

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS
IN THE MATTER OF:

GEORGE R. HORTON III, D.D.S.)
(License No. 4851))

CONSENT ORDER
OF REPRIMAND

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. Respondent consents to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Discipline. Based upon the consent of the parties the Board hereby 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) and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. George R. Horton, III, D.D.S. (Respondent) was licensed to practice dentistry in North Carolina on January 1, 1981 and holds license number 4851.

3. At all times relevant hereto, Respondent was engaged in the practice of general dentistry in Pinehurst, North Carolina, and was subject to the Dental Practice Act and the rules promulgated thereunder.

4. Respondent was out of the country on vacation for the period including July 3 – 6, 2007. Respondent was unable to receive or make telephone calls to the United States between July 3 – 6, 2007.

5. Before leaving on vacation, Respondent directed his dental assistant, Tonya Lewis (Ms. Lewis), to answer telephone calls from his patients during his absence. Respondent also arranged for two local dentists to handle his patients' dental emergencies during his absence.

6. On July 3, 2007, Lynn Nance-Langford (Ms. Nance-Langford), called Dr. Horton's office to inquire about a chipped veneer on tooth # 10.

7. Ms. Lewis invited Ms. Nance-Langford to come to the office, where she repaired the chipped area on tooth # 10 with composite. No dentist was present in the office at the time.

8. On July 6, 2007, Ms. Nance-Langford left a message on the answering machine at the Respondent's office to the effect that the area of tooth #19 was very painful.

9. Later on July 6, 2007, Ms. Lewis telephoned Ms. Nance-Langford, and, after discussing the matter with her, advised Ms. Nance-Langford that she had a "hot tooth." Ms. Lewis then called in prescriptions for Ultram, Amoxicillin and Medtrol Dose Pack. She did not consult with Dr. Horton or any other licensed dentist or physician before calling in the prescription.

10. In December 2007, Ms. Nance-Langford filed a complaint with the N.C. Dental Board. Ms. Nance-Langford's complaint alleged, among other

things, that Ms. Lewis had repaired the chipped veneer and phoned in a prescription without Dr. Horton's supervision or authorization.

11. Respondent received a copy of Ms. Nance-Langford's complaint in early January 2008.

12. On or about January 26, 2008, the Respondent responded in writing to Ms. Nance-Langford's complaint.

13. In his response, the Respondent falsely stated that Ms. Lewis had consulted with him regarding Ms. Nance-Langford's complaints of pain in the area of tooth # 19 and that he had authorized her to phone in prescriptions for Ms. Nance-Langford. The Board's Investigative Panel contends that Respondent was aware that these statements were false at the time he wrote the response to the Board. Although the Respondent acknowledges that these statements were not true, he contends that he did not intentionally mis-state the truth.

14. The Investigative Panel contends that on May 20, 2008, during an interview with the Board's investigator, Respondent falsely stated that he was unaware that Ms. Lewis had repaired Ms. Nance-Langford's veneer until he received a copy of Ms. Nance-Langford's complaint and that Respondent knew that his statement to the Board's investigator was false at the time he made it. The respondent contends that he did not make such a statement to the Board's investigator,

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.

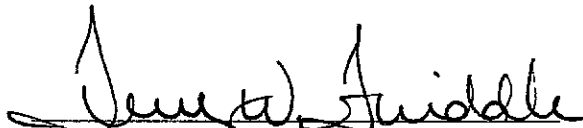
2. If the Respondent did intentionally make false statements in his written response to Ms. Nance-Langford's complaint and to the Board's investigator, as alleged by the Investigative Panel, the Respondent engaged in unprofessional conduct in violation of 21 NCAC 16V .0101(2) and G.S. 90-41(a)(26).

WHEREFORE, pursuant to the authority set forth in G.S. §90-41(a), it is ORDERED as follows:

1. Respondent is hereby Reprimanded.
2. Respondent shall pay the costs of the Board's investigation in the amount of \$ 2300.00.

This the 4 day of May, 2009.

BY:


Terry W Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, GEORGE R. HORTON, III, 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)(26) and 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 18th day of March, 2009.



GEORGE R. HORTON, III, D.D.S.