

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

JONATHAN C. ALLEN, JR., D.D.S.)
(License No. 7055))

CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. 90-41.1(b) for consideration of a Consent Order in lieu of a formal administrative hearing.

Subsequent to an investigation conducted by the Board's Investigative Panel and allegations arising therefrom having been presented to Jonathan C. Allen, Jr., D.D.S. (Respondent), at a settlement conference on August 8, 2008, the Respondent enters into this Consent Order. Based upon the consent of the parties, the Board enters the following:

FINDINGS OF FACT

1. The North Carolina State Board of Dental Examiners is a body duly organized under the laws of North Carolina and is the proper party to bring this action under the authority granted to the Board in Chapter 90 of the North Carolina General Statutes (Dental Practice Act) and the Board's Rules and Regulations.

2. Respondent was licensed to practice dentistry in North Carolina on January 1, 2000 and holds license number 7055. He has remained licensed to practice dentistry in North Carolina and was subject to the Dental Practice Act and the Board's Rules and Regulations at all times relevant hereto.

3. At all times relevant hereto, Respondent was engaged in the practice of general dentistry in Charlotte, North Carolina.

4. Respondent received proper notice of the allegations upon which this Consent Order is based, was provided an opportunity to respond and agreed to participate in a settlement conference in lieu of formal proceedings.

5. In 2004, Respondent became addicted to dextroamphetamines, which had been prescribed for treatment of his ADD symptoms.

6. In early 2007, Respondent voluntarily attended outpatient treatment for his addiction. Shortly thereafter, however, Respondent relapsed.

7. Respondent voluntarily underwent in-patient treatment for his addiction at the Farley Center from March 29, 2007 through June 29, 2007. While at Farley, the Respondent was also diagnosed with general anxiety disorder with obsessive compulsive features.

8. On June 4, 2007, while he was at Farley, the Respondent signed a contract with the Caring Dental Professionals (CDP).

9. In July 2007, Respondent resumed using amphetamines. The Respondent failed to call for daily drug screenings after August 1, 2007 and also failed to return several calls from the CDP's Executive Director.

10. The Respondent stopped taking amphetamines in August 2007 after suffering a toxic reaction, but he regularly consumed alcohol, Darvocet and Klonopin.

11. On August 20, 2007, upon learning of the Respondent's relapse and violation of his CDP contract, the Board summarily suspended the Respondent's dental license.

12. The Respondent remained in violation of his CDP contract until January 2008, when he contacted the CDP.

13. On January 15, 2008, the Respondent was admitted to Talbott Recovery Campus in Atlanta, Ga., where he received treatment until April 18, 2008.

14. On February 8, 2008, the Respondent signed a new CDP contract.

15. The Respondent violated the terms of his 2007 CDP contract by consuming amphetamines, alcohol, Klonopin and Darvocet on numerous occasions in the second half of 2007.

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter of this proceeding and over the Respondent's person.

2. By violating the terms of his CDP contract, the Respondent engaged in unprofessional conduct as defined in 21 NCAC 16V .0101(13) and thereby violated N.C. Gen. Stat. 90-41(a)(26).

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

ORDER OF DISCIPLINE

1. License number 7055 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended indefinitely.

2. With the Respondent's consent, his license shall be immediately conditionally restored, with no active period of suspension, provided that, until further order of the Board, he complies with the following probationary terms and conditions:

- (a) Respondent shall violate no provision of the Dental Practice Act or the Board's Rules;
- (b) Respondent shall neither direct nor permit any of his employees to violate any provision of the Dental Practice Act or the Board's Rules;
- (c) Respondent shall allow the Board or its authorized agent to inspect and observe his office, conduct random patient chart review, and interview his employees and co-workers at any time during regular office hours.
- (d) Respondent shall remain under contract with the CDP for ten (10) years from the effective date of this Order. Respondent shall provide the Board with a copy of his contract, aftercare contract and return to work agreement with the North Carolina Caring Dental Professionals Program. Respondent shall abide by all conditions of his contract(s) with the North Carolina Caring Dental Professionals Program. Until discharged from probation or otherwise directed by the Board, Respondent shall renew his aftercare contract in sufficient time prior to its expiration in order to provide continuous coverage.

Respondent shall promptly provide copies of any amended CDP contracts to the Board. The Respondent agrees that if at any time inpatient treatment is recommended, he will abide by such recommendation and will not function as a dentist during any such inpatient treatment.


- (e) Respondent shall, within thirty (30) days from the date of this Order, reimburse the Board for the costs associated with this investigation and hearing in the amount of \$200.00.

3. If Respondent fails to report for a urine or drug screen after being selected for testing, or tests positive for drugs or alcohol at any time, he shall be deemed in violation of this Order.

4. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a public show cause hearing to allow Respondent an opportunity to show cause why Respondent's license should not be immediately suspended pursuant to the terms of this Order. If as a result of the show cause hearing, the Board is satisfied that Respondent failed to comply or breached any term or condition of this Order, the provisional restoration of Respondent's license shall be rescinded and upon written demand, Respondent shall immediately surrender his license and current renewal certificate to the Board. This sanction shall be in addition to and not in lieu of any sanction the Board may impose as a result of future violations of the Dental Practice Act or of the Board's Rules.

This the 15 day of April, 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

BY: 
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, Jonathan C. Allen, D.D.S., do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before this Board, that there is a factual basis for the allegations set forth therein, that these factual allegations are legally sufficient to support findings and conclusions that I have violated G.S. §90-41(a)(26) and 21 NCAC 16V .0101(13). I hereby by express my understanding that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order shall become a part of the permanent public record of the Board.

This the 9 day of March, 2009.


JONATHAN C. ALLEN, JR., D.D.S.