

IN THE MATTER OF
JUN Y. LEE, D.D.S.

Respondent

License Number: 10460

* BEFORE THE
* MARYLAND STATE BOARD
* OF DENTAL EXAMINERS
* Case Number: 2016-036

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On May 3, 2017, the Maryland State Board of Dental Examiners (the "Board") charged **JUN Y. LEE, D.D.S.**, (the "Respondent"), License Number 10460, with violating the Maryland Dentistry Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 4-101 *et seq.* (2014 Repl. Vol.).

On July 5, 2017, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order. The Board issued this Consent Order based upon consideration of the following mitigating factors: (a) the Respondent had no prior disciplinary record; (b) it had been two (2) years since the Respondent last self-prescribed medications; (c) the Respondent cooperated with the Board investigation and made full disclosure to the Board; (d) the Respondent voluntarily admitted to his conduct; and (e) there is evidence of rehabilitation or potential for rehabilitation.

The provisions of the Act under Health Occ. I § 4-315 and Code Md. Regs. ("COMAR") 10.44.23.01 pertinent to this Consent Order provide:

Health Occ. I § 4-315. Denials, reprimand, probations, suspension, and revocations— Grounds.

(a) *License to practice dentistry* – Subject to the hearing provisions of § 4-318 of this subtitle, the Board may ... reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the ... licensee:

- (16) Behaves dishonorably or unprofessional, or violates a profession code of ethics pertaining to the dentistry profession; [and]
- (20) Violates any rule of regulation adopted by the Board[.]

COMAR 10.44.23.01 Unprofessional or Dishonorable Conduct.

E. It shall constitute unprofessional and dishonorable conduct for a dentist to:

- (1) Self-prescribe prescription medication except that a dentist may self-prescribe when necessary to order prescription medications for dental office inventory for patient use only; [and]
- (4) Sell, prescribe, trade, give away, or administer a prescription drug for any illegal or illegitimate purpose.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. Background

1. At all times relevant, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was initially licensed to practice dentistry in Maryland on or about July 13, 1990, under License Number 10460. The Respondent's license is current until June 30, 2018.

2. At all times relevant, the Respondent maintained an office for the practice of dentistry in College Park, Maryland.

II. Investigation

3. On or about August 26, 2015, the Board initiated an investigation of the Respondent after receiving a complaint from an investigator at an insurance company, who reported that while data mining claims involving oxycodone for the insurance company, he noticed that the Respondent prescribed controlled dangerous substances ("CDS") to himself on multiple occasions.

4. On or about September 4, 2015, the Board subpoenaed the insurance company for information regarding the Respondent's self-prescribing of CDS. Based on the information the insurance company provided, in or around October 2015, the Board conducted a drug survey of area pharmacies where the Respondent filled CDS prescriptions that he prescribed to himself.

5. The Board's drug survey revealed that the Respondent prescribed the following CDS and prescription medications to himself and filled those prescriptions at three area pharmacies ("Pharmacies A, B and C"):

Pharmacy A

RX#	DATE FILLED	CDS NAME	QUANTITY
6873425	6/4/2014	Amoxicillin 500 mg.	30
2241990	7/29/2015	Oxycodone-Acetaminophen 5-325 mg. ¹	28
6918082	7/29/2015	Dexamethasone 0.75 mg.	60
2242066	8/4/2015	Oxycodone-Acetaminophen 7.5-325 mg.	12
2242142	8/9/2015	Oxycodone-Acetaminophen 7.5-325 mg.	30
2243103	8/19/2015	Endocet 7.5-325 mg. ²	60
6920925	8/22/2015	Dexamethasone 0.75 mg.	30

¹ Oxycodone-Acetaminophen is a Schedule II opioid analgesic used for the treatment of moderate to severe pain.

² Endocet is a trade name for oxycodone-acetaminophen.

Pharmacy B

RX#	DATE FILLED	CDS NAME	QUANTITY
243781	8/7/2014	Dexamethasone 4 mg.	20
243782	8/7/2014	Oxycodone/APAP 5-325 mg. ³	15
244063	8/14/2014	Oxycodone/APAP 5-325 mg.	20
244723	9/4/2014	Dexamethasone 4 mg.	30
244724	9/4/2014	Oxycodone/APAP 7.5-500 mg.	30

Pharmacy C

RX#	DATE FILLED	CDS NAME	QUANTITY
0144048	6/24/2014	Oxycodone/APAP 5-325 mg.	16
0144069	6/24/2014	Amoxicillin 500 mg.	30

6. On or about November 30, 2016, the Board issued a subpoena *duces tecum* to the Respondent for records relating to his self-treatment. By letter, dated December 7, 2016, the Respondent admitted that he prescribed CDS to himself for neck pain but did not keep a record of his self-treatment.

7. On or about December 16, 2016, Board investigators conducted an interview of the Respondent at the Board's offices. During the interview, the Respondent stated that he prescribed Percocet⁴ to himself to treat an acute flare up of a chronic neck problem dating back to 2001.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law the Respondent's self-prescribing of a Schedule II CDS, *i.e.* oxycodone/acetaminophen, and other prescription grade medications, as described above, constitutes, in whole or

³ Oxycodone/APAP is another generic name for oxycodone-acetaminophen.

⁴ Percocet is a trade name for oxycodone/acetaminophen.

in part: behaving dishonorably or unprofessional, or violating a professional code of ethics pertaining to the dentistry profession, in violation of Health Occ. I §4-315(a)(16); and violating any rule or regulation adopted by the Board, *i.e.* COMAR 10.44.23.01E(1) and E(4), in violation of Health Occ. I §4-315(a)(20).

ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

ORDERED that the Respondent's license to practice dentistry in the State of Maryland shall be **SUSPENDED** for a period of **TWO (2) YEARS**, all of which shall be **IMMEDIATELY STAYED**; and it is further

ORDERED that the Respondent is immediately placed on **PROBATION** for a minimum period of **TWO (2) YEARS**. During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

- (i) Within six (6) months of the date of this Consent Order, the Respondent shall enroll in and successfully complete two (2) Board-approved in-person courses in the appropriate prescribing of controlled dangerous substance ("CDS"). The Respondent may not use these coursework to fulfill any requirements mandated for license renewal. The Board hereby accepts the CDS course the Respondent completed on June 23, 2017, as having satisfied one of the two courses required to be completed.
- (ii) During the two (2) year probationary period, the Respondent shall self-report to the Maryland Prescription Drug Monitoring Program on a quarterly basis and provide verification to the Board of his self-reporting.
- (iii) Within fifteen (15) days of the date of this Consent Order, the Respondent shall contact the Dentist Well-Being Committee (the "WBC") of the Maryland State Dental Association to schedule a substance abuse evaluation. The WBC shall evaluate the Respondent for substance abuse and devise a rehabilitation plan or program based on the Respondent's substance abuse evaluation. For the duration of his two (2) year probation, the Respondent shall enrolled in the WBC dental well-being program and shall fully, timely and satisfactorily cooperate and comply with all WBC recommendations and requirements, which may include but not be limited to, the terms and conditions of any Monitoring Agreement,

complete abstinence from controlled substances absent a valid prescription, random monitored toxicology screens as required by WBC, self-help fellowship meetings and in-patient substance abuse treatment, if recommended by WBC.

- (iv) The Respondent shall sign any written release/consent forms, and update them, as required by the Board or WBC. Specifically, the Respondent 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 Respondent. The Respondent 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 Respondent's current therapists and treatment providers) verbal and written information about him, including confidential drug and alcohol abuse information.
- (v) For the entire duration of the two (2) year probationary period, the Respondent shall abstain from using CDS (unless legitimately prescribed by a licensed health care provider), illegal drugs and other mood-altering substances. The Respondent 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 Respondent shall provide the prescribing licensed health care provider with a copy of this Consent Order. The Respondent shall immediately notify WBC and the Board of any CDS prescription he obtains and the justification for the prescription.
- (vi) Within thirty (30) days of the date of the Consent Order, the Respondent shall pay a civil fine in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** by certified bank check or money order payable to the Maryland State Board of Dental Examiners.
- (vii) The Respondent's dental practice may be subject to review by the Board, *i.e.* random review of patient records.
- (viii) The Respondent shall comply with the Maryland Dentistry Act and all laws, statutes and regulations pertaining thereto.

AND IT IS FURTHER ORDERED that, after the conclusion of the **TWO (2)** YEAR probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation

may be terminated through an order of the Board. The Respondent may be required to appear before the Board or a committee of the Board to discuss his/her petition for termination. The Board will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that the Respondent shall not self-prescribe any medication. When prescribing CDS pain medication to patients during the immediate period of recovery following treatment, the Respondent shall limit his prescribing to the minimum effective dosage and for no more than seven (7) days with no refill or renewal allowed; and it is further

ORDERED that the Respondent's failure to comply with any terms and conditions of his probation and/or this Consent Order shall be considered a violation of probation and/or this Consent Order; and it is further

ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any terms or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose a civil monetary fine upon the Respondent, or suspend or revoke the Respondent's license to practice dentistry in Maryland; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board President; and is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT**.

8/16/2017
Date



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

CONSENT

I, Jun Y. Lee, D.D.S., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 allegations. 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 am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

8/9/2017
Date

Jun Y. Lee
Jun Y. Lee, D.D.S.
Respondent

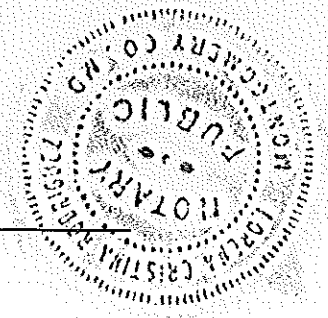
NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 9th day of August, 2017, before me, a Notary Public of the foregoing State and City/County personally appear Jun Y. Lee, D.D.S., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

[Signature]
Notary Public



My commission expires: **LORENA CRISTINA RODRIGUEZ**
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 3, 2020