

IN THE MATTER OF	*	BEFORE THE STATE BOARD
STEVEN TAYLOR, D.D.S.	*	OF DENTAL
Respondent	*	EXAMINERS
License Number: 10699	*	Case No. 2005-195

* * * * *

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., (2005 Repl. Vol.) (the "Act"), the Board charged Steven Taylor, D.D.S., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 4-315.

(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:

- (11) Permits an unauthorized individual to practice dentistry under the supervision of the applicant or licensee;
- (16) Behaves ... unprofessionally ... pertaining to the dentistry profession;
- (18) Violates any rule or regulation adopted by the Board;
- (26) Fails to comply with the provisions of § 12-102 of this article [;].

The Board further charged the Respondent with violating Code Md. Regs. tit. 10.44.01.

.06 Radiographs.

A dentist may not permit a dental assistant to place and expose radiographs unless the dental assistant is a dental assistant certified to practice dental radiation technology.

The Board also charged the Respondent with violating § 12-102 of this article:

§ 12-102. Scope of title.

(a) (1) In this section the following terms have the meanings indicated.

(2) "In the public interest" means the dispensing of drugs or devices by a licensed dentist, physician, or podiatrist to a patient when a pharmacy is not conveniently available to the patient.

(c) This title does not prohibit:

(2) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

(i) The dentist, physician, or podiatrist:

1. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;

2. Has demonstrated to the satisfaction of that board that the dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the public interest; and

3. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge;

(ii) The person for whom the drugs or devices are prescribed is a patient of the prescribing dentist, physician, or podiatrist;

(iii) The dentist, physician, or podiatrist does not have a substantial financial interest in a pharmacy; and

(iv) The dentist, physician, or podiatrist:

1. Complies with the labeling requirements of § 12-505 of this title;

2. Records the dispensing of the prescription drug or device on the patient's chart;

3. Allows the Division of Drug Control to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours;

4. Except for starter dosages or samples without charge, provides the patient with a written prescription, maintains prescription files in accordance with § 12-403(b)(13) of this title, and maintains a separate file for Schedule II prescriptions;

5. Does not direct patients to a single pharmacist or pharmacy in accordance with § 12-403(b) (8) of this title; and

6. Does not receive remuneration for referring patients to a pharmacist or pharmacy; or

(d) This title does not prohibit:

(2) A licensed dentist, licensed physician, or licensed podiatrist from personally dispensing a drug or device sample to a patient of the licensed dentist, licensed physician, or licensed podiatrist if:

(i) The sample complies with the labeling requirements of § 12-505 of this title;

(ii) No charge is made for the sample; and

(iii) The authorized prescriber enters an appropriate record in the patient's chart.

(e) (1) This title does not prohibit a dentist, physician, or podiatrist from administering a prescription drug or device in the course of treating a patient.

(2) For the purposes of paragraph (1) of this subsection, "administering" means the direct introduction of a single dosage of a drug or device at a given time, whether by injection or other means, and whether in liquid, tablet, capsule, or other form.

(f) (1) This title does not prohibit a dentist, physician, or podiatrist from personally dispensing a starter dosage of a prescription drug or device to a patient of the dentist, physician, or podiatrist, provided that:

(i) The starter dosage complies with the labeling requirements of § 12-505 of this title;

(ii) No charge is made for the starter dosage; and

(iii) The dentist, physician, or podiatrist enters an appropriate record on the patient's chart.

(2) For the purposes of paragraph (1) of this subsection, "starter dosage" means an amount of drug or device sufficient to begin therapy:

(i) Of short duration of 72 hours or less; or

(ii) Prior to obtaining a larger quantity of the drug or device to complete the therapy.

(i) A dentist, physician, or podiatrist who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:

(1) Have the dispensing permit revoked; and

(2) Be subject to disciplinary actions by the appropriate licensing board.

The Respondent was given notice of the issues underlying the Board's charges by letter dated July 18, 2007. Accordingly, a Case Resolution Conference was held on September 5, 2007, and was attended by Barry D. Lyons, D.D.S., Elaine M. Miginsky, D.D.S., Eric Katkow, D.D.S., and Zeno St. Cyr, II, M.P.H., Board Members, and Richard

Bloom, Assistant Attorney General, Counsel to the Board. Also in attendance were the Respondent and his attorney, Neal Brown, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

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. At all times relevant to the charges herein, the Respondent was licensed to practice dentistry in the State of Maryland. The Respondent was first licensed on October 25, 1989. The Respondent's license expires June 30, 2009.

2. At all times relevant herein, the Respondent was a sole practitioner with an office in Odenton, Maryland.

3. The Respondent employed a dental assistant who let her dental radiation technician certification expire on March 31, 2005.

4. On February 2, 2005, the Board received a call from Detective Gunn of the Anne Arundel County Police Department informing the Board that he was investigating the Respondent for possible prescription abuse based on a telephone call that he had received from a pharmacist at Rite Aid pharmacy on West Street in Annapolis. Detective Gunn indicated that the pharmacist told him that she had received a prescription from the Respondent's office for 60 Percocets for a purported male patient and that, when she had

called the Respondent's office to verify the script, the receptionist informed the pharmacist that the script was legitimate and that the pills were for her.¹

5. Detective Gunn stated that he went to the Respondent's office to speak with the receptionist who informed him that the Respondent was away on vacation and that she forged his signature to the prescription to obtain the drugs. When questioned further, the receptionist informed the Detective that the Respondent allows her to have access to the Tylenol #3 in the dental office because she has "kidney" pain. The receptionist further advised that she was taking approximately 7-8 Tylenols a day, but they weren't working anymore and she felt that she needed something stronger.

6. On July 12, 2005, the receptionist was interviewed by the Board's investigator and stated that she had been employed by the Respondent for approximately nine years as his dental assistant/receptionist. She stated that she was the Respondent's only employee and that she assisted in surgeries, took radiographs, did billing, filing, answered phones and made appointments. The receptionist further stated that she was recovering from surgery and had become dependent on Percocet, which is why she generated two computer prescriptions. The receptionist acknowledged that the Respondent kept Tylenol #3 in his office and allowed her to take it and that she did not take it for dental reasons.

7. On that same date, the investigator interviewed the Respondent who advised that he had been informed by his dental assistant of what had occurred while he was on vacation. He added that she had never done anything like this in the past and that she made a huge error in judgment. When questioned about the Tylenol #3, he stated that he

¹ The receptionist actually wrote two prescriptions for herself in the name of a male acquaintance, both for

orders it from Southern Anesthesia to keep in his office in case a patient is in pain after oral surgery and that it is the only narcotic medication that he orders. The Respondent acknowledged that he gave the receptionist permission to take Tylenol #3 for pain not related to dental problems.

8. The Respondent stated that he no longer allows access to the medication or to his prescription forms to his receptionist and that he only gives patients samples or starter doses, based upon his understanding of the permit issued by DDC which states on its face "dispensing permit." The Respondent understands that if he wants to dispense medications in any other manner, he must obtain a dispensing permit from the Board.

9. As set forth above, the Respondent violated the Act and the regulations thereunder by: by permitting his receptionist access to narcotic medications for non-dental reasons; by failing to ensure that his staff could not generate prescriptions, and, allowing his dental assistant to take x-rays after her certificate had expired.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 4-315 (a) (11), (16), and (18). The Board further finds that the Respondent violated Code Md. Regs. tit. 10.44.01.06.

Tylenol #3, 60 tablets. One was dated January 31, 2005; the other was dated February 1, 2005.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16th day of January, 2008, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby **REPRIMANDED**; and be it further

ORDERED that the Respondent shall:

- A. Submit affidavits from any dental assistants he employs indicating that they have read, reviewed and understand the law about their respective duties;
- B. Perform 20 hours *pro bono* services in oral surgery within 12 months of the effective date of the Order;
- C. Within six months of the effective date of the Order, make a \$1,000.00 anonymous contribution to a Board-pre-approved charity; and,
- D. Obtain a dispensing permit from the Board if he decides to issue more than a sample or starter dosage of medications.

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

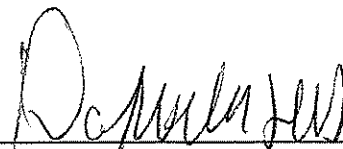
ORDERED that should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any conditions of this Order, after providing the

Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of dentistry in Maryland; and be it further

ORDERED that, one year from the effective date of this Order, the Respondent may petition the Board to remove any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2004), 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.



David A. Williams, D.D.S., President
State Board of Dental Examiners

CONSENT OF STEVEN TAYLOR, D.D.S.

I, Steven Taylor, D.D.S., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Neal Brown, and have been advised by him of the legal implication of signing this Consent Order;

2. I am aware that without my consent, my license to practice dentistry in this State cannot be limited except pursuant to the provisions of § 4-315 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 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 revocation, against my license to practice dentistry in the State of Maryland.

1-16-2008
Date

Steven Taylor, D.D.S.
Steven Taylor, D.D.S.


STATE OF Maryland :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 16th day of January, 2008, before me, Christa Byrd, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Steven Taylor, License No. 10699, 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.


Notary Public

My Commission Expires: 1/1/2010