

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:)
)
DAVID F. EDWARDS, D.D.S) CONSENT ORDER
(License No. 3345))

THIS MATTER came to be heard and was heard before the North Carolina State Board of Dental Examiners (Board) pursuant to N.C. Gen. Stat. § 90-41(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 David F. Edwards, D.D.S. (Respondent), at a settlement conference on May 1, 2009, the Respondent enters into this Consent Order. The Respondent represented himself at the conference. Carolin Bakewell represented the Investigative Panel. 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 proceeding under the authority granted it in Chapter 90 of the North Carolina General Statutes (the Dental Practice Act).
2. At all times relevant hereto Respondent was licensed to practice dentistry in North Carolina and was subject to the Dental Practice Act and the Board's rules promulgated thereunder.

3. In November 2005, Respondent falsely represented to his employer that he had a toothache and asked his employer to prescribe narcotics for him until he could get an appointment with his regular dentist.

4. In reliance upon Respondent's false complaint, Respondent's employer prescribed narcotics to the Respondent on one occasion in December 2005 and again in January 2006. Thereafter, the Respondent's employer refused to write any more prescriptions for the Respondent.

5. Beginning in January 2006 and continuing until July 2008, the Respondent regularly directed an office employee to telephone in prescriptions for Vicodin, using Respondent's employer's Drug Enforcement Administration (DEA) number. Respondent obtained approximately thirty (30) tablets of Vicodin every five to seven days by this scheme.

6. Respondent's employer did not consent to the use of his DEA number and was unaware of Respondent's actions.

7. Between January 2006 and July 2008, Respondent consumed approximately 4 – 6 Vicodin each evening. On some occasions, Respondent practiced dentistry under the influence of Vicodin.

8. In July 2008, Respondent's employer learned that Respondent had misused his DEA number to obtain narcotics and confronted the Respondent.

9. Respondent agreed to stop seeking prescription medication and asked his employer to "drop the matter." Despite his assurance, the Respondent attempted to obtain Vicodin from a pharmacy on one additional occasion.

10. Shortly after he was confronted by his employer, the Respondent signed a contract with the Caring Dental Professionals (CDP) program. He received in-patient treatment for his addiction at Palmetto Addiction Recovery center for three (3) months.

11. The Respondent falsely advised his counselor at Palmetto that he had begun using Vicodin in February 2008.

D.S.

12. Between May 21, 2008 and December 23, 2008, DS was a patient in Respondent's dental practice. From May 21, 2008 through July 11, 2008 Respondent prescribed 220 dosage units of Hydrocodone, a Schedule III controlled substance, for DS.

13. Many of the controlled substance prescriptions were not issued by Respondent to DS in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

M.S.

14. Between November 26, 2007 and April 15, 2008, MS was a patient in Respondent's dental practice. From November 26, 2007 through March 21, 2008 Respondent prescribed 240 dosage units of Hydrocodone, a Schedule III controlled substance, for MS. 120 of the 240 tablets were prescribed in a single week.

15. Many of the controlled substance prescriptions were not issued by Respondent to MS in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

J.C.

16. Between May 30, 2006 and October 13, 2008, JC was a patient in Respondent's dental practice. From June 10, 2008 through June 29, 2008 Respondent prescribed 160 dosage units of Hydrocodone, a Schedule III controlled substance, for JC. 120 of the 160 tablets were prescribed within a nineteen day period.

17. Many of the controlled substance prescriptions were not issued by Respondent to JC in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

C.D.

18. Between April 1, 2008 and May 29, 2008, CD was a patient in Respondent's dental practice. From April 1, 2008 through May 23, 2008 Respondent prescribed 280 dosage units of Hydrocodone, a Schedule III controlled substance, for CD.

19. Many of the controlled substance prescriptions were not issued by Respondent to CD in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

K.T.

20. Between August 26, 2002 and July 31, 2007, KT was a patient in Respondent's dental practice. From March 20, 2007 through July 11, 2007 Respondent prescribed 300 dosage units of Hydrocodone, a Schedule III controlled substance, for KT.

21. Many of the controlled substance prescriptions were not issued by Respondent to KT in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

A.C.

22. Between April 12, 2005 and February 13, 2008, AC was a patient in Respondent's dental practice. From November 14, 2007 through December 21, 2007 Respondent prescribed 180 dosage units of Hydrocodone, a Schedule III controlled substance, for AC.

23. Many of the controlled substance prescriptions were not issued by Respondent to AC in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

N.G.

24. Between November 26, 2007 and July 30, 2008, NG was a patient in Respondent's dental practice. From November 26, 2007 through June 18, 2008 Respondent prescribed 220 dosage units of Hydrocodone, a Schedule III controlled substance, for NG.

25. Many of the controlled substance prescriptions were not issued by Respondent to NG in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

S.B.

26. Between October 16, 2007 and February 5, 2008, SB was a patient in Respondent's dental practice. From October 16, 2007 through December 19, 2007

Respondent prescribed 240 dosage units of Hydrocodone, a Schedule III controlled substance, for SB.

27. Many of the controlled substance prescriptions were not issued by Respondent to SB in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

T.S.

28. Between March 13, 2008 and May 27, 2008, TS was a patient in Respondent's dental practice. From March 13, 2008 through March 25, 2008 Respondent prescribed 140 dosage units of Hydrocodone, a Schedule III controlled substance, for TS.

29. Many of the controlled substance prescriptions were not issued by Respondent to TS in the usual course of professional treatment and were made in violation of G.S. §90-41(a)(25).

30. Respondent voluntarily ceased the practice of dentistry in July 2008.

31. The CDP is not advocating for the immediate return of the Respondent's dental license.

32. In 1990, Respondent was disciplined by the Dental Board for fraudulently obtaining prescription narcotics. In 1996, Respondent was disciplined a second time following his conviction for Medicaid fraud.

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

CONCLUSIONS OF LAW

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

2. By fraudulently using his employer's DEA number to obtain narcotics for his personal use, Respondent committed fraudulent acts in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a)(17) and engaged in unprofessional conduct in violation of N.C. Gen. Stat. 90-41(a)(26) and 21 NCAC 16V .0101(7).

3. By practicing dentistry while under the influence of Hydrocodone, Respondent engaged in negligence in the practice of dentistry in violation of N.C. Gen. Stat. 90-41(a)(12).

4. Respondent is a chronic or persistent user of narcotics to the extent that his ability to practice dentistry is impaired, in violation of N.C. Gen. Stat. 90-41(a)(2).

5. Respondent's actions, in prescribing many of the controlled substances to DS in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which DS was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

6. Respondent's actions, in prescribing many of the controlled substances to MS in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which MS was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

7. Respondent's actions, in prescribing many of the controlled substances to JC in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which JC was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

8. Respondent's actions, in prescribing many of the controlled substances to CD in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which CD was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

9. Respondent's actions, in prescribing many of the controlled substances to KT in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which KT was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

10. Respondent's actions, in prescribing many of the controlled substances to AC in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which AC was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

11. Respondent's actions, in prescribing many of the controlled substances to NG in this dosage amount and frequency, were not indicated as necessary for treatment

of any dental condition for which NG was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

12. Respondent's actions, in prescribing many of the controlled substances to SB in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which SB was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

13. Respondent's actions, in prescribing many of the controlled substances to TS in this dosage amount and frequency, were not indicated as necessary for treatment of any dental condition for which TS was being treated by Respondent and did not comply with the standard of care applicable to dentists practicing dentistry in North Carolina at that time, in violation of G.S. §90-41(a)(12).

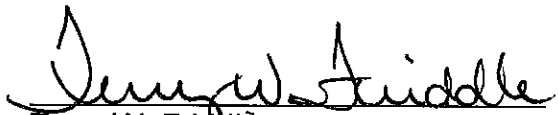
Based upon the foregoing Findings of Fact and Conclusions of Law, and upon the consent of the parties, the Board enters the following:

ORDER OF DISCIPLINE

1. License Number 3345 issued to the Respondent for the practice of dentistry is hereby revoked. Respondent shall surrender his license and current renewal certificate to the Board at its offices immediately.

This the 1 day of June, 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: 
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, DAVID F. EDWARDS, 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, if proven, are legally sufficient to support findings and conclusions that I violated G.S. §90-41(a)(2), G.S. §90-41(a)(12), G.S. §90-41(a)(17), G.S. §90-41(a)(25), G.S. §90-41(a)(26), and 21 NCAC 16V .0101(7). I further agree that I will not contest the factual allegations therein should further disciplinary action be warranted in this matter and that I assent to the terms and conditions set forth therein. 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 28th day of May, 2009.

David F. Edwards, D.D.S.
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