

IN THE MATTER OF	*	BEFORE THE
LAWRENCE PINKNEY	*	STATE BOARD OF
REGISTRATION NO. 12408, expired	*	DENTAL EXAMINERS
DRT Applicant	*	Case No. 2010-270

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Dental Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 4-101, et seq., (2009 Repl. Vol.) (the "Act"), the Board initially denied Lawrence Pinkney, Applicant for Reinstatement of a Dental Radiation Technologist (DRT) Certification, (the "Applicant"), based on violations of the Act. Specifically, the Board charged the Applicant with violation of the following provisions of §4-505.

- (a) The Board of Dental Examiners shall:
 - (1) Define, for the purpose of this section, the terms "dental radiation technologist" and "practice dental radiation technology";
 - (2) Adopt rules and regulations concerning qualifications, training, certification, monitoring of, and enforcement requirements for a dental radiation technologist; and

- (b) The qualifications required of applicants for Board certification as a dental radiation technologist shall include requirements established by:
 - (1) The American Dental Association; or
 - (2) Any applicable federal standards for training and certification.

Accordingly, the Board adopted the following regulations regarding Dental Radiation Technologist, Code Md. Regs. tit.10, § 44.19. (April, 12, 2004; and following):

.3 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;

.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:

(5) Is disciplined by a disciplinary authority of any other state or jurisdiction or is convicted or disciplined by a court in any other state or jurisdiction for an act that would be grounds for disciplinary action under this regulation;

(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[;].

The Applicant was given notice of the issues underlying the Board's charges by letter dated October 7, 2010. Accordingly, a Case Resolution Conference was held on December 15, 2010, and was attended by Edna Street-Jones, DDS, Timothy Modic, DDS, Sidney Seidman, M.D., M.B.A., and Jane Casper, RDH, M.A., Board members, and Grant Gerber, Counsel to the Board. Also in attendance were the Applicant, who knowingly and voluntarily waived his right to an attorney, and Roberta Gill, the Administrative Prosecutor.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. The Applicant was originally certified on July 20, 2004. His certificate expired on March 1, 2009.

2. By document dated November 11, 2009, the Applicant submitted an application for reinstatement as a certified DRT. On that application he answered "yes" to Question f under Section III, Character and Fitness: "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?"

3. By letter dated November 10, 2009, the Applicant advised the Board that he had no "pending legal issues".

4. A check of criminal information disclosed that the Applicant was arrested on February 11, 2009 for Possession with Intent to Distribute Narcotics. On July 15, 2009, he pled guilty, and, on August 31, 2009, was found guilty and sentenced to 15 years incarceration, with all but 14 years and three days suspended; he was then placed on three years supervised probation.

5. As set forth above, the Applicant failed to meet the moral qualifications to become reinstated as a DRT.

6. As set forth above, the Applicant violated the Act and his application for reinstatement as a DRT should be Denied for certification.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Applicant violated §4-505 (a) (1), (2); (b), (1), (2); tit. 10 § 44.19.3 (2); 44.19.11 (5) and (7).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16 day of MARCH, 2011, by a majority of a quorum of the Board,

ORDERED that the Applicant's certificate to practice as a DRT is hereby DENIED until his criminal Probation is completed. Upon successful completion of that Probation, the Applicant may reapply as a DRT, submitting evidence of the completion with his application.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Applicant has violated the Act or if the Applicant violates any conditions of this Order, after providing the Applicant with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Applicant. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order shall be on the Applicant to demonstrate compliance with the Order or conditions; and be it

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.


T. Earl Flanagan, DDS, President
State Board of Dental Examiners

CONSENT OF LAWRENCE PINKNEY, DRT APPLICANT

I, Lawrence Pinkney, by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney, and have knowingly and voluntarily waived my right to an attorney before signing this Consent Order;
2. I am aware that without my consent, my certificate to practice as a DRT in this State cannot be limited except pursuant to the provisions of § 4-315 the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2009 Repl. Vol.).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 4-318 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 4-319 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including the possibility of never being able to obtain another certificate to practice as a Dental Radiation Technologist in the State of Maryland.

2-18-11
Date

[Signature]
Lawrence Pinkney
x [Signature]

STATE OF Maryland :
CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 18 day of Feb, 2011, before me, Lionel Katzen, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Lawrence Pinkney, Expired Certificate No. 12408, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

[Signature]
Notary Public

My Commission Expires: 8-1-11
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