

IN THE MATTER OF * BEFORE THE MARYLAND
DAVID BILLINGS, JR., D.D.S. * STATE BOARD OF
Respondent * DENTAL EXAMINERS
License Number: 8251 * Case Number: 2006-227

* * * * *

CONSENT ORDER

On April 23, 2007, the Maryland State Board of Dental Examiners (the "Board") charged David Billings, Jr., D.D.S. (the "Respondent"), License number 8251, under the Maryland Dentistry Act (the "Act"), Md. Health Occ. ("Health Occ.") Code Ann. §§ 4-401 *et seq.* (2005 & 2006 Supp.). The pertinent provision of the Act and those under which the Charges were based, are as follows:

Health Occ. § 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:

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; and

FINDINGS OF FACT

Background

1. The Respondent has been licensed by the Maryland Board of Dental Examiners since 1983 under license number 8251.
2. On or about July 7, 2005, the Board received a newspaper article from the

Calvert Recorder indicating that the Respondent had been arrested for possession of cocaine with the intent to distribute. The Respondent was arrested on or about June 18, 2005, after a traffic stop during which the police officer searched his vehicle and found several bags containing crack cocaine and crack smoking paraphernalia.

3. The Respondent has a history of cocaine dependence for which he has received treatment and has experienced several relapses.

4. The Respondent underwent in-patient treatment at Pathways from January 26, 2004 to February 2, 2004. Upon discharge, the Respondent participated in an outpatient treatment program at Pathways from February 2, 2004 to May 10, 2004.

5. The Respondent relapsed by using cocaine two (2) times during the outpatient treatment at Pathways between February 2, 2004 and May 10, 2004. Upon discharge from the outpatient program on May 10, 2004, his prognosis was considered "poor."

6. On or about May 26, 2004, the Respondent was readmitted to Pathways outpatient treatment program. He was discharged on October 27, 2004 with a prognosis of "guarded."

7. After his arrest on June 18, 2005, the Respondent again sought treatment for his cocaine dependence. On or about July 12, 2005, the Respondent began in-patient treatment at the William J. Farley Center in Virginia for cocaine dependence. He was discharged from treatment on or about October 7, 2005. At discharge, he was described as having a positive response to treatment.

8. As a result of his arrest on June 18, 2005, the Respondent was charged with possession of crack cocaine. Sometime thereafter, the criminal charges against

the Respondent were *nolle prossed* and the court records of the charges were expunged.

9. The Respondent entered into a contract with the Dentist Well Being Committee (the "WBC") on or about July 12, 2005. In that agreement, the Respondent agreed to the following requirements:

- a. 90 day program at Farley Center;
- b. Weekly group therapy;
- c. Individual therapy;
- d. One random urine per week;
- e. Dental Support Group;
- f. 3 AA/NA meetings per week;
- g. Notification to WBC of prescription and over-the-counter medications;
- h. Complete abstinence from mood altering substances;
- i. Notification to WBC of relapse;
- j. Monthly contact with WBC;
- k. Avoid self-treatment;
- l. Openly communicate with WBC and the Board; and
- m. Pay all expenses for treatment and recovery.

10. On or about August 9, 2006, Board staff interviewed the Respondent, who admitted that he had a cocaine addiction, and that as a result of that realization he sought treatment at the Farley Center in July of 2005. Additionally, he claimed that since his discharge from the Farley Center in October 2005, he has been involved with the WBC and committed to sobriety.

11. Correspondence to the Board from the WBC dated July 23, 2007, indicates that Respondent had a relapse on or about June 2006. The Respondent's therapist reports that this relapse occurred in April 2006. Dr. Billings has reported that there was one incident of use.

2005 Renewal Application

12. On or about June 1, 2005, the Respondent signed his 2005 Renewal

Application (the "Application"). The Board received the Application on June 30, 2005. On his Application, the Respondent checked the "no" box next to the question asking, "Do you illegally use drugs?" The Respondent's response was inaccurate because he used drugs including cocaine and marijuana for several years prior to and during June 2005 when he submitted his Application.

13. In addition, the Respondent's signature on his 2005 Renewal Application appears just under a paragraph which makes the following statement:

During the period in which my application is being processed, I shall inform the Board within 30 days of any change to any answer I originally gave in this application; *any arrest or conviction*, any change of address or any action that occurs based on accusations that would be grounds for disciplinary action under the Annotated Code of Maryland, Health Occupations § 4-315. [emphasis added]

14. The Respondent failed to notify the Board about the criminal charges for possession of crack cocaine pending against him in 2005.

15. The Respondent's failure to disclose his drug use and criminal charges to the Board on his renewal application endangered the public by preventing the Board from making an informed decision regarding his licensure status.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board concludes as a matter of law that the Respondent has violated the Maryland Dentistry Act, H.O. 4-315(a):

(16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession; and

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by the Maryland State Board of Dental Examiners, hereby:

ORDERED that a **REPRIMAND** shall be placed on the Respondent's license to practice dentistry in the State of Maryland; and it is further

ORDERED that from the date this Order is signed by the Board, the Respondent shall be placed on **PROBATION** for a period of **3 YEARS**, subject to the following terms and conditions:

1. The Respondent shall, within thirty (30) days from the date of this Order, enter into a new contract with the WBC, and it is the Respondent's responsibility to initiate contact with the WBC in order to facilitate the new contract;

2. The WBC will refer Respondent to a new therapist, and the Respondent shall continue to attend weekly group therapy meetings, AA/NA meetings, individual therapy, and/or substance abuse treatment as recommended by Respondent's therapist and/or the WBC;

3. The Respondent shall arrange for his therapist and any other treatment providers to submit written reports to the Board and the WBC on a monthly basis regarding the Respondent's attendance and treatment progress. The Board shall consider any further recommendations for treatment or counseling that the treating therapist(s) advises and adopt any such recommendations, at its discretion. Should the Board adopt any or all of the recommendations that the Respondent receive further treatment, the Respondent shall be so notified, and upon request shall be given

an opportunity to be heard, and shall, in any event, comply with the recommendations of the Board;

4. During the first year of probation the Respondent shall submit to weekly lab monitored drug screening/urine analysis. During years 2 And 3 the Respondent shall submit to random lab monitored urine analysis as determined by the WBC. During the 3 years of probation the Respondent shall submit to quarterly lab monitored hair analysis. The Respondent shall get his random monitored urine/toxicology tests at a facility or laboratory approved by the WBC;

5. The Respondent shall submit, when requested, to additional monitored, unannounced and observed urinalysis/toxicology, including blood testing and hair analysis by the WBC, substance abuse treatment providers or the Board for the detection of prohibited substances within 24 hours after a request is made;

6. A positive result on a urinalysis/ toxicology screening shall constitute an irrefutable Violation of Probation and of this Consent Order unless the Respondent has complied with the provisions of paragraph 9 of this Consent Order and the result is positive for the lawfully prescribed medication. Failure to provide a specimen when requested by the WBC, substance abuse treatment providers or the Board shall be considered a positive result;

7. The Respondent shall supply the Board and the WBC a copy of each and every urinalysis/toxicology report on a monthly basis. Failure to directly supply the Board and the WBC with a copy of all urinalysis/toxicology reports shall be a violation of this Consent Order;

8. The Respondent shall fully comply with all the terms and conditions of the treatment and urine/toxicology monitoring contracts for at least a 3 year period from the effective date of this Consent Order. The Respondent shall comply with any and all supplemental contracts entered into with the WBC and other Board-approved treatment providers. Any changes in the Respondent's contracts with the WBC and other treatment programs shall be approved, in advance, by the Board. The Board shall have authority to add further conditions and terms, if deemed necessary, provided the Respondent is notified, and upon request shall be given an opportunity to be heard.

9. The Respondent shall completely abstain from the use of controlled substances, mood altering drugs or drugs of abuse, including narcotic analgesics and alcoholic beverages, in any form except under the following conditions:

- (a) The Respondent is a bona fide patient of a licensed health care practitioner who is aware of the Respondent's treatment contracts and urine/toxicology monitoring contract and the terms of this Consent Order;
- (b) Such medications are lawfully prescribed by the Respondent's treating practitioner and approved by the substance abuse treatment facility and other treatment providers;
- (c) The Respondent provides the Board, the WBC and the substance abuse treatment facility, and the Board-approved treatment providers within 72 hours of receiving the medication, the name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication and a signed statement consenting to the release of

the medical information from the prescribing practitioner to the Board, the WBC and the treatment providers for the purpose of verification, and it is further;

ORDERED that Respondent shall perform 40 hours of pro bono dental services over a 2 year period through the Maryland State Dental Association's ("MSDA") Donated Dental Services Program, and provide the Board with documentation that this condition has been complied with, and it is further;

ORDERED that in the event the Respondent should leave the State of Maryland to reside and practice outside the State, the Respondent shall, within 10 days prior to departing, notify the Board and the WBC, in writing of the dates of departure and return (if known). Periods of residency or practice outside the State of Maryland will not apply to the reduction of time periods specified in this Consent Order unless the Respondent affiliates with a Recovery Program outside the State that is approved by the Board and complies with the requirements of this Consent Order; and it is further

ORDERED that the Respondent's execution of this Consent Order shall constitute a release of and/or the Respondent agrees to execute any release necessary for the Board to obtain any and all medical health related reports, substance abuse treatment records, and psychological/psychiatric records pertaining to Respondent to the Board, the WBC and to the substance abuse treatment program and other treatment providers. Further, the Respondent agrees and consents to the release by the Board, the WBC and all treatment providers of any

¹ Modifications as to frequency of urine testing may be made to allow for the Respondent to travel out of state as pre-approved by the Board.

information or data produced as a result of this Consent Order to any treatment provider; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the WBC and other treatment providers, and their agents and employees, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order, including the Respondent causing to be submitted at his own expense written reports, records and verifications of actions that may be required by the Board, the WBC and/or the treatment providers or any of their agents or employees; and it is further

ORDERED that the Respondent's failure to fully comply with the terms and conditions of this Consent Order hereby imposed and/or the WBC contract shall be deemed a Violation of Probation and of this Consent Order, and the Respondent may be subject to additional charges by the Board of Dental Examiners; and it is further

ORDERED that the Respondent's failure to fully cooperate with and successfully complete the terms of the treatment and urine/toxicology monitoring contracts and any other treatment contracts or agreements shall be deemed a Violation of Probation and of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Dentistry Act and regulations. Failure to do so shall constitute a Violation of Probation and of this Consent Order, as well as subject the Respondent to further disciplinary action by the Board; and it is further

ORDERED that the Respondent shall obey all laws of the United States, the

State of Maryland and its political subdivisions. A guilty verdict or probation before judgment sentence for any crime, except minor traffic offenses not involving drugs or alcohol, shall constitute a Violation of Probation and of this Consent Order, for which the Board may impose any penalty it deems appropriate; and it is further

ORDERED that if the Respondent violates any of the terms of the treatment and urine/toxicology monitoring contracts or the terms and conditions of this Consent Order, the Board may immediately **SUSPEND** the Respondent's license without either prior notice or an opportunity to be heard, provided that Respondent is given the opportunity for a show cause hearing before the Board at the next regularly scheduled meeting of the Board; and it is further

ORDERED that 3 YEARS from the date of this Consent Order, the Respondent may petition the Board for termination of his probationary status without any conditions or restrictions whatsoever. If the Respondent has satisfactorily complied with all conditions of probation, including the full three (3) year period of probation, and there are no outstanding complaints regarding the Respondent, the Board may terminate the probation; and it is further

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

ORDERED that this Consent Order is **PUBLIC DOCUMENT** as defined in Md. State Gov't Code Ann. § 10-611 et seq.

So Ordered this 19th day of September 2007



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

CONSENT

I, David Billings, D.D.S., License No. 8251, by affixing my signature hereto, acknowledge that:

1. I have read this Consent Order and that I have been notified of my right to consult with an attorney in the course of the Board's proceedings and that I have consulted with Pamela Diedrich, Esquire in relation to this Consent Order.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 4-318 and Md. State Gov't. Code Ann. §§10-201 *et seq.*

3. I acknowledge the validity of this Consent Order as if entered into after 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 law.

4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order as set forth in § 4-318 of the Act and Md. State Gov't. Code Ann. §§ 10-201 *et seq.*

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action,

which may include revocation of my license to practice dentistry in the State of Maryland.

9/18/07
Date

David Billings, D.D.S.
David Billings, D.D.S.

Read and Approved by: Pamela J. Diedrich
Pamela J. Diedrich, Esquire

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Calvert

I HEREBY CERTIFY that on this 18th day of September, 2007,
before me, Notary Public of the State and City/County aforesaid, personally appeared
David Billings, Jr., D.D.S., and made oath in due form of law that the foregoing
Consent was his voluntary act and deed.

AS WITNESSETH my hand and Notarial seal.
Wendy M. Moseley
Notary Public

My Commission Expires: 9-1-2009