IN THE MATTER OF	*	**BEFORE THE MARYLAND**	
CANDICE M. MACCALLINI	*	**STATE BOARD OF**	
Applicant	*	**DENTAL EXAMINERS**	
Certificate Number: 18089 (Expired)	*	**Case Numbers:**	**2017-015**
			2016-234
	*		**2016-230**

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FINAL ORDER

On August 2, 2017, the Maryland State Board of Dental Examiners notified **CANDICE M. MACCALLINI** (the "Applicant") of the Board's initial denial of her *Application for Reinstatement of Expired 2015 Dental Radiation Technologist Certificate* (the "Application"), received by the Board on June 30, 2016, 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 action on the Applicant's violation of the following provisions of the Act and Md. Code Regs. ("COMAR") 10.44.19 *et seq.*:

Health Occ. I § 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 10.44.19.03. 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[.]

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:

(4) Fraudulently or deceptively uses a certificate;

(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;

(9) Willfully makes for files a false report or record or fails to file a report or record in the practice of dental radiation technology or willfully induces another to file a false report; [and]

(15) Behaves dishonorably or unprofessionally.

In its Notice, the Board notified the Applicant that she had the opportunity to request a hearing by submitting a request in writing to the Board within thirty days of service of the Notice. More than thirty days have elapsed since service of the Notice on the Applicant, and the Applicant has not made a written request for a hearing.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND

1. The Board initially issued the Applicant a certificate to practice dental radiation technology in the State of Maryland on July 3, 2013, under Certificate Number 18089. The Applicant did not file a renewal of her dental radiation technologist ("DRT") certificate in 2015. As a result, the Applicant's DRT certificate expire, effective March 1, 2015.

2. On or about June 27, 2016, the Board received a complaint against the Applicant from an individual ("Complainant A")[1] who was a DRT licensed in Maryland. Complainant A alleged that the Applicant stole her dental radiation technology certificate and forged it using the Applicant's name but Complainant A's certificate number in order to gain employment with a dental practice ("Practice A") in Maryland. After receiving the complaint, the Board initiated an investigation of the Applicant under Board Case Number 2016-230.

3. On or about June 30, 2016, the Board received a second complaint against the Applicant from a licensed dentist ("Dentist A") in Maryland, who was the owner of Practice A. Dentist A alleged that the Applicant gain employment at Practice A by misrepresenting that she was a licensed DRT and forging Complainant A's DRT certificate. Dentist A stated that as soon as he found out that the Applicant had forged Complainant A's DRT certificate, he terminated her employment.

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[1] To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document. The Respondent may obtain the identity of the referenced individuals or entities in this document by contacting the administrative prosecutor.

4. On the same date, on or about June 30, 2016, the Board received the Applicant's Application. Based on the two pending complaints against the Application, the Board initiated an investigation of the Applicant's Application under Board Case Number 2017-015.

II. BOARD INVESTIGATIONS

A. Forgery of DRT Certificate

5. On or about August 30, 2016, Board investigators conducted separate interviews of Dentist A and his office manager (the "Office Manager") at the Board's offices. During their interviews, both Dentist A and the Office Manager stated that they initially hired the Applicant based on her representation that she was a certified DRT. They stated that they decided not to allow the Applicant to expose radiographs until she produced her actual certificate.

6. They stated that a few weeks later, the Applicant produced an actual DRT certificate, after which Dentist A allowed her to expose radiographs, and she did expose radiographs for a few days.

7. The Office Manager stated that she tried to verify the Applicant's DRT certificate through the Board's website and discovered that her certificate expired on March 1, 2015. The Office Manager further stated that the Applicant's DRT certificate number on the Board's website did not match the number on the certificate the Applicant provided her. Based on these discoveries, the Office Manager realized that the Applicant had forged someone else's DRT certificate as her own, and she immediately notified Dentist A.

8. Dentist A and the Office Manager stated that upon discovering the forged certificate, they spoke with the Applicant. During this conversation, the Applicant admitted to altering Complainant A's DRT certificate and representing it as her own. They stated that the Applicant admitted to altering and forging the certificate because Dentist A and the Office Manager had pressured her into producing an actual DRT certificate. Dentist A and the Office Manager stated that upon confirming that the Applicant admitted that she forged a DRT certificate, they immediately terminated her employment at Practice A.

9. During their interviews, Dentist A and the Office Manager provided Board investigators with copies of the Applicant's resume in which she misrepresented that she was certified to practice dental radiation technology in Maryland and the forged DRT certificate.

B. Prescription Fraud and Criminal Conviction

10. While investigating the above-matter, a Board investigator checked the Maryland Judiciary Case Search and discovered that on or about July 27, 2016, the Applicant was charged with one count of Theft Less Than $100 and 16 counts of Obtaining Controlled Dangerous Substance ("CDS") by Fraud or by Forged Prescription in the District Court of Maryland for Baltimore County, under Case Number 6C00433474.

11. Court documents stated that on or about June 24, 2016, a licensed Maryland dentist ("Dentist B") contacted the Baltimore County Police Department, Pharmaceutical Diversion Team, to report a theft and passing of fraudulent prescriptions. Dentist B reported that he discovered the Applicant, who worked at his

dental practice for approximately one year and resigned two weeks prior, wrote and passed fraudulent prescriptions for CDS using his prescription pad. Dentist B stated that a pharmacist contacted him after noticing that the Applicant was continuing to obtain Percocet prescriptions for months for tooth pain.

12. On or about July 20, 2016, detectives from the Baltimore County Police Department interviewed the Applicant. During the interview, the Applicant stated that she became dependent on Percocet and began to write Percocet prescriptions for herself using Dentist B's prescription pad and forging his signature.

13. The Applicant appeared in the District Court of Maryland for Baltimore County on or about February 14, 2017, and requested a jury trial, which transferred her case to the Circuit Court for Baltimore County, Maryland, under Case Number K-17-777.

14. On or about March 16, 2017, the Applicant appeared in the Circuit Court for Baltimore County, Maryland, and pleaded guilty to one count of Obtaining CDS by Fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2). The Court sentenced the Applicant to 90 days incarceration, all of which was suspended, followed by 12 months of supervised probation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that it is authorized to deny the Applicant's Application for the following reasons:

a. The Applicant's forging of the Complainant's DRT certificate in order to gain employment at Practice A, constitutes violations of Health Occ. I § 4-505 and COMAR 10.44.19.11, specifically: fraudulently and deceptively

using a certificate, in violation of COMAR 10.44.19.11A(4); Willfully makes for files a false report or record or fails to file a report or record in the practice of dental radiation technology or willfully induces another to file a false report, in violation of COMAR 10.44.19.11A(9); and behaving dishonorably or unprofessionally, in violation of COMAR 10.44.19.11A(15).

b. The Applicant's plea of guilty to and conviction for Obtaining CDS by Fraud, in violation of Md. Code Ann., Crim. Law § 5-601(a)(2), constitute violations of Health Occ. I § 4-505 and COMAR 10.44.19.11, specifically: being convicted of or pleading guilty to a crime involving moral turpitude, in violation of COMAR 10.44.19.11A(7); and behaving dishonorably or unprofessionally, in violation of COMAR 10.44.19.11A(15).

c. The Applicant's overall conduct, as described above, constitutes a lack of good moral character, a condition for certification under Health Occ. I § 4-505 and COMAR 10.44.19.03A(2).

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 *Application for Reinstatement of Expired 2015 Dental Radiation Technologist Certificate*, received by the Board on June 30, 2016, be and hereby is **DENIED**; and it is further

ORDERED that this Final Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions, §§ 4-101 *et seq.* (2014).

11/15/2017
Date

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

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. I § 4-319, the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't II § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:

Tony W. Torain, JD
Executive Director
Maryland State Board of Dental Examiners
Spring Grove Hospital Center
Benjamin Rush Building
55 Wade Ave/Tulip Dr
Catonsville, Maryland 21228

The Administrative Prosecutor is no longer a party to this case and need not be served or copied.