

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

ANDREW J. BRANCH, D.D.S.
(License No. 4881)

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CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) pursuant to G.S. 90-41.1 and 150B-38, for consideration of a Consent Order in lieu of a formal administrative hearing. The Respondent, Dr. Andrew J. Branch, D.D.S. (Dr. Branch or Respondent) was represented by Alan Schneider and Carolin Bakewell represented the Investigative Panel. Dr. Branch consents to the Findings of Fact and Conclusions of Law solely for the purposes of this matter and for any later proceedings before the Board or any other dental licensing agency. The parties therefore agree as follows:

FINDINGS OF FACT

1. The Dental Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.
2. Dr. Branch was licensed to practice dentistry in North Carolina on June 21, 1981 and holds license number 4881.
3. At all times relevant hereto, Dr. Branch was engaged in the general practice of dentistry in Waxhaw, North Carolina and was subject to the Dental Practice Act and the Board's rules and regulations promulgated thereunder.

4. On and before June 25, 2009, the Respondent was engaged in the unlawful possession of marijuana at his home in Waxhaw. During this period, the Respondent regularly consumed marijuana.

5. On June 25, 2009, the Respondent was charged with felony trafficking in marijuana, possession of marijuana with intent to distribute, maintaining a dwelling place for the storage and distribution of marijuana, misdemeanor possession of drug paraphernalia and misdemeanor possession of marijuana.

6. At the time of his arrest, the Respondent maintained 53 marijuana plants at his residence, along with 23 ½ ounces of labeled and packaged marijuana and at least 12.77 pounds of processed marijuana, measuring scales, three pistols, 11 rifles, two shotguns and \$690 cash.

7. There was no lawful or legitimate dental purpose for the Respondent to possess marijuana.

8. On July 2, 2012, the Respondent pled guilty to felony possession of marijuana and maintaining a dwelling for the use of marijuana. All other criminal charges were dismissed.

9. On May 3, 2007, Janice Morris (Ms. Morris) presented to the Respondent's dental practice with complaints of pain in tooth # 7.

10. The Respondent diagnosed the tooth as abscessed and recommended that Ms. Morris return several days later for endodontic treatment.

11. On May 15, 2007, Ms. Morris returned for the endodontic procedure.

12. Respondent was unable to complete the root canal procedure, owing to decalcification of the root of tooth # 7.

13. The Respondent dismissed Ms. Morris without telling her that he had been unable to complete the root canal procedure and that she might need additional treatment if her symptoms persisted or worsened.

14. Ms. Morris was charged the full price for the endodontic procedure.

15. On May 22, 2007, Ms. Morris returned to the Respondent's office for a post operative visit. The Respondent told her that the tooth looked fine and again failed to disclose that he had been unable to complete the root canal procedure.

16. Ms. Morris later consulted another practitioner, who advised her that the treatment that the Respondent had provided was incomplete.

17. The standard of care for dentists licensed in North Carolina at the time that the Respondent treated Ms. Morris required dentists to immediately disclose to patients when a root canal treatment cannot be completed and to advise that additional treatment might be required.

18. Respondent violated the standard of care by failing to immediately advise Ms. Morris that he was unable to complete her root canal therapy and by failing to tell her that she might require additional treatment.

Based upon the Findings of Fact and the consent of the parties, the Board hereby enters the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the person of the Respondent and over the subject matter of this case.

2. By entering a plea of guilty and being convicted of the felony charges referenced herein, the Respondent violated N.C. Gen. Stat. 90-41(a)(3) and (4).

3. By failing to disclose to Ms. Morris that he had been unable to complete the root canal procedure on her tooth # 7 and that she might need additional treatment, the Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a)(12) and thereby engaged in acts violative of Article Two of the Dental Practice Act, in violation of N.C. Gen. Stat. 90-41(a)(6).

Based upon the foregoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, the Board enters the following:

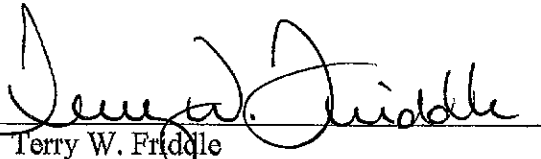
CONSENT ORDER OF DISCIPLINE

Respondent's license to practice dentistry in North Carolina is hereby revoked effective 30 days from the entry of this Order.

This the 16th day of July, 2012.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

BY:



Terry W. Fridge
Deputy Operations Officer

STATEMENT OF CONSENT

I, ANDREW J. BRANCH, D.D.S., do hereby certify that I have read the foregoing Consent order in its entirety. I assent to its terms and conditions set out herein. I freely and voluntarily acknowledge, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before the Dental Board or any other dental licensing agency matter, that there is a factual basis for the findings of fact herein, that the findings of fact support the conclusions of law and that I will not contest the findings of fact, the conclusions of law, or the order of discipline if further disciplinary action is warranted in this matter. I understand that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order will become part of the Board's permanent public record.

NINT H
This the ____ day of July, 2012.

Andrew J. Branch
Andrew J. Branch, D.D.S.