

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

GREG MONTE MCCOURT, D.D.S.)
(License No. 6299))

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 Greg Monte McCourt, D.D.S. (Respondent), at a settlement conference on December 12, 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. Greg Monte McCourt, D.D.S. (Respondent), was licensed to practice dentistry in North Carolina on August 3, 1993 and holds license number 6299. 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 Mooresville, N.C.

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 May 2002, the Respondent voluntarily entered into a contract with the Caring Dental Professionals (CDP). Thereafter, he completed a 28-day in-patient treatment program at Fellowship Hall for alcohol dependence, substance abuse mood disorder and a history of cocaine and marijuana dependence.

6. The Respondent relapsed by drinking alcohol in 2004 and completed a three month in-patient treatment at Metro Atlanta Recovery Residences, Inc. (MARR).

7. On December 20, 2004, following his release from MARR, the Respondent signed a new contract with the CDP.

8. In late 2007, the Respondent began to consume alcohol, in violation of his CDP contract. He failed to call in for drug screens on January 6, 14, 26 and April 29, 2008. He failed to appear for a drug screen scheduled for May 12, 2008 and tested positive for alcohol on July 11, 2008.

9. Following the positive screen, the Respondent underwent additional treatment at the Center for Professional Excellence (CPE) from July 25, 2008 through October 16, 2008.

10. The Respondent returned to CPE on December 15, 2008, after he disclosed that his fiancé, with whom he lives, continues to consume alcohol and keeps alcohol in their home. The Respondent was discharged from CPE on January 12, 2009,

with an excellent prognosis for recovery if he follows the return to work recommendations by CPE and continues to concentrate on his recovery.

11. The Respondent violated the terms of his CDP contract by consuming alcohol on various occasions in late 2007 and through July 2008.

12. On January 14, 2009, Respondent entered into a new contract with the CDP.

13. One of the terms of Respondent's May 8, 2002, November 10, 2004, September 3, 2008 and January 14, 2009 CDP contracts required that he agree to serially number and write in triplicate, all prescriptions for Schedule I, II, III, IV and V narcotics. One copy of each such prescription was to be given to the patient, one copy was to be kept in a permanent file in the Respondent's dental office and one copy to be placed in the patient's chart. The prescription records were subject to be randomly reviewed by the CDP's Executive Director, Clinical Coordinator or Peer Assistant Volunteer.

14. Respondent failed to maintain serially numbered triplicate prescription pads, constituting a violation of his CDP contracts.

15. On May 29, 2008, Respondent purchased 100 tablets of Zolpidem (Ambien) from Henry Schein, a wholesale drug distributor. Respondent ordered this Schedule IV controlled substance for his fiancé.

16. Respondent acted outside the scope of his professional practice as a dentist by ordering a controlled substance for his fiancé.

17. On February 8, 2008, Respondent wrote a prescription for PP for a total of 15 dosage units of Hydrocodone, a Schedule IV controlled substance. The prescription was not noted in Respondent's treatment record for this patient.

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. G.S. §90-41(a)(26).

3. By ordering a controlled substance for purposes outside the scope of his professional practice as a dentist, Respondent violated N.C. G.S. §90-41(a)(25).

4. Respondent violated the standard of care for dentists licensed to practice dentistry in North Carolina by failing to record the name, strength and quantity of all drugs prescribed for PP in his patient record, in violation of G.S. §90-41(a)(12).

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 6299 issued to Respondent for the practice of dentistry in North Carolina is hereby revoked. Respondent shall surrender his original license and current renewal certificate to the Board offices immediately.

2. Respondent may petition the Board for the reinstatement of his dental license after completing the following:

- (a) Respondent shall immediately surrender his Drug Enforcement Administration (DEA) registration for all Schedules to the DEA. Respondent shall not re-apply for a DEA registration without written consent of the North Carolina State Board of Dental Examiners;
- (b) Respondent shall enter into a contract with the North Carolina Caring Dental Professionals (CDP). The terms of the contract are at the sole discretion of the CDP. Respondent must comply with all provisions of that contract. Respondent shall sign a release with the Caring Dental Professionals permitting them to submit monthly reports to the Board regarding his progress in the program;
- (c) The Board will consider the reinstatement of Respondent's dental license only if the Caring Dental Professionals makes a recommendation to the Board supporting Respondent's return to the active practice of dentistry.

This the 13 day of July, 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

BY: Terry W. Friddle
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, GREG MONTE MCCOURT, 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)(12), G.S. §90-41(a)(25), 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 19th day of JUNE, 2009.


GREG MONTE MCCOURT, D.D.S.