

IN THE MATTER OF	*	BEFORE THE MARYLAND
BEVERLY CROCKETT, D.D.S.	*	STATE BOARD OF
APPLICANT	*	DENTAL EXAMINERS
License Number: 6554 (EXPIRED)	*	Case Number: 2016-145

* * * * *

CONSENT ORDER

On or about May 3, 2017, the Maryland State Board of Dental Examiners (the "Board") notified **BEVERLY CROCKETT, D.D.S.** (the "Applicant"), License Number 6554 (EXPIRED), of its intent to deny her Application for Dental Licensure by Examination (the "2016 Application") under the Maryland Dentistry Act (the "Act"), codified at Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 4-101 *et seq.* (2014 Repl. Vol.).

The Board based its intent to deny the 2016 Application on the following provisions of the Act:

§ 4-302. Qualifications of applicants

- (a) In general. -- Except as otherwise provided in this title, to qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) Moral character. -- The applicant shall be of good moral character.

§ 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:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

- (4) Is convicted of or pleads guilty or *nolo contendere* to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (5) Provides professional services while:
 - (ii) using any narcotic or controlled dangerous substance...or other drug that is in excess of therapeutic amounts or without medical indication;
- (16) Behaves dishonorably or unprofessionally or violates a professional code of ethics pertaining to the dentistry profession;
- (21) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplines by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

On or about July 19, 2017, the Board held a Case Resolution Conference (CRC) at its offices. Based on the CRC, the Board and the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following:

1. On or about January 4, 2016, the Board received the Applicant's Application for Dental License by Examination (the "2016 Application").
2. On the 2016 Application, the Applicant answered "YES" to the following Character and Fitness Questions:
 - a. Has any licensing or disciplinary board of any jurisdiction, including Maryland, or any federal entity denied your application for licensure, reinstatement, or renewal, or taken any action against your license, including but not limited to reprimand, suspension, revocation, a fine, or non-judicial punishment? ...
 - b. Have any investigations or charges been brought against you or are any currently pending in any jurisdiction, including

Maryland, by any licensing or disciplinary board or any federal or state entity?

- d. Has any investigation or charge been brought against you by a hospital, related institution, or alternative health care system?
- e. Have you had any denial of application for privileges, failure to renew your privileges, or limitation, restriction, suspension, revocation or loss in privileges in a hospital, related health care facility, or alternative health care system?
- f. Have you pled guilty, *nolo contendere*, had a conviction or receipt of probation before judgment or other diversionary disposition for any criminal act, excluding minor traffic violations?
- g. Have you pled guilty, *nolo contendere*, had a conviction or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substances?
- l. Have you illegally used drugs?
- n. Have you been named as a defendant in a filing or settlement of a malpractice action?
- o. Has your employment been affected or have you voluntarily resigned from any employment, in any setting, or have you been terminated or suspended, from any hospital, related health care or other institution, or any federal entity for any disciplinary reasons or while under investigation for disciplinary reasons?

3. Based on the Applicant's affirmative answers to the above questions, the Board began an investigation, which revealed the following information.

Background

4. On or about October 31, 1977, the Applicant was initially licensed by the Board under the name Beverly Wheatley, her maiden name.

5. On or about June 30, 1994 the Applicant allowed her license to expire by failing to renew it.

6. On or about August 28, 2008, the Board received an Application for Dental Licensure by Examination (the "2008 Application") from the Applicant under the name Beverly Crockett, her current legal name.

7. On or about May 19, 2010, following an investigation, the Board issued a Final Order to Deny Application for a License to Practice Dentistry in the State of Maryland (the "2010 Order," attached and incorporated herein), which included Findings of Fact, Conclusions of Law, and an Order denying the Applicant's 2008 Application.

2010 Order

8. The 2010 Order concluded as a matter of law that the Applicant failed to meet the Board's requirements for licensure because the Applicant lacked good moral character as required by Md. Code Ann., Health Occ. ("Health Occ.") § 4-302(b) (2009 Repl. Vol.).¹

9. In addition, the 2010 Order concluded as a matter of law that the Applicant had violated the Board's grounds for discipline under Health Occ. §§ 4-315(a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (4) Is convicted of or pleads guilty or *nolo contendere* to a felony or to a crime involving moral turpitude...;
- (5)(ii) Provides professional services while...using any narcotic or controlled dangerous substance...or other drug that is in excess of therapeutic amounts or without medical indication;
- (16) Behaves dishonorably or unprofessionally or violates a professional code of ethics pertaining to the dentistry profession; and
- (19) Is disciplined by a licensing or disciplinary authority of any other state of country or convicted or disciplines by a court of

¹ This provision is now codified at Health Occ. I § 4-302(b).

any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.²

10. In the 2010 Order, the above-cited Conclusions of Law were based on the Board's Finding of Fact, which included, *inter alia*, the following:

- a. After June 30, 1994, the date on which the Applicant's license expired, the Applicant nevertheless continued to practice dentistry without a license in the State of Maryland until at least 2001;
- b. Beginning at least in 1999 and continuing through April 2002, the Applicant wrote hundreds of false and fraudulent prescriptions for CDS narcotic pain medication in the names of at least (8) individuals, often in exchange for payment;
- c. The Applicant illegitimately self-prescribed CDS narcotic pain medications using her married name, Beverly Crockett.
- d. Between March 2000 and March 2002, the Applicant knowingly and willfully submitted false claims to insurance totaling approximately \$22,242.90;
- e. The Applicant knowingly performed invasive dental procedures on patients while she was under the influence of CDS narcotic pain narcotics that she had illegitimately self-prescribed.
- f. On January 28, 2005, the Applicant pleaded guilty to and was convicted of two federal felony charges in United States District Court for the District of Maryland for conspiracy to distribute narcotics and healthcare fraud.
- g. The Applicant was sentenced to 42 months in federal prison, 3 years of supervised probation, participation in an approved substance abuse treatment and mental health program, and restitution payment of \$22,242.90 to the insurance company to which she had submitted fraudulent claims.
- h. On her 2008 Application, the Applicant failed to disclose any of the above-cited criminal and licensure history.

² These provisions are now codified under Health Occ. I §§ (1), (4), (5)(ii), (16), and (21), respectively.

- i. Specifically, the Applicant failed to inform the Board that she had previously held a license to practice dentistry in the state of Maryland under the name Beverly Wheatley, and she falsely answered "NO" to the following character and fitness questions:
 - b. Have any investigations or charges been brought against you or are any currently pending in any jurisdiction, including Maryland, by any licensing or disciplinary board or any federal or state entity?
 - f. 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?
 - g. Have you pled guilty, *nolo contendere*, had a conviction, or receipt of probation before judgment or other diversionary disposition for an alcohol or controlled dangerous substance offense, including but not limited to driving while under the influence of alcohol or controlled dangerous substances?
 - m. Have you been named as a defendant in a filing or settlement of a malpractice action?³

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's conduct, as described above, constitutes violations of Health Occ. I § 4-315(a) (1), (4), (5)(ii), (16), and (21).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a majority of the Board considering this case:

ORDERED that the Applicant's 2016 Application is hereby denied; and it is further

³ According to the 2010 order, on or about November 4, 1991, a patient filed a medical malpractice action against the Applicant. On or about September 30, 1994, the claim resulted in a settlement payment to the patient.

ORDERED that within 18 (eighteen) months:

- (a) The Applicant shall pass and submit written verification to the Board that she has passed the American Board of Dental Examiners (ADEX) Dental Examination administered by the Commission on Dental Competency Assessment (CDCA), including both the Diagnostic Skills Examination and Clinic-Based Examinations; and
- (b) The Applicant shall submit an application for licensure to the Board (the "New Application"); and it is further

ORDERED that, provided that all ordinary requirements for licensure are met, the New Application shall be **GRANTED**; and it is further

ORDERED that upon licensure, the Applicant shall refrain from prescribing Controlled Dangerous Substances (CDS); and it is further

ORDERED that commencing on the date the Applicant's Application is granted, the Applicant is immediately placed on **PROBATION** for a minimum period of **THREE (3) YEARS** subject to the following terms and conditions:

- A. The Applicant shall immediately enroll in or, if she is already enrolled, continue to participate in the Dental Well-Being Program administered by the Dentist Well-Being Committee ("WBC") of the Maryland State Dental Association. The Applicant shall enter into a new five-year term Board-monitored Advocacy and Monitoring Agreement (the "Monitoring Agreement") with WBC. For the entire duration of the probationary period, the Applicant shall fully, timely and satisfactorily cooperate and comply with all WBC recommendations and requirements, including but not limited to, the terms and conditions of any Monitoring Agreement, complete abstinence, random monitored toxicology screens as required by WBC, self-help fellowship meetings and in-patient substance abuse treatment, if recommended by WBC;
- B. The Applicant shall sign any written release/consent forms, and update them, as required by the Board or WBC. Specifically, the Applicant shall sign any written release/consent form as required by the Board to

authorize WBC to make verbal and written disclosures to the Board, including disclosure of any and WBC records and files and confidential drug and alcohol abuse information about the Applicant. The Applicant shall also sign any written release/consent forms required by WBC to authorize WBC to exchange with (i.e. disclose to and receive from) outside entities' (including all of the Applicant's current therapists and treatment providers) verbal and written information about her, including confidential drug and alcohol abuse information;

- C. For the entire duration of the probationary period, the Applicant shall abstain from using alcohol, unprescribed Controlled Dangerous Substances ("CDS"), narcotics, illegal drugs and other mood-altering substances. The Applicant may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS prescription from a licensed health care provider, the Applicant shall provide the prescribing licensed health care provider with a copy of this Consent Order. The Applicant shall immediately notify WBC and the Board of any CDS prescription she obtains and the justification for the prescription;
- D. Within three (3) years, the Applicant shall successfully complete evaluation by the Dentist Professional Review and Evaluation Program (D-PREP) and all remediation courses recommended by the D-PREP program;
- E. The Respondent shall facilitate regular reports from D-PREP to the Board concerning her progress and participation in the program;
- F. The Applicant's dental practice may be subject to review by the Board, i.e. unannounced on-site random reviews of patient treatment and records by Board-delegated experts and/or staff;
- G. The Applicant shall comply with the Maryland Dentistry Act and all laws, statutes and regulations pertaining thereto; and it is further

ORDERED that no part of the training or education that the Applicant receives in order to comply with this Consent Order may be applied to her required continuing education credits; and it is further

ORDERED that the Applicant shall comply with the Act; and it is further

ORDERED that the Applicant shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring, supervision and investigation of the Applicant's compliance with the terms and conditions of this Consent Order, and it is

further

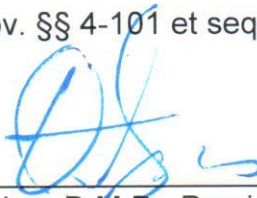
ORDERED that the Applicant shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that if the Applicant violates any of the terms or conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, or an evidentiary hearing if there is a genuine dispute of fact, shall permanently revoke the Applicant's license to practice dentistry and/or permanently deny any application for licensure the Applicant may submit; and it is further

ORDERED that this Consent Order is a Final Order of the Board and a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014).

10/4/2017

Date



Arthur C. Jee, D.M.D., President
Maryland State Board of Dental Examiners

CONSENT

By this Consent, I, Beverly Crockett, D.D.S., acknowledge that I have had the opportunity to consult with legal counsel at all stages of this matter but have voluntarily chosen not to do so. I understand that this Consent Order will resolve the Notice of Intent to Deny issued to me and forfeit my right to a formal evidentiary hearing on the Charges. By this Consent, I agree to be bound by the terms of this Consent Order. I acknowledge under oath that I in fact committed the specific violations as set forth above. I acknowledge under oath the accuracy of the Findings of Fact and the validity of the Conclusions of Law contained in this Consent Order. I acknowledge that for all purposes, the Findings of Fact and Conclusions of Law will be treated as if proven in 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 provided by the law. I agree to forego my opportunity to challenge these Findings of Fact and Conclusions of Law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

09/22/17
Date


Beverly Crockett, D.D.S.
The Applicant

NOTARY

STATE OF Maryland
CITY/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 22 day of September, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared Beverly Crockett, D.D.S., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

William H Lauer
Notary Public

My commission expires: 8/19/19

WILLIAM H LAUER
Notary Public
Baltimore County
Maryland
My Commission Expires Aug. 19, 2019