

IN THE MATTER OF	*	BEFORE THE MARYLAND
REBECCA J. FARROW, DRT	*	STATE BOARD OF
RESPONDENT	*	DENTAL EXAMINERS
LICENSE No.: 15463	*	CASE No.: 2010-187

* * * * *

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Stated Board of Dental Examiners (the "Board") and Rebecca J. Farrow, DRT, (the "Respondent") have agreed, in lieu of the filing of formal charges, to enter into this Pre-Charge Consent Order. The Respondent waives her 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.* (2011 Repl. Vol. & 2012 Supp.) and the Board's regulations under Code Md. Regs. ("COMAR"), tit. 10 §§ 44.19 *et seq.* The pertinent provisions of the Act and the Boards regulations provide:

H.O. § 4-505. Certification of dental radiation technologists

- (a) *"Dental radiation technologists" 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 10.44.19.11 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:
 - (7) Is convicted of or pleads guilty or nolo contendere to a felony or crime of moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

FINDINGS OF FACT

1. On or about April 29, 2009, the Board received an application for certification as a Dental Radiation Technologist from the Respondent. In that application, the Respondent indicated "Yes" to a question regarding criminal history.
2. In her explanation to the Board, the Respondent reported an arrest for driving while under the influence of alcohol on December 26, 2006. Based on the Respondent's disclosure of this arrest, the Board obtained court documentation regarding the Respondent's criminal history.
3. After a review of the Respondent's application and the court documents submitted regarding her December 26, 2006 arrest, the Board approved her application upon the condition that the Respondent agree to enter into a non-public agreement (the "Agreement") with the Dental Hygiene Well Being Committee ("DHWBC") to include participation in an evaluation and any other recommendations the DHWBC may make regarding her treatment.
4. June 5, 2009, the Respondent signed the Agreement with the DHWBC and was issued her Dental Radiation Technologist certificate on June 15, 2009.
5. The Respondent was evaluated by the DHWBC on July 9, 2009. Based on the Respondent's evaluation, it was highly recommended that the Respondent participate in a continuing care treatment contract along with monitoring.
6. On January 19, 2010, the Respondent's monitoring was reassigned to the Dental Well Being Committee ("DWBC") due to the complexity of her treatment. On July 7, 2010 the Respondent signed the DWBC Monitoring and Advocacy Agreement.
7. In accordance with standard procedure, the DWBC provided periodic reports on the Respondent's progress in the monitoring program. Reports from the period of September 27, 2010 through May 28, 2012 documented steady progress in the Respondent's recovery.
8. On August 28, 2012, the DWBC provided a report indicating that the Respondent failed to keep an appointment with her counselor, and that all efforts to contact her were futile. Board correspondence sent to the Respondent on July 6, 2012 was returned as unclaimed.

9. An update was received from the DWBC on September 14, 2012 indicated that the Respondent had met her with counselor on that date.

10. During the course of monitoring the Respondent's compliance with the Agreement, a Board criminal background check revealed that the Respondent had been arrested on December 1, 2012 and charged with one count of possession of marijuana, as well as five counts for driving under the influence of alcohol.

11. Based on court records, on August 22, 2014 the Respondent plead guilty of driving/attempting to drive a vehicle while under the influence of alcohol and was placed on supervised probation for one (1) year.

12. The Respondent's certificate to practice dental radiation technology is set to expire on March 1, 2015.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that the Respondent violated COMAR 10.44.19.11A (7) which authorizes the Board to sanction a certificate holder who pleads guilty to a crime of moral turpitude.

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 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 "DWBC"). Said contract shall be 2 years in duration and shall include a urine/toxicology monitoring component. A violation of the DWBC contract, including but not limited to a positive result on a urinalysis/toxicology screening and/or any other requirements that the DWBC deems appropriate, will be deemed a violation of this Pre-Charge Consent Order resulting in immediate

suspension of the Respondent's Maryland certificate to practice dental radiation technology without either prior notice or opportunity to be heard, provided that the Respondent be given the opportunity for a show cause hearing before the Board at its next regularly scheduled meeting to show cause why her dental radiation technology certificate should not be suspended; and it is further

ORDERED that failure to submit, upon request, a urine/toxicology screening will be deemed a violation of this Pre-Charge Consent Order; and it is further

ORDERED that the DWBC 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, as well as any other non-compliance with the terms of the Respondent's contract with the DWBC; and it is further

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

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

ORDERED that the Respondent shall obey all laws of the United States, the State of Maryland and its political subdivisions. A guilty verdict, entrance of a guilty plea, or probation before judgment sentence for any crime, except minor traffic offenses not involving drugs or

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 DWBC; and it is further

ORDERED that this document constitutes an order of the Board and is therefore a PUBLIC DOCUMENT for purposes of public disclosure, as required by Md. State Gov't Code Ann. § 10-617 (h) (2009 Repl. Vol.).

04/17/2015
Date

Maurice Miles DDS
Maurice S. Miles, D.D.S.
President
Maryland State Board of Dental Examiners

CONSENT

I, Rebecca J. Farrow, DRT, Certificate Number 15463, 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 the 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 that 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.

4/17/15
Date


Rebecca J. Farrow, DRT

RECEIVED

APR 17 2015