

4. Thereafter, the Respondent entered into a deferred prosecution agreement regarding the 2003 criminal charges. He complied with the terms of the agreement and the charges were dismissed in 2004.

5. In November 2011, the Respondent was charged with misdemeanor possession of marijuana.

6. In June 2012, a settlement conference was held with the Board to discuss the 2011 charges. During the conference, the Respondent admitted that he continued to use marijuana regularly after his 2011 arrest and indicated that he had experienced some emotional difficulties.

7. In August 2012, the Respondent met with Nancy Davis, the Executive Director of the North Carolina Caring Dental Professionals (CDP), and indicated that he was planning to move to California. He agreed to undergo an evaluation if CDP could locate a facility in California.

8. The Respondent did not respond to any of several follow up calls made by Ms. Davis, nor did he present evidence that he had undergone an evaluation in California.

9. In September 2012, the Respondent signed a Consent Order suspending his North Carolina dental license indefinitely but permitting him to seek reinstatement of his license upon producing evidence, among other things, that he had entered into an agreement with the North Carolina Caring Dental Professionals (CDP) and had complied with the agreement.

10. The Respondent's 2011 criminal charges were dismissed in 2013.
11. On October 13, 2014, the Respondent entered into a one year Service Agreement with the CDP. The Respondent's Service Agreement required him to remain abstinent from all mind altering substances.
12. As part of his Service Agreement, the Respondent was required to participate in random screening for drug and alcohol use.
13. On April 13, 2015, the Dental Board entered an Order conditionally reinstating the Respondent's North Carolina dental license, effective on October 13, 2015.
14. In late July 2015 the Respondent ingested marijuana. On July 29, 2015, the Respondent tested positive for marijuana.
15. On August 4, 2015, the CDP terminated its Service Agreement with the Respondent.

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 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 he will not contest the allegations set forth in this Order.

3. By ingesting marijuana, the Respondent violated the terms of his 2014 CDP Service Agreement and thereby engaged in unprofessional conduct in violation of N.C. Gen. Stat. §§ 90-41(a)(6) and 90-41(a)(26) and 21 NCAC 16V . 0101(13).

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 7971 issued to the Respondent for the practice of dentistry in North Carolina will continue to be suspended indefinitely.

2. The Respondent may apply for reinstatement of his North Carolina dental license at any time following entry of this Order, provided that he contemporaneously produces written proof that:

- a. he has entered into an Agreement with the North Carolina Caring Dental Professionals or the counterpart of the CDP in the state in which he then resides.
- b. As part of such an agreement and before resuming the practice of dentistry at any location in North Carolina, the Respondent shall first undergo a psychiatric and substance abuse evaluation at a facility approved by the CDP and comply with all recommendations and requirements imposed as a result of the evaluation, at his sole expense. The Respondent shall present the Board's Deputy Operations Officer with a copy of all reports generated as a result of the evaluation within ten (10) days following the evaluation.

- c. he has complied with all terms of his Agreement.
- d. the CDP or its counterpart in the Respondent's home state advocates for his return to the practice of dentistry.
- e. within thirty (30) days from the date of this Order, he reimburses the Board for the costs associated with this investigation in the amount of \$ 200.00.

3. Respondent must notify the North Carolina State Board of Dental Examiners within ten (10) days of moving back into the State, and, if reinstated pursuant to paragraph 2 above, must comply with the additional probationary terms and conditions as set forth below:

- 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 and patient records, and interview his employees and co-workers at any time during regular office hours.

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 permit Respondent to show cause why his dental license should not be revoked. If, as a result of the Show Cause hearing, the Board is satisfied that Respondent failed to comply with or breached any term or condition of this Order, 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 the Board's Rules.

This the 14 day of December 2015.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By:



Terry W. Friddle

Deputy Operations Officer

STATEMENT OF CONSENT

I, Thomas Warthen Douglass, 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 admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before the Dental Board, 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.

This the 27 day of November 2015.



Thomas Warthen Douglass, D.D.S.