



Statutes (the Dental Practice Act) and the Rules and Regulations of the North Carolina State Board of Dental Examiners (Dental Board).

2. Respondent was licensed to practice dentistry in North Carolina on January 1, 1982 and is subject to the Dental Practice Act and the rules promulgated thereunder.

3. Prior to April 2009, the Respondent was engaged in the practice of oral surgery in Fayetteville, North Carolina.

4. The Respondent has a long history of substance abuse, beginning in high school when he began drinking alcohol to excess. For a period of about seven years ending in 1993, the Respondent abused Fentanyl, which he obtained from his dental practice.

5. The Respondent was sober from 1993 until 2005, when he relapsed on narcotics.

6. In the meantime, in 2000, the Respondent was diagnosed with multiple sclerosis (MS).

7. Following his relapse in 2005, the Respondent voluntarily signed a contract with the North Carolina Caring Dental Professionals (CDP) Program.

8. The Respondent's 2005 CDP contract required him, among other things, to contact a testing company each day to determine if he had been selected to test for controlled substances.

9. Although the Respondent failed to contact the testing company on a number of occasions and failed to appear for one screen, the CDP did not deem these omissions to be sufficiently significant to warrant a report to the Dental Board.

10. In October 2008, the Respondent suffered a head injury after a fall and was hospitalized. Following the fall, the Respondent was prescribed narcotics by his physician.

11. The Respondent quickly became addicted to the narcotics and began obtaining drugs from other individuals.

12. In March 2009, the Respondent admitted to the Director of the CDP that he had relapsed.

13. The Respondent participated in a one-month in-patient recovery program at Fellowship Hall, ending on April 14, 2009. The Respondent signed a new CDP contract in April 2009.

14. The April 2009 CDP contract required the Respondent, among other things, to call the CDP-approved testing company daily to determine if he had been selected to test, to meet with his peer assistant and submit monthly progress reports to the CDP.

15. The Respondent stopped calling the testing company after April 28, 2009. He also failed to meet with his peer assistant and failed to submit monthly progress reports to the CDP.

16. The Respondent sold his dental practice in 2009 and has indicated that he does not intend to continue the active practice of dentistry, but he renewed his dental license in January 2010.

17. Pursuant to 21 NCAC 16V .0101(13) unprofessional conduct includes “[f]ailing to comply with any provision of any contract or agreement with the Caring Dental Professionals Program.”

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

#### CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over the subject matter of this action and over the person of the Respondent.

2. Respondent has stipulated that such allegations, if proven, are legally sufficient to support Findings and Conclusions that he has violated G.S. 90-41 as specified in the Findings of Fact. Furthermore, Respondent has stipulated that, solely for the purposes recited herein, Respondent will not contest the allegations set forth in this Order, which allegations are previously incorporated in this Order, as if fully set forth herein, as Findings of Fact.

3. By violating his April 2009 CDP contract, the Respondent engaged in unprofessional conduct 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 hereto, it is ORDERED as follows:

#### ORDER OF DISCIPLINE

1. License Number 4973 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended indefinitely.

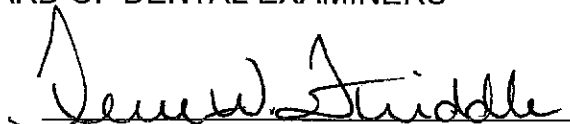
2. Respondent may petition the Board for the reinstatement of his dental license upon demonstrating to the Board's satisfaction that:

- a. He has at least one (1) continuous year of sobriety.
- b. He does not suffer from any mental, physical, or emotional disability which would render him unfit to practice dentistry or is afflicted with such a physical or mental disability as to be deemed dangerous to the health and welfare of his patients.

This the 24 day of May, 2010.

THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS

By:



Terry W. Friddle  
Deputy Operations Officer

STATEMENT OF CONSENT

I, DALE A. CHILDERS, 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 or any other Dental Licensing Board, that there is a factual basis for the Findings of Fact set forth therein, that the Findings of Fact, if proven, support the Conclusions of Law, that I will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that I assent to the terms and conditions set forth therein. By signing this Statement of Consent I hereby 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 May, 2010.

  
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DALE A. CHILDERS, D.D.S.