

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

TUNG THAI NGUYEN, D.D.S.)
(License No. 7227))

CONSENT ORDER

THIS MATTER came on 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. Tung Thai Nguyen, D.D.S. was represented by Kenneth L. Jones. Carolin Bakewell represented the Investigative Panel. Based upon the consent of the parties hereto, 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. Tung Thai Nguyen, D. D. S. (Respondent), was licensed to practice dentistry in North Carolina on September 26, 2000 and holds license number 7227.

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

4. On at least twelve occasions in 2007, Respondent or his

staff acting at his direction, knowingly and falsely represented to private insurance companies or the North Carolina Division of Medical Assistance (DMA), that Respondent provided restorative work, when in fact the work had not been done.

5. DMA and the private insurance companies paid Respondent for the work, in reliance upon Respondent's false representations.

6. In letters dated April 22, 2008 and June 19, 2008, the Respondent gave false explanations to an Investigative Panel of the Dental Board regarding the reason why a private insurance company had been improperly billed. In the April 22, 2008 letter, Respondent suggested that the bill was the result of an oversight and in the June 19, 2008 letter, Respondent stated that the bill was sent with the patient's consent in an effort to help the patient.

CONCLUSIONS OF LAW

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

2. Respondent was properly notified of this matter and has agreed to the entry of this Consent Order.

3. By knowingly and falsely misrepresenting the nature and scope of the dental work that he had provided to patients for the purpose of obtaining compensation from DMA and private insurance companies, Respondent obtained or attempted to obtain fees through fraud, misrepresentation or deceit in violation of N.C. Gen. Stat. 90-41(a)(11), committed fraudulent or misleading acts in the practice of dentistry in violation of G.S. 90-41(a)(17) and engaged in acts

violative of Article 2 of Chapter 90 of the North Carolina General Statutes in violation of G.S. 90-41(a)(6).

4. By providing false and misleading explanations to the Dental Board regarding his billing, Respondent committed fraudulent or misleading acts in the practice of dentistry in violation of G.S. 90-41(a)(17) and engaged in acts violative of Article 2 of Chapter 90 of the North Carolina General Statutes in violation of G.S. 90-41(a)(6).

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

ORDER OF DISCIPLINE

1. License Number 7227 issued to Respondent for the practice of dentistry in North Carolina is hereby revoked.

This the 4 day of August 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

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

STATEMENT OF CONSENT

I, TUNG THAI NGUYEN, DDS, 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 on appeal or 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 2 day of June, 2009.



Tung Thai Nguyen, D.D.S.