BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

DAVID M. RAGAN D.D.S.
(License No. 5103)

} } CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (the Board) pursuant to N.C. Gen. Stat. § 90-41.1(b) and with the consent of Dr. David M. Ragan, (Respondent) for the consideration of a Consent Order in lieu of a Formal Hearing. Based upon the information supplied by the Investigative Panel and the Respondent and with the consent of all parties, the Board makes 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. Respondent was licensed to practice dentistry in North Carolina on January 3, 1983 and holds license number 5103.

3. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Board’s rules and regulations promulgated thereunder.

4. At all times relevant hereto, Respondent was engaged in the practice of general dentistry in Cary, North Carolina.
5. On February 22, 2012, Respondent signed a Consent Order which found that he violated the Dental Practice Act by failing to diagnose and treat decay in a patient, failing to take radiographs at appropriate intervals and failing to keep proper treatment records.

6. The Consent Order suspended the Respondent’s dental license for a period of two years, but stayed the suspension for two years on condition, among other things, that the Respondent successfully completed Board-approved continuing education courses on the topics of diagnosis and treatment planning, periodontal diagnosis and treatment planning and record keeping no later than March 28, 2013.

7. The Respondent was represented by counsel at the time he signed the Consent Order. He was aware of the terms and requirements of the Consent Order and had the opportunity to ask questions of his attorney before agreeing to the Order.

8. During a telephone conversation in January 2013, a member of the Dental Board staff reminded the Respondent of his March 28 deadline to complete his continuing education.

9. The Respondent has not completed the continuing education courses required by the 2012 Consent Order and has not contacted UNC Dental School to arrange to take the courses.

10. The Respondent did not request more time to complete the courses nor did he ask to amend the 2012 Consent Order to eliminate the continuing education course requirement.

11. The Respondent was diagnosed with anxiety and depression a number of years ago, but is not currently taking the medication prescribed for him by his physician.
Based upon the Findings of Fact and the consent of the parties, the Board hereby enters the following:

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. By failing to complete the continuing education courses as required in the 2012 Consent Order, the Respondent has violated a valid and lawful Order of the Board, and thereby engaged in unprofessional conduct in violation of 21 NCAC 16V .0101(4) and N.C. Gen. Stat. 90-41(a)(26).

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

ORDER OF DISCIPLINE

1. License number 5103 issued to Respondent for the practice of dentistry in North Carolina is suspended for a period of two (2) years. Respondent shall surrender his license and current renewal certificate to the Board at its offices on or before August 12, 2013.

2. The Respondent may petition for the reinstatement of his dental license on the 31st day following the surrender of his license, provided that he first provides written proof of the following:

   a) Successful completion of continuing education courses especially designed for him by the University of North Carolina School of Dentistry in conjunction with, and approved by, the North Carolina State Board of
Dental Examiners. These will be comprehensive, remedial courses in (1) diagnosis and treatment planning; (2) periodontal diagnosis and treatment planning; and (3) record keeping. In lieu of the UNC course, Respondent may complete fifteen (15) hours of continuing education in diagnosis and treatment planning; ten (10) hours of continuing education in periodontal diagnosis and treatment planning; and eight (8) hours of continuing education in record keeping. No course shall be accepted in satisfaction of this requirement unless the course has been approved in writing by the Board before Respondent takes it. This requirement shall be in addition to the continuing education required by the Board for the renewal of Respondent's dental license. Respondent shall submit to the Board's Deputy Operations Officer written proof of satisfactory completion of these courses before they will be accepted in satisfaction of this requirement. It is the Respondent's responsibility to make all arrangements for and bear the cost of this course within the specified time.

b) Anxiety and depression are sufficiently controlled such that he can practice dentistry safely.

3. Any order of reinstatement may contain such other terms and provisions as the Board deems fit and proper.
This the 12th day of August, 2013.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

BY:  
Terry Friddle
Deputy Operations Officer
STATEMENT OF CONSENT

I, DAVID M. RAGAN, 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 30 day of July, 2013.

David M. Ragan, D.D.S.

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