

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
BOARD OF EXAMINERS IN DENTISTRY**

IN THE MATTER OF:

**FREDERICK LURY, D.M.D., License Number DEN01788
Controlled Substances Registration Number CDEN01788**

**VOLUNTARY AGREEMENT NOT TO PRACTICE DENTISTRY AND
VOLUNTARY SURRENDER OF CONTROLLED SUBSTANCES REGISTRATION**

Frederick Lury, D.M.D. (hereinafter "Respondent") is licensed as a dentist in Rhode Island and is licensed to prescribe controlled substances under Rhode Island General Laws chapter 21-28, having both a state Controlled Substances Registration and a Federal Drug Enforcement Administration Registration to prescribe controlled substances. Based on the following, the Director of the Department of Health (hereinafter "Department") makes the following:

FINDINGS OF FACT

1. Respondent is a dentist who was first issued a license in this State in August 1977. His office is at 1090 Toll Gate Road, Warwick. He is a 1977 graduate of the University of Pennsylvania School of Dental Medicine.
2. Respondent has been in the process of selling his practice with the intent to retire from the practice of dentistry.
3. The Department alleges that Respondent's office was found to have some misbranded narcotics and an expired solution during an inspection on September 20, 2012.

4. The Department alleges that the Respondent is therefore in civil violation of Rhode Island General Laws §§ 5-31.1-10(9) and (19), 21-31-3 and 21-28-3.04(8).
5. In lieu of challenging the allegations at a hearing, based on the Respondent's desire to close his practice and retire from dentistry, the Respondent has agreed to execute this Voluntary Agreement and Voluntary Surrender of CSR.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
2. Respondent has read this Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR and understands its terms are not binding upon Respondent until execution of this agreement by the parties.
3. Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for specifically contained herein;
 - f. Any and all rights of appeal of this Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR;
 - g. Any objection to the fact that this Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR will be presented to the Board for consideration and review; and

- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR.
4. Acceptance of this Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR constitutes neither an admission nor denial by the Respondent of the facts set forth herein.
5. This Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR shall become part of the public record of this proceeding upon execution of this agreement by the parties.
6. Failure to comply with this Voluntary Agreement Not to Practice Dentistry and Voluntary Surrender of CSR, when signed and accepted, shall subject the Respondent to further disciplinary action.
7. Respondent's authority to prescribe controlled substances or medical marijuana is hereby surrendered upon execution of this agreement by the parties.
8. The Respondent shall continue to be responsible for providing a proper medical or dental home for any of his patients who need controlled substances prescribed to them, and shall continue to be responsible to transfer any medical or dental records of such patients immediately upon request or when needed.
9. Respondent agrees not to seek licensure to practice dentistry in another jurisdiction.
10. Upon execution of this agreement by the parties, this Voluntary Agreement is a full and final adjudication of any and all complaints presently filed as to Respondent by the Department and the Board of Dental Examiners.

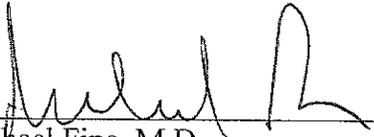
11. Other than the conditions contained herein, the Department and Board of Dental Examiners agrees that no other sanction is imposed upon Respondent.

12. The Voluntary Agreement Not to Practice Dentistry shall take effect on November 2, 2012.

Signed this 26th day of October, 2012.


Frederick S. Lury, D.M.D.

Signed this 26 day of October, 2012.


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