

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

TIMOTHY MARK HAN, D.D.S.
(License No. 5712)

)
) FINAL AGENCY DECISION
)
)

THIS MATTER was heard before the North Carolina State Board of Dental Examiners (Dental Board) on March 13, 2015 pursuant to N.C. Gen. Stat. §§ 90-41.1 and 150B-38 and 21 NCAC 16N .0504 of the Board's Rules. The Dental Board's Hearing Panel consisted of Board members Dr. Clifford O. Feingold, presiding; Dr. Merlin W. Young, Dr. William M. Litaker, Jr. and Dr. Kenneth M. Sadler. Board members Dr. Stanley L. Allen, Dr. David A. Howdy, Ms. Carla J. Stack and Dr. James B. Hemby, Jr., did not participate in the hearing, deliberation or decision of this matter. The Respondent, Dr. Timothy Mark Han, did not appear in person or through counsel. Carolin Bakewell represented the Investigative Panel and Thomas F. Moffitt represented the Hearing Panel.

Based upon the evidence produced at the hearing, the Board enters the following:

FINDINGS OF FACT

1. The Dental Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. The Respondent was licensed to practice dentistry in North Carolina on June 10, 1988 and holds license number 5712. 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. The Respondent was personally served with the Notice of Hearing herein by the New Hanover County Sheriff's Department on January 13, 2015.

4. The Respondent had actual knowledge of the time and place of the disciplinary hearing herein.

5. The Respondent was licensed as a physician in 2004 and since that time has practiced medicine in New Hanover County, North Carolina.

6. Since at least 2012, the Respondent has consumed opiates for which he did not have a valid prescription.

7. In December 2012, the Respondent was arrested and jailed on domestic violence charges. While in jail, he began experiencing opiate withdrawal symptoms.

8. Following his release from jail, the Respondent contacted a female patient and obtained from her some Suboxone, which he used to treat his withdrawal symptoms.

9. In May 2013, the Respondent possessed and ingested two anabolic steroids, Trenbolone and Boldenone, without having a valid prescription for the drugs.

10. The Respondent routinely self-prescribed and self-administered testosterone for purposes other than legitimate medical or dental treatment.

11. On August 20, 2013, the Respondent entered an agreement with the North Carolina Medical Board whereby he agreed not to practice medicine until cleared by the Medical Board and the Physicians Health Program (NCPHP).

12. Between late September and early October 2013, at the direction of the Medical Board, the Respondent underwent an evaluation at the Ridgeview Institute in Smyrna, Georgia. The Ridgeview assessment team diagnosed the Respondent with opiate abuse and other co-occurring disorders and opined that he was unable to practice medicine safely.

13. On March 28, 2014, the Medical Board issued a formal Notice of Hearing, alleging that the Respondent had violated the Medical Practice Act in various respects.

14. On July 1, 2014, the Dental Board issued an Order summarily suspending the Respondent's North Carolina dental license.

15. On August 21 – 22, 2014, a formal hearing was held before the Medical Board. Although he was properly served with the Notice of Hearing, the Respondent did not appear at the hearing before the Medical Board in person or through counsel.

16. In an Order dated September 23, 2014, the Medical Board found, among other things, that the Respondent's opiate abuse and co-occurring disorders rendered him unable to practice medicine with reasonable skill and safety. The Order also found that the Respondent had violated the Medical Practice Act by obtaining Suboxone from a patient, by self-prescribing and self-administering testosterone and by consuming steroids for which he did not have a valid prescription.

17. The Medical Board suspended the Respondent's North Carolina medical license indefinitely, with no right to seek reinstatement of his license for one year.

18. The Respondent is a chronic and persistent user of intoxicants.

19. The Respondent is emotionally, physically and mentally unfit to practice dentistry.

Based upon the foregoing Findings of Fact, the Hearing Panel hereby enters the following

CONCLUSIONS OF LAW

1. The Hearing Panel of the North Carolina State Board of Dental Examiners has jurisdiction over the subject of this proceeding and over the person of the Respondent.

2. By ingesting opiates without a valid prescription, the Respondent violated G.S. § 90-41(a)(25).

3. By sharing a patient's Suboxone prescription to control his opiate withdrawal symptoms, the Respondent violated N.C. Gen. Stat. §§ 90-14(a)(6) and 90-41(a)(25).

4. By self-administering anabolic steroids without a valid prescription, the Respondent violated G.S. §§ 90-41(a)(6) and 90-41(a)(25).

5. By self-administering testosterone for purposes other than legitimate medical or dental purposes, the Respondent violated N.C. Gen. Stat. §§ 90-14(a)(6) and 90-41(a)(25).

6. The Respondent is a chronic and persistent user of intoxicants, drugs or narcotics to the extent that the same impairs his ability to practice dentistry within the meaning of G.S. § 90-41(a)(2).

7. The Respondent is mentally, emotionally and physically unfit to practice dentistry within the meaning of G.S. § 90-41(a)(7).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The Respondent's North Carolina dental license number 5712 is hereby REVOKED.

2. The Respondent may not petition for the reinstatement of his dental license until he presents written proof that:

- a) his North Carolina medical license has been reinstated, and
- b) the North Carolina Caring Dental Professionals is advocating for his reinstatement.

This the 20 day of May, 2015.



Dr. Clifford O. Feingold, Chairman
Hearing Panel

THE NORTH CAROLINA STATE BOARD
OF DENTAL EXAMINERS