

**BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF:**

**LACY H. CAPLE, D.D.S.**                             )  
(License No. 2100)                                 )                             **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. Lacy H. Caple, D.D.S. (Respondent) was represented by Joel Bowden of the Guilford County Bar. Carolin Bakewell represented the Investigative Panel. The parties hereby consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Discipline.

**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 (Dental Board).
2. Respondent was licensed to practice dentistry in North Carolina in 1951 and is subject to the Dental Practice Act and the rules promulgated thereunder.
3. At all times relevant hereto, Respondent was engaged in the practice of general dentistry in Lexington, North Carolina.

4. Respondent failed to take adequate steps to prevent the misuse of his DEA number and prescription pads. As a result, one or more unauthorized persons obtained significant amounts of narcotics in 2013 and 2014.

5. Respondent did not personally obtain any narcotics illegally.

6. Respondent has allowed a dental assistant to take radiographs despite the fact that his assistant has not obtained the training required by G.S. §90-29(c)(12) and 21 NCAC 16H. 0201(b). Respondent was unaware of the x-ray training requirement.

7. Respondent failed to keep complete and accurate treatment records for his patients. Respondent's records routinely failed to reflect all treatment provided, the dates on which treatment was provided and the name, strength and amount of medication prescribed to patients.

8. Respondent occasionally prescribed medication to patients to treat non-dental ailments, such as colds.

9. On several occasions, the Respondent prescribed narcotics to patients in excessive amounts. The Respondent did not over prescribe narcotics for personal gain or any dishonest motive.

10. The Respondent has been a licensed dentist for nearly 65 years and, during that time, has earned a reputation as a caring, hard-working and skilled practitioner. He has never been previously disciplined by the Dental Board.

#### CONCLUSIONS OF LAW

1. The N.C. State Board of Dental Examiners has jurisdiction over the subject matter of this action and over the person of the Respondent.

2. By failing to take adequate steps to prevent unauthorized persons from using his DEA number and prescription pads to obtain narcotics illegally, the Respondent engaged in negligence in the practice of dentistry in violation of G.S. §§ 90-21(a)(6) and (12).

3. By failing to keep patient records that set out the name, strength, amount and date of all prescriptions provided, the Respondent violated the Board's record keeping requirements set out in 21 NCAC 16T .0101(a) and thereby violated G.S. § 90-21(a)(6).

4. By prescribing medications for disorders outside the scope of dentistry, the Respondent distributed or caused to be distributed drugs for an unlawful purpose in violation of N.C. Gen. Stat. § 90-29(a)(25).

5. By permitting an unqualified dental assistant to take radiographs and by prescribing excessive amounts of narcotics to patients, the Respondent engaged in negligence in the practice of dentistry in violation of G.S. §§ 90-41(a)(6) and (12).

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

1. The Respondent shall voluntarily surrender his license and current renewal certificate to the Board office on or before February 15, 2016, and retire from the practice of dentistry. Respondent shall at no time apply for reinstatement of his North Carolina dental license.

This the 21<sup>st</sup> day of November, 2015

THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS

By: 

Terry W. Friddle  
Deputy Operations Officer

STATEMENT OF CONSENT

I, Lacy H. Caple, 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 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 21<sup>st</sup> day of November, 2015.

  
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Lacy H. Caple, D.D.S.