

IN THE MATTER OF * BEFORE THE MARYLAND
DEREK CURTIS, DDS * BOARD OF DENTAL
Applicant * EXAMINERS
* CASE NUMBER: 2013-026

* * * * *

FINAL ORDER OF DENIAL OF APPLICATION FOR LICENSE TO PRACTICE DENTISTRY

On February 15, 2013, the Maryland State Board of Dental Examiners (the "Board"), issued a Notice of Initial Denial of Application for License to Practice Dentistry ("the Notice") of **Derek Curtis, D.D.S. ("the Applicant") (DOB: 07/09/1943)** based on his violation of the Maryland Dentistry Act (the "Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 4-101, *et seq.*, (2009 Repl. Vol. and 2012 Supp.).

The pertinent provisions of the Act are as follows:

H.O. § 4-302 Qualifications of applicants.

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

The applicant shall be of good moral character.

H.O. § 4-315. Denials, reprimands, suspensions, and revocations - Grounds.

(a) Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (2) Fraudulently or deceptively uses a license;
- (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 a 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 valid medical indication; [and]
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession[.]

The Notice was mailed to the Applicant's address of record by certified mail and by regular mail. The Board notified the Applicant in the 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 did not request a hearing.

FINDINGS OF FACT

Background

1. The Applicant was initially licensed by the Board on January 24, 1974 under license number 5564. The Applicant's license was summarily suspended on October 11, 2004 following notification to the Board by the Prince George's County Police Department, Undercover Narcotics Division, that the Applicant was using and distributing cocaine and prescription controlled dangerous substances ("CDS"). The Board was further advised that law enforcement was conducting undercover surveillance of the Applicants' office because police suspected that the Applicant's drug distribution was affiliated with his dental practice and that he was providing dental treatment while under the influence of cocaine.

2. The Respondent did not contest the Order for Summary Suspension.

3. On or about December 5, 2005, the Grand Jury in the United States District Court for the District of Maryland issued a sixteen (16) count indictment against the Applicant for violations of Conspiracy to Distribute Schedule II Controlled Substances, in violation of 21 U.S.C § 846; and Distribution of Cocaine, in violation of 21 U.S.C. § 841 and 18 U.S.C. § 2.

4. On or about February 21, 2007, the Applicant pled guilty to felony Counts (1) and (11). Specifically, the Applicant admitted that from January 1997-October 2004, he conspired with others to possess and distribute approximately 26,290 pills of Oxycodone. He used his DEA Registration Number to write fraudulent prescriptions for fictitious patients in an effort to avoid detection by legal authorities. He further admitted to using and distributing cocaine at his dental office.

5. The Applicant was sentenced to sixty-three (63) months incarceration followed by three (3) years supervised probation. He was also required to participate in a substance abuse program due to his admitted "serious addiction" to both cocaine and CDS.

6. On or about December 27, 2007, the Board issued an Order of Revocation of License to Practice Dentistry citing as grounds, the Applicant's felony conviction.

Application

7. On June 19, 2012, the Board received the Applicant's Application for Dental Licensure by Examination ("the application".) On the application, the Applicant answered "yes" to the question:

"Within the last two years, have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act

(excluding misdemeanor or traffic violations)?”

8. The Applicant included a detailed explanation with the application wherein he revealed that he had a history of a felony conviction for *use* of illegal drugs. He stated that he was ...“convicted of writing prescriptions for schedule II narcotics for my own personal use and possession of cocaine”. The Applicant further stated that during his thirty (30) years of practicing dentistry, he had established an “overall reputation of high integrity and uncompromising professionalism”.

9. The Applicant failed to disclose to the Board that he admitted in his signed Statement of Facts that he had distributed large quantities of CDS and had used and distributed cocaine. Contrary to his application, his sixty-three (63) month sentence was not for simple use and possession of CDS and cocaine.

10. In fact, in the Sentencing Memorandum filed by his legal counsel, the Applicant argued for leniency, conceding that he used his dental office, status as a dentist and his access to a prescription pad to illegally distribute Oxycodone. He admitted that approximately 13,000 pills of Oxycodone were distributed to his co-conspirators and that he personally used the remaining 13, 260 pills due to his “addiction [spinning] out of control to the point that he was taking fifteen (15) 50 mg. doses of [Oxycodone] each day.”

11. At the time of sentencing, the Applicant was 63 years old and yet when he learned of his impending arraignment, he chose to flee the country returning to his native Jamaica, where he resided from September 2005-September 2006.

12. Although the applicant claimed in his application that his reputation for integrity and professionalism was “overall” intact, he attempted to “whitewash” his

culpability, failing to disclose that his conviction involved an admission of distribution and the aggravating sentencing factor of his decision to flee the country in an effort to avoid indictment.

13. Further, the Applicant failed to reveal on his application that on or about March 1, 1995, he entered into a Consent Order with the Board wherein he admitted to four (4) separate violations of the Act pertaining to his submission of fraudulent insurance claims for services not rendered. The Applicant agreed to a one (1) year stayed suspension of his license to practice dentistry subject to terms and conditions.

14. The findings set forth herein make clear that despite several opportunities to rehabilitate himself, the Applicant lacks good moral character. Dating back to 1989, the Applicant has employed various illegal means for economic gain. This pattern coupled with his advanced age (70) suggests that his transgressions will continue.

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 (2), (4), (5) (ii) and (16).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of April 2013, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Derek Curtis' 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.).

4/3/2013
Date



Ngoc Chu, D.D.S., 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.