ascomp w/ Codeine	20 Capsules
5/26/2005	Ascomp w/ Codeine	20 Capsules
6/4/2005	Ascomp w/ Codeine	20 Capsules

CVS Pharmacy # 1459: Prescriptions written by Respondent to Person B		
DATE:	PRESCRIPTION:	QUANTITY:
10/13/2002	Tetracycline 250mg	28 Capsules
10/13/2002	Fiorinal/Codeine #3	28 Capsules
10/25/2002	Fiorinal/Codeine #3	28 Capsules
10/25/2002	Tetracycline 250mg	28 Capsules
11/4/2002	Fiorinal/Codeine #3	28 Capsules
11/4/2002	Tetracycline 250mg	28 Capsules
11/12/2002	Fiorinal/Codeine #3	26 Capsules
11/23/2002	Fiorinal/Codeine #3	26 Capsules

12/1/2002	Fiorinal/Codeine #3	26 Capsules
12/12/2002	Fiorinal/Codeine #3	26 Capsules
12/12/2002	Tetracycline 250mg	20 Capsules
12/19/2002	Fiorinal/Codeine #3	26 Capsules
12/19/2002	Tetracycline 250mg	20 Capsules
12/27/2002	Fiorinal/Codeine #3	26 Capsules
12/27/2002	Tetracycline 250mg	20 Capsules
1/3/2003	Fiorinal/Codeine #3	28 Capsules
1/3/2003	Tetracycline 250mg	20 Capsules
1/11/2003	Fiorinal/Codeine #3	28 Capsules
1/11/2003	Tetracycline 250mg	20 Capsules
1/20/2003	Fiorinal/Codeine #3	28 Capsules
1/20/2003	Tetracycline 250mg	20 Capsules
1/29/2003	Fiorinal/Codeine #3	26 Capsules
1/29/2003	Tetracycline 250mg	21 Capsules
2/11/2003	Fiorinal/Codeine #3	26 Capsules
2/11/2003	Tetracycline 250mg	21 Capsules
2/21/2003	Fiorinal/Codeine #3	26 Capsules
2/21/2003	Tetracycline 250mg	21 Capsules
3/3/2003	Tetracycline 250mg	21 Capsules
3/3/2003	Fiorinal/Codeine #3	26 Capsules
3/10/2003	Tetracycline 250mg	21 Capsules
3/10/2003	Fiorinal/Codeine #3	26 Capsules
3/17/2003	Tetracycline 250mg	21 Capsules
3/17/2003	Fiorinal/Codeine #3	26 Capsules
3/27/2003	Tetracycline 250mg	21 Capsules
3/27/2003	Ascomp w/Codeine	26 Capsules
4/5/2003	Ascomp w/Codeine	26 Capsules
4/5/2003	Tetracycline 250mg	21 Capsules
4/13/2003	Tetracycline 250mg	21 Capsules
4/13/2003	Ascomp w/Codeine	26 Capsules
4/25/2003	Fiorinal/Codeine #3	24 Capsules
4/25/2003	Tetracycline 250mg	21 Capsules
5/2/2003	Tetracycline 250mg	21 Capsules
5/2/2003	Fiorinal/Codeine #3	24 Capsules
5/10/2003	Fiorinal/Codeine #3	24 Capsules
5/17/2003	Tetracycline 250mg	21 Capsules
5/17/2003	Ascomp w/Codeine	24 Capsules
5/24/2003	Ascomp w/Codeine	24 Capsules
5/24/2003	Tetracycline 250mg	21 Capsules
5/30/2003	Ascomp w/Codeine	24 Capsules
5/30/2003	Tetracycline 250mg	21 Capsules
6/6/2003	Tetracycline 250mg	21 Capsules
6/14/2003	Tetracycline 250mg	21 Capsules
6/14/2003	Fiorinal/Codeine #3	24 Capsules
6/21/2003	Tetracycline 250mg	21 Capsules
6/21/2003	Fiorinal/Codeine #3	24 Capsules
6/27/2003	Ascomp w/Codeine	24 Capsules

6/27/2003	Tetracycline 250mg	21 Capsules
7/4/2003	Ascomp w/Codeine	24 Capsules
7/11/2003	Ascomp w/Codeine	24 Capsules
7/19/2003	Tetracycline 250mg	21 Capsules
7/19/2003	Fiorinal/Codeine #3	22 Capsules
7/26/2003	Tetracycline 250mg	21 Capsules
7/26/2003	Fiorinal/Codeine #3	22 Capsules
8/2/2003	Fiorinal/Codeine #3	22 Capsules
8/2/2003	Tetracycline 250mg	21 Capsules
8/8/2003	Tetracycline 250mg	21 Capsules
8/8/2003	Fiorinal/Codeine #3	22 Capsules
8/13/2003	Tetracycline 250mg	21 Capsules
8/13/2003	Ascomp w/Codeine	22 Capsules
8/20/2003	Tetracycline 250mg	21 Capsules
8/20/2003	Ascomp w/Codeine	22 Capsules
8/27/2003	Ascomp w/Codeine	22 Capsules
8/27/2003	Tetracycline 250mg	21 Capsules
9/4/2003	Tetracycline 250mg	21 Capsules
9/4/2003	Ascomp w/Codeine	22 Capsules
9/9/2003	Ascomp w/Codeine	22 Capsules
9/9/2003	Tetracycline 250mg	21 Capsules
9/15/2003	Tetracycline 250mg	21 Capsules
9/15/2003	Ascomp w/Codeine	22 Capsules
9/22/2003	Tetracycline 250mg	21 Capsules
9/22/2003	Ascomp w/Codeine	22 Capsules
9/28/2003	Ascomp w/Codeine	22 Capsules
9/28/2003	Tetracycline 250mg	21 Capsules
10/3/2003	Ascomp w/Codeine	22 Capsules
10/9/2003	Ascomp w/Codeine	22 Capsules
10/13/2003	Ascomp w/Codeine	22 Capsules
10/20/2003	Ascomp w/Codeine	22 Capsules
10/28/2003	Ascomp w/Codeine	22 Capsules
11/3/2003	Ascomp w/Codeine	22 Capsules
11/10/2003	Ascomp w/Codeine	22 Capsules
11/17/2003	Ascomp w/Codeine	22 Capsules
11/23/2003	Ascomp w/Codeine	22 Capsules
12/1/2003	Ascomp w/Codeine	22 Capsules
12/8/2003	Ascomp w/Codeine	22 Capsules
12/14/2003	Ascomp w/Codeine	22 Capsules
12/20/2003	Ascomp w/Codeine	22 Capsules
12/27/2003	Fiorinal/Codeine #3	22 Capsules
1/2/2004	Fiorinal/Codeine #3	22 Capsules
1/8/2004	Fiorinal/Codeine #3	22 Capsules
1/15/2004	Ascomp w/Codeine	22 Capsules
1/21/2004	Ascomp w/Codeine	22 Capsules
1/26/2004	Ascomp w/Codeine	22 Capsules
2/3/2004	Ascomp w/Codeine	22 Capsules
2/10/2004	Ascomp w/Codeine	22 Capsules

2/17/2004	Ascomp w/Codeine	22 Capsules
2/25/2004	Ascomp w/Codeine	22 Capsules
3/3/2004	Ascomp w/Codeine	22 Capsules
3/9/2004	Ascomp w/Codeine	22 Capsules
3/16/2004	Ascomp w/Codeine	22 Capsules
3/21/2004	Ascomp w/Codeine	22 Capsules
3/31/2004	Ascomp w/Codeine	22 Capsules
4/6/2004	Ascomp w/Codeine	22 Capsules
4/12/2004	Ascomp w/Codeine	22 Capsules
4/20/2004	Ascomp w/Codeine	22 Capsules
4/26/2004	Ascomp w/Codeine	22 Capsules
5/3/2004	Ascomp w/Codeine	22 Capsules
5/10/2004	Ascomp w/Codeine	22 Capsules
5/15/2004	Ascomp w/Codeine	22 Capsules
5/21/2004	Ascomp w/Codeine	22 Capsules
5/27/2004	Ascomp w/Codeine	22 Capsules
6/2/2004	Ascomp w/Codeine	22 Capsules
6/8/2004	Ascomp w/Codeine	22 Capsules
6/15/2004	Ascomp w/Codeine	22 Capsules
6/22/2004	Ascomp w/Codeine	22 Capsules
6/28/2004	Ascomp w/Codeine	22 Capsules
7/6/2004	Ascomp w/Codeine	22 Capsules
7/13/2004	Ascomp w/Codeine	22 Capsules
7/20/2004	Ascomp w/Codeine	22 Capsules
7/28/2004	Ascomp w/Codeine	22 Capsules
8/3/2004	Ascomp w/Codeine	22 Capsules
8/9/2004	Ascomp w/Codeine	22 Capsules
8/16/2004	Ascomp w/Codeine	22 Capsules
8/23/2004	Ascomp w/Codeine	22 Capsules
8/30/2004	Ascomp w/Codeine	22 Capsules
9/3/2004	Ascomp w/Codeine	22 Capsules
9/13/2004	Ascomp w/Codeine	22 Capsules
9/19/2004	Ascomp w/Codeine	22 Capsules
9/27/2004	Fiorinal/Codeine #3	22 Capsules
10/3/2004	Fiorinal/Codeine #3	22 Capsules
10/10/2004	Fiorinal/Codeine #3	22 Capsules
10/17/2004	Ascomp w/Codeine	24 Capsules
10/23/2004	Ascomp w/Codeine	24 Capsules
10/29/2004	Ascomp w/Codeine	24 Capsules
11/4/2004	Ascomp w/Codeine	22 Capsules
11/11/2004	Ascomp w/Codeine	22 Capsules
11/14/2004	Ascomp w/Codeine	22 Capsules
11/19/2004	Ascomp w/Codeine	22 Capsules
11/26/2004	Ascomp w/Codeine	22 Capsules
12/2/2004	Ascomp w/Codeine	22 Capsules
12/8/2004	Ascomp w/Codeine	22 Capsules
12/13/2004	Ascomp w/Codeine	22 Capsules
12/19/2004	Ascomp w/Codeine	22 Capsules

12/27/2004	Ascomp w/Codeine	22 Capsules
1/2/2005	Ascomp w/Codeine	22 Capsules
1/9/2005	Ascomp w/Codeine	22 Capsules
1/16/2005	Ascomp w/Codeine	22 Capsules
1/21/2005	Ascomp w/Codeine	22 Capsules
1/29/2005	Ascomp w/Codeine	22 Capsules
2/5/2005	Ascomp w/Codeine	22 Capsules
2/10/2005	Ascomp w/Codeine	22 Capsules
2/18/2005	Ascomp w/Codeine	22 Capsules
2/24/2005	Ascomp w/Codeine	20 Capsules
2/28/2005	Ascomp w/Codeine	20 Capsules
3/8/2005	Ascomp w/Codeine	20 Capsules
3/14/2005	Ascomp w/Codeine	20 Capsules
3/20/2005	Ascomp w/Codeine	20 Capsules
3/25/2005	Ascomp w/Codeine	20 Capsules
4/2/2005	Ascomp w/Codeine	20 Capsules
4/7/2005	Ascomp w/Codeine	20 Capsules
4/13/2005	Ascomp w/Codeine	20 Capsules
4/18/2005	Ascomp w/Codeine	20 Capsules
4/24/2005	Ascomp w/Codeine	20 Capsules
4/29/2005	Ascomp w/Codeine	20 Capsules
5/4/2005	Ascomp w/Codeine	22 Capsules
5/12/2005	Ascomp w/Codeine	22 Capsules
5/17/2005	Ascomp w/Codeine	22 Capsules
5/27/2005	Ascomp w/Codeine	22 Capsules
6/1/2005	Ascomp w/Codeine	22 Capsules

CVS Pharmacy # 2221: Prescriptions written by Respondent to Person C		
DATE:	PRESCRIPTION:	QUANTITY:
10/18/2002	Tetracycline 250 mg	28 Capsules
10/18/2002	Ascomp w/ Codeine	26 Capsules
10/26/2002	Tetracycline 250 mg	28 Capsules
10/26/2002	Ascomp w/ Codeine	26 Capsules
11/1/2002	Tetracycline 250 mg	28 Capsules
11/1/2002	Ascomp w/ Codeine	26 Capsules
11/10/2002	Ascomp w/ Codeine	26 Capsules
11/10/2002	Tetracycline 250 mg	28 Capsules
11/19/2002	Ascomp w/ Codeine	26 Capsules
11/19/2002	Tetracycline 250 mg	28 Capsules
11/27/2002	Ascomp w/ Codeine	26 Capsules
11/27/2002	Tetracycline 250 mg	28 Capsules
12/7/2002	Fiorinal/Codeine #3	26 Capsules
12/7/2002	Tetracycline 250 mg	28 Capsules
12/16/2002	Fiorinal/Codeine #3	26 Capsules
12/16/2002	Tetracycline 250 mg	28 Capsules
12/24/2002	Ascomp w/ Codeine	26 Capsules
12/14/2002	Tetracycline 250 mg	28 Capsules

1/2/2003	Ascomp w/ Codeine	25 Capsules
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4/10/2003	Tetracycline 250 mg	21 Capsules
4/10/2003	Fiorinal/Codeine #3	25 Capsules
4/17/2003	Tetracycline 250 mg	21 Capsules
4/17/2003	Fiorinal/Codeine #3	25 Capsules
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4/26/2005	Fiorinal/Codeine #3	24 Capsules
4/30/2005	Fiorinal/Codeine #3	24 Capsules
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5/14/2005	Fiorinal/Codeine #3	24 Capsules
5/18/2005	Fiorinal/Codeine #3	24 Capsules
5/23/2005	Fiorinal/Codeine #3	24 Capsules
5/26/2005	Fiorinal/Codeine #3	24 Capsules
5/31/2005	Fiorinal/Codeine #3	24 Capsules
6/6/2005	Fiorinal/Codeine #3	24 Capsules
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10/23/2005	Ascomp w/ Codeine	24 Capsules
10/27/2005	Ascomp w/ Codeine	24 Capsules

5. Additional records obtained from CVS pharmacies revealed that the Respondent wrote additional large numbers of prescriptions of controlled dangerous substances and other drugs to Persons A, B, and C as well as Persons D, E and F. The Respondent also wrote prescriptions to himself by name.⁶

6. On or about March 22, 2006, investigators from the Board reported to the dental office of the Respondent with a subpoena to review the patient records of Persons A, B, C, D and E. The Respondent was treating patients when the investigators arrived. Investigator Montoya observed the Respondent's hands

⁶ The Respondent will be provided a copy of these documents upon request.

shaking while the Respondent was handling dental instruments and writing in a patient chart. The Respondent then met with the investigators; all the while the Respondent's hands were shaking. It appeared to the investigators that the Respondent was either under the influence of a drug(s) or experiencing withdraw symptoms.

7. The Respondent advised the investigators that he had no records for the patients named in the subpoena and explained that he wrote the prescriptions for himself. He advised that Person A was his ex-wife and that he was not writing the prescriptions for her but for himself. He advised that Persons B and C were the same person - the Respondent's prior roommate. He admitted that he was not writing the prescriptions for his prior roommate but for himself. The Respondent advised that Person D was himself, that Person E was his brother-in-law and that Person F was the name of a fictitious person. The Respondent further advised that the prescriptions written to him under the name Dr. Thomas Waldbillig were written by the Respondent to himself and that he forged Dr. Waldbillig's name on the prescriptions.

8. The Respondent further admitted to the investigators that he had a drug problem, that he takes controlled substances throughout each day, every day and that he practices dentistry under the influence of controlled dangerous substances. The Respondent further advised that he has tried to wean himself from drug use but that doing so causes him to shake, feel sick and unable to concentrate.

The Respondent presents an immediate danger to his patients. As a result, allowing the Respondent to continue to practice dentistry on patients in Maryland

poses a grave risk and imminent danger to the public health, safety, and welfare of the citizens of the State of Maryland that imperatively requires emergency action by the Board.

CONCLUSIONS OF LAW

Based on the foregoing investigative information, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(2004).

ORDER

It is, by a quorum of the Maryland State Board of Dental Examiners, pursuant to the authority vested in the Board by Md. Health Occ. Code Ann. § 4-315(a) and Md. State Gov't Code Ann. § 10-226(c)(2) hereby:

ORDERED that the Respondent's license to practice dentistry in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that, on presentation of this Order, the Respondent shall surrender to the Board the following items:

- 1) original Maryland license number 8704;
- 2) the renewal card for license to practice dentistry from the State Board of Dental Examiners;
- 3) any DEA Certification of Registration or proof of surrender of same to: Robert Bickel, or any successor, Diversion Supervisor, Drug Enforcement Agency, 200 St. Paul Place, 22nd floor, Baltimore, Maryland 21202; and

4) Maryland Controlled Dangerous substances registration certificate or proof of surrender of same to: Georgette Zoltani, Chief or any successor, Division of Drug Control, 4102 Patterson Avenue, 4th Floor, Baltimore, Maryland 21214; and it is further

ORDERED that during the period of **SUSPENSION**, the Respondent's office shall not be used for patient care and the Respondent shall post a conspicuous and securely attached notice on his office door or other obvious location which shall state in part:

1. That Dr. Sullivan's office shall be closed until further notice;
2. The name, address, and telephone number of at least one other local dentist who the Respondent has confirmed will be available to treat the Respondent's patients in the event of an emergency;
3. The name, address, and telephone number of the nearest hospital emergency room; and it is further

ORDERED that during the period of **SUSPENSION**, the Respondent shall maintain an active office telephone number that has a recorded message informing patients of the information contained in items 1-3 of the previous paragraph, or alternatively have a staff member available to provide the information to callers; and it is further

ORDERED that a Show Cause Hearing date has been reserved for **Wednesday, April 19, 2006 at 12:30 p.m.** before the Board at the Board's offices, Spring Grove Hospital Center, 55 Wade Avenue, Benjamin Rush Building, Catonsville, Maryland 21228, for the Respondent to have the opportunity to show

cause as to why his license should not continue to be suspended, should the Respondent seek the hearing; and it is further

ORDERED that, if the Respondent intends to appear at the Show Cause Hearing on April 19, 2006, he must notify the Board, in writing, of his intent to appear and be heard. The Respondent's written intent to appear must be received in the Board's offices no later than Friday, April 14, 2006; and it is further

ORDERED that, if the Respondent's license remains suspended following the Show Cause Hearing, the Respondent can request an evidentiary hearing. The Respondent must request the hearing within thirty (30) days of the notice to continue the suspension. The evidentiary hearing will be held either at the Board or at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031, within a reasonably prompt time after the Respondent's request for such a hearing; and it is further

ORDERED that if a request for an evidentiary hearing is not received in the Board's offices within thirty (30) days of the notice to the Respondent of the intent to continue the suspension, the Respondent waives all rights now and in the future to any hearing with respect to this Order, or to any proceedings that would contest the validity of the findings of this Order for Suspension, and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-601 *et seq.* (2004).

4 April 2006
Date

Eric A. Katkow
Eric A. Katkow, D.D.S.
President, Board of Dental Examiners