IN THE MATTER OF	*	**BEFORE THE MARYLAND**
BEVERLY F. CROCKETT, D.D.S.	*	**STATE BOARD OF**
	*	**DENTAL EXAMINERS**
Applicant	*	**CASE NUMBER: 2009-262**

* * * * * * * * * * * *

FINAL ORDER TO DENY APPLICATION FOR A LICENSE TO PRACTICE DENTISTRY IN THE STATE OF MARYLAND

The Maryland State Board of Dental Examiners (the "Board") notified **Beverly F. Crockett, D.D.S. (the "Applicant"), D.O.B. 08/23/1951** of the Board's intent to deny her application for a license to practice dentistry under the Maryland Dentistry Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 4-101 *et seq.* (2009 Repl. Vol.). The pertinent provisions state:

H.O. § 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.

H.O. § 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. . . 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, as defined in § 5-101 of the Criminal Law Article, 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 or country or convicted or disciplined 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 April 14, 2010, the Applicant received the Board's Notice of Intent to Deny her Application for License to Practice Dentistry (the "Notice."). The Board notified the Applicant in that Notice that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on May 14, 2010. The Applicant did not request a hearing by that date.

FINDINGS OF FACT

1. The Applicant was previously licensed by the Maryland State Board of Dental Examiners on October 31, 1977 (license # 6554) under the name "Beverly Wheatley." The Applicant failed to renew her license in 1994, and therefore it lapsed

on June 30, 1994.

2. The Applicant also held a license to practice dentistry in the District of Columbia (license # 3798), which expired on December 31, 2001.

3. The Applicant's DEA registration expired as of May 31, 2001.

4. Despite the Applicant's expired license, the Applicant continued to represent herself as a licensed dentist and continued to practice dentistry in the State of Maryland.[1]

5. On or about February 22, 2001, the Board received a complaint from a detective from the Prince George's County Police Department ("PGCPD") alleging the Applicant was practicing dentistry without a license (her Maryland license expired in 1994), and that the Applicant was being investigated for fraud and narcotics violations.

6. The Board opened an investigation into this matter.

7. On or about January 28, 2005, in the United States District Court for the District of Maryland, the Applicant pleaded guilty to Count 1 of the Superseding Indictment, conspiracy to distribute narcotics (criminal case # PJM-02-0478) and Count 1 of the Information, healthcare fraud (criminal case # PJM-03-0205).

8. According to the agreed statement of facts in the criminal case, beginning at least in 1999 and continuing through April 2002, the Applicant wrote hundreds of false and fraudulent prescriptions for Oxycodone in the names of at least

[1] Information provided to the Board revealed that through some time in July 2001, Beverly Wheatley was doing business as Ray-Dex Associates, PC, located at 5889 Allentown Road, Camp Springs, Maryland. As of December 2001, the Applicant's practice was located at 6049 Old Central Avenue, Capital Heights, Maryland.

eight (8) individuals. These prescriptions were not for legitimate medical purposes.[2] On many occasions, the Applicant received payment (ex. $25) in exchange for a fraudulent prescription.

9. In addition, during the relevant time period, the Applicant, as Dr. Beverly Wheatley, self-prescribed medications using her married name, Beverly Crockett.

10. Also, according to the agreed statement of facts in the criminal case, the Applicant, practicing dentistry under the name Dr. Beverly Wheatley, was a participating provider of Blue Cross/Blue Shield ("BCBS") of Maryland, a health care benefit program under federal law. In this capacity, the Applicant failed to advise BCBS that she was not licensed in Maryland at the time she was submitting claims for patients on behalf of a number of covered patients. Between March 2000 and March 2002, the Applicant knowingly and willfully submitted reimbursement for payment to BCBS and therefore obtained, by means of false or fraudulent pretenses, representations or promises, money owned by and under the custody or control of BCBS. The total false claims submitted by the Applicant to BCBS was approximately $22,242.90.

11. Further, the Applicant knowingly performed invasive dental procedures on a number of patients while under the influence of painkillers that she had self-prescribed.

12. On or about January 28, 2005, the Applicant was sentenced to serve forty-two (42) months in a federal prison on both counts, to run concurrently.

13. The Applicant was also ordered to serve three (3) years of supervised

[2] According to the Board's investigation, the Applicant fraudulently prescribed a total of approximately 14,248 dosage units.

probation and to satisfactorily participate in an approved program for the treatment of substance abuse and mental health. The Applicant was further ordered to pay criminal penalties and restitution charges in the amount of $22,242.90 to BCBS The Applicant was scheduled to satisfy payment of the total fine by making monthly installments of $150.00 over a period of 36 months commencing thirty (30) days after release from custody.

14. Under the name Ms. Beverly Wheatley, the Applicant was ordered to surrender to federal custody on February 28, 2005. She was released on April 09, 2008.

15. Conspiracy to distribute narcotics (criminal case # PJM-02-0478) and Health Care Fraud (criminal case # PJM-03-0205) are crimes of moral turpitude. A crime of moral turpitude involves intentional dishonesty for the purposes of personal gain. *See Board of Physicians v. Felzenberg,* 351 Md. 288, 295 (1988). Furthermore, a crime in which fraud is an essential element is a crime of moral turpitude. *See Atty Grievance Comm'n v. Walman,* 280 Md. 453, 459-460 (1977).

16. The Board did not take action against the Applicant because her license was expired.

17. On or about August 28, 2008, the Board of Dental Examiners received the Applicant's Application for Dental Licensure by Examination ("licensure application"). The Applicant was notified that failure to provide the requested information may result in the Board's denial of the application. Further, the Applicant affixed her signature beneath the following statement: *I certify that all information in this application is accurate and correct.* (emphasis added).

18. On her licensure application, the Applicant failed to indicate that she previously held a license to practice dentistry in the State of Maryland under a different name.

19. Pursuant to Section IV of the licensure application, an applicant is required to answer fifteen (15) character and fitness questions (numbered a through o). For each character and fitness question answered affirmatively, the applicant was required to attach a separate page with a complete explanation.

20. On her licensure application, the Applicant answered "no" to all of the character and fitness questions.

21. The Applicant failed to respond truthfully and accurately to the following 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?
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> 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]

[3] On or about November 4, 1991, a patient filed a medical malpractice action against the Applicant (Dr. Beverly Wheatley), claiming improper performance of treatment/procedure for the extraction of a wisdom tooth. On or about September 30, 1994, the patient's claim resulted in a settlement payment of $6,000 to the plaintiff.

22. The Applicant's actions, as described above, constitute, in whole or in part, a lack of good moral character. Further, the Respondent's actions, as described above, constitute, in whole or in part, a violation of Health Occ. § 4-315(a)(1),(4),(5)(ii), (16) and/or (19).

23. The Applicant's lack of moral character and violation of the relevant statutory provisions constitute a ground for denial of her Application under the Act.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant fails to meet the requirements for licensure under Md. Health Occ. Code Ann. § 4-302(b) (2009 Repl. Vol.) which provides that he applicant shall be of good moral character. The Board also concludes that the Applicant is in violation of Md. Health Occ. Code Ann. §§ 4-315 (a)(1), (4), (5)(ii), (16), and (19).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of May 2010, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Beverly Crockett's application for Licensure to Practice Dentistry in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol.).

5/19/10
Date

Jane S. Casper
Jane S. Casper, R.D.H., M.A.
President, State Board of Dental Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §12-316 (2009 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol.), and Title 7, Chapter 200 of the Maryland Rules.