

**IN AND BEFORE THE OKLAHOMA STATE BOARD OF DENTISTRY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)
THE OKLAHOMA BOARD OF DENTISTRY,)
Plaintiff)
vs.) Case No: 18-004
JAMES CALVIN PECK, JR., D.D.S. license # 6111,)
Respondent)

**AGREED ORDER ACCEPTING VOLUNTARY
SUBMITTAL TO JURISDICTION**

This cause comes on for hearing before the Oklahoma State Board of Dentistry (the "Board") on the 22nd day of June 2018 at the State Board of Dentistry meeting, located at 2920 N. Lincoln Blvd., Oklahoma City, OK 73102, pursuant to notice given as required by law and rules of the Board.

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Dentistry by and through its Executive Director and attorney, Susan Rogers and Daniel J. Gamino, legal counsel for the Respondent appear before the Board.

James Calvin Peck, D.D.S. license #6111 is licensed to practice dentistry in the State of Oklahoma. The actions relevant to the Statement of Complaint occurred in and around Oklahoma County, Oklahoma.

The Board en banc after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Order:

AGREEMENT AND ACKNOWLEDGEMENT BY RESPONDENT

By voluntarily submitting to jurisdiction and entering into this Order, Respondent enters a plea of no contest to the allegations in the Complaint and citation filed herein and acknowledges that a hearing before the Board would result in some sanction under the Oklahoma State Dental Practices Act.

Respondent, James Calvin Peck, D.D.S., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Respondent is represented by legal counsel, Daniel J. Gamino. Respondent hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Respondent acknowledges that he has read and understands the terms and conditions stated herein.

Respondent and Attorneys for the Board stipulate to the following findings of fact; The Respondent James Calvin Peck, D.D.S. pleads no contest to the stipulations and statement of facts. The Board has heard statements of counsel, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law and Orders:

STIPULATIONS AND AGREED FINDINGS OF FACT

1. James Calvin Peck, D.D.S. currently possesses Oklahoma Dentistry License No. 6111, issued June 12, 2009.
2. Respondent James Calvin Peck, D.D.S is the subject of a complaint, Case No: 18-004.
3. The Board pursuant to the Oklahoma State Dental Practices Act 59 O.S. § 328.1 et. seq is a duly authorized State Agency empowered to license and oversee the activities of all persons practicing dentistry or hygiene pursuant to the act in the State of Oklahoma.
4. The Board has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
5. James Calvin Peck, D.D.S. has never been before this Board on a complaint since being licensed.
6. The Respondent acknowledges that this agreement is freely and voluntarily made, and the Respondent has not been subject to duress or coercion.
7. The Respondent has been apprised of his right to seek counsel on this matter and is fully aware of the consequences of this agreement.
8. The Respondent submits himself to the jurisdiction of the Board and, waives all rights to a hearing appeal and any other claim in a court having jurisdiction over any part of this matter.
9. The Respondent enters a plea of no contest to the allegations in the statement of complaint.
10. The Respondent states through a plea of no contest that during the time periods stated in the complaint, he was acting in violation of State and Federal law.
11. Dr. Howl and Dr. Bowman were assigned to the investigative panel for this matter.

12. The Respondent has never before been brought before this board and has been fully cooperative during the investigation.

The above acts and omissions set forth above constitutes violations of the State Dental Act including violations of State and Federal laws.

CT. I-III. ADMINISTERING MODERATE SEDATION USING PARENTERAL TO DENTAL PATIENTS WITHOUT A PERMIT AND PRACTICING IN AN UNSAFE MANNER, 59 O.S. § 328.32(A)(13), BEING DISHONEST BY OMISSION IN A MATERIAL WAY WITH A PATIENT, 59 O.S. 328.32(33) and OAC 195:20:-1-4(B), by providing moderate sedation using parenteral methods to patients with no provider permit issued by the Board and no facility permit.

CT. IV. PROVIDING CONSCIOUS SEDATION BY PARENTERAL METHODS WITHOUT A FACILITY PERMIT, OAC 195:20-1-4(d).

CT. V. WRITING A FALSE, UNNECESSARY, OR EXCESIVE PRESCRIPTION FOR ANY DRUG OR NARCOTIC WHICH IS A CONTROLLED DANGEROUS SUBSTANCE UNDER EITHER FEDERAL OR STATE LAW, 59 O.S. 328.32(28) and in violation of 475:30-1-3(b), ISSUING A PRESCRIPTION FOR A REGISTERED INDIVIDUAL PRACTITIONER TO OBTAIN CONTROLLED DANGEROUS SUBSTANCE TO STOCK OR RE-SUPPLY HIS/HER OFFICE OR MEDICAL BAG FOR THE PURPOSE OF GENERAL DISPENSING TO THE PATIENTS, by writing prescriptions for diazepam, triazolam and lorazepam to supply his office drug cabinet and administer and/or dispense from his office.

CT. VI. PRACTICING DENTISTRY IN AN UNSAFE MANNER BY FAILING TO FOLLOW CDC UNIVERSAL PRECAUTIONS DURING PROCEDURES, 59 O.S. § 328.32(A)(13), by failing to wear gloves during a dental procedure.

CONCLUSIONS OF LAW

The Board has jurisdiction over the Respondent the subject matter herein pursuant to the Oklahoma State Dental Act 59 O.S. § 328.1 et. seq and the Board of Dentistry Rules and Regulations, Title 195 et. seq.

Based on the foregoing facts and admissions, the Board finds that Respondent committed violations of

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The Board en banc, hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

AGREED ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Dentistry as follows:

1. The Respondent James Calvin Peck, D.D.S. is SUSPENDED for 120 days beginning August 1st, 2018 and ending November 29th, 2018. The scheduled drug privileges pursuant to his dental license and the dispensing permit of Respondent, James Calvin Peck, D.D.S., Oklahoma Dentistry License No. 6111, are hereby SUSPENDED for a period of 5 years beginning August 1st, 2018 and ending August 1st, 2023, and respondent shall be on probation a period of five years to be concluded on August 1st, 2023, under the following terms and conditions:
2. Pursuant to this agreed order, the Respondent James Calvin Peck, D.D.S., agrees to surrender his scheduled drug privileges pursuant to his dental license and the dispensing permits for prescribing controlled dangerous substances effective June 25, 2018. By act and effect of law, upon the surrender of a medical license and/or drug privileges pursuant to those licenses, his drug registrations from the Oklahoma Bureau of Narcotics and the United States Drug Enforcement Administration will at that time become invalid. The Defendant agrees to voluntarily surrender his OBN and DEA registrations and deliver the physical copies of his dispensing permit, and the two registrations to the State Board of Dentistry on or before June 25th, 2018.
3. Respondent shall pay an administrative fine of \$10,000.00, to be paid in increments of not less than \$2000.00 per year during the five years of probation. The first

payment shall be due August 1st, 2018, and each subsequent year amount to be due on August 1st of each year until total is paid.

4. Within two (2) years of the date of this Voluntary Submittal to Jurisdiction, Respondent shall complete AN INFECTION CONTROL CLASS APPROVED BY OSHA AND CDC to be approved in advance in writing by the Board President. The training shall be in addition to the regularly required continuing education and shall not count towards continuing education credit.
5. Respondent is PROHIBITED from prescribing ANY CONTROLLED DANGEROUS SUBSTANCES under this agreement. Defendant is further PROHIBITED from seeking reinstatement of any drug privileges from the U.S. Drug Enforcement Agency (DEA) or the State Bureau of Narcotics and Dangerous Drugs (OBNDD) without written permission of the Board.
6. Respondent is PROHIBITED from providing any anesthesia with the exception of local anesthesia during the 5-year probation period. Upon completion of the 5-year probation, the Respondent will be required to repeat any anesthesia training before applying for a permit before the Board.
7. Respondent to research, write and submit for Board approval a journal-ready article on the topic of adverse events relating to anesthesia in dental offices.
8. Respondent to volunteer to provide ~~150~~ hours of community service providing treatment to under-served patients in a free-clinic or at the Department of Corrections.
9. Upon reinstatement, Respondent will conduct his practice in compliance with all other State Laws and Regulations under the Oklahoma Dental Practices Act.
10. Respondent will not violate any other State or Federal law;
11. Respondent will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Dentistry.
12. Respondent will keep the Oklahoma State Board of Dentistry informed of his current address and all locations in which he practices dentistry including any for community service. Respondent will be monitored and have unannounced office visits throughout the probation period.
13. Until such time as all indebtedness to the Oklahoma State Board of Dentistry has been satisfied, Respondent shall reaffirm said indebtedness in any and all bankruptcy proceedings.
14. Respondent shall make himself available for one or more personal appearances before the Board or its designee upon request.

15. Failure to meet any terms of the Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Respondent's license after due notice and hearing.

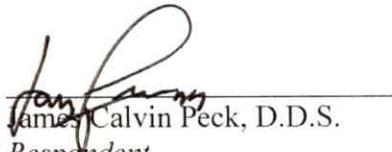
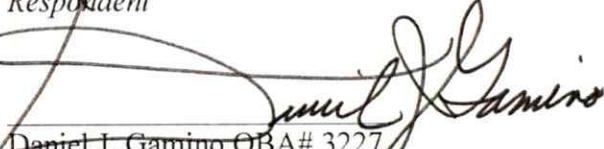
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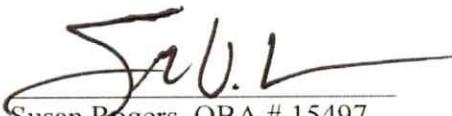

James A. Sparks, D.D.S., Board President,
OKLAHOMA STATE BOARD OF DENTISTRY

Investigative Panel

Dr. Mike Howl
Dr. Curtis Bowman

AGREED AND APPROVED:


James Calvin Peck, D.D.S.
Respondent

Daniel J. Camino OBA# 3227
Counsel for James Calvin Peck, D.D.S.


Susan Rogers, OBA # 15497
Executive Director and General Counsel
Attorney for the Oklahoma State Board of Dentistry


Stephen McCaleb OBA # 15649
Judicial Counsel, State Board of Dentistry