

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

Murray Mark Reefer, D.D.S., )  
(Applicant for Licensure by Military Endorsement) )      CONSENT ORDER

THIS MATTER came on to be heard and was heard before the North Carolina State Board of Dental Examiners ["Dental Board" or "Board"] pursuant to N.C. Gen. Stat. § 90-41.1(b), for consideration of a Consent Order in lieu of a formal administrative hearing. A settlement conference was held before the full Board on November 18, 2016. Murray Mark Reefer, D.D.S. ["Applicant"], elected to appear without legal counsel. Crystal S. Carlisle represented the Investigative Panel ["IP"]. The parties freely and voluntarily consent to the following Findings of Fact and Conclusions of Law and to the entry of the Order of Conditional Licensure:

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 in Article 2, and the Rules and Regulations of the North Carolina State Board of Dental Examiners, set forth in 21 North Carolina Administrative Code Chapter 16.

2. Applicant was licensed to practice dentistry by examination in Maryland in 2010 and since becoming licensed, his dental career has been with the United States Army.

3. On January 15, 2016, Applicant applied for licensure in North Carolina by military endorsement.

4. Applicant did not disclose the following charges on his application:

a. February 11, 2015 charge for Wrongful Use of Marijuana;

b. March 12, 1998 charge for Drunk and Disorderly Conduct; Conduct Unbecoming an Officer and Gentleman; Assault Consummated by Battery; and Provoking Speeches and Gestures; and

c. July 27, 2006 charge of Assault on a Child under 16.

5. The Dental Board conducted a settlement conference on May 18, 2016 to determine whether Applicant possessed the good moral character required to be granted a dental license in this State.

6. Applicant stated these incidents were all attributable to consumption of alcohol.

7. Following the May 18, 2016 settlement conference, the Dental Board denied Applicant's application for licensure and advised him that before re-applying, he must: (a) participate in a substance abuse and psychological assessment organized by the North Carolina Caring Dental Professionals ["CDP"]; and (b) follow all of CDP's treatment recommendations.

8. Applicant participated in a 96-hour professional diagnostic assessment at Fellowship Hall on July 25, 2016, where he was diagnosed with moderate alcohol use disorder in full sustained remission and anxiety.

9. The assessment team at Fellowship Hall recommended that Applicant:

a. Continue abstinence of all mood-altering substances;

- b. Sign a five-year contract with CDP;
- c. Participate in Caduceus or AA meetings; and
- d. Follow-up with a psychiatrist to assess for the presence of anxiety or post-traumatic stress disorder.

10. The team at Fellowship Hall opined that Applicant is safe to practice dentistry once he has fulfilled all the recommendations made by the assessment team.

11. On August 1, 2016, Applicant signed a standard five-year contract with CDP, and CDP advocates for Applicant to be licensed in North Carolina as a dental professional.

12. On August 24, 2016, Applicant was evaluated by psychologist, Dr. Philip L. Hillsman who stated he supports Applicant's licensure under monitoring.

13. Applicant filed another application for licensure by military endorsement on August 10, 2016.

14. With his most recent application, Applicant provided the following evidence: (a) report regarding his evaluation at Fellowship Hall; (b) Report of Dr. Philip Hillsman; (c) CDP contract; and (d) letter of advocacy from Nancy Davis, Executive Director of CDP.

15. The Board held another settlement conference on November 18, 2016.

16. The Board was presented with the documents described in paragraph 14, Applicant's most recent reinstatement application and his statements at the conference.

17. Nancy Davis, Executive Director of CDP, appeared and advocated for Applicant's licensure.

18. Applicant has a documented history of addiction and related violations of the law, but has taken steps toward recovery and reformation.

19. Applicant needs to continue to demonstrate compliance with the CDP's recommendations, given his history of addiction and violations of the law.

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

#### CONCLUSIONS OF LAW

1. The Dental Board has jurisdiction over Applicant and the subject matter of this case.

2. Applicant had proper notice of the time, date and place of the settlement conference on November 18, 2016 and attended it.

3. Applicant demonstrated that he has complied with the pre-conditions for re-application set forth after the Board's May 2016 settlement conference and that he can safely practice dentistry under certain conditions.

4. Considering Applicant's addiction and past violations of law, protection of the public in the future requires that restrictions be placed on his ability to practice dentistry.

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

#### ORDER OF CONDITIONAL LICENSURE

1. The Applicant's application for licensure as a dentist in North Carolina is hereby granted, provided for a period of five (5) years he adheres to the following probationary terms and conditions:

- (a) Applicant shall violate no provision of the Dental Practice Act or the Board's Rules;
- (b) Applicant shall submit to interviews by the Board or its authorized agent during regular office hours or at such other times as are mutually convenient. Applicant shall also arrange for the Board or its agent to interview his employer and co-employees during regular office hours;
- (c) Applicant shall comply with all terms and conditions of his CDP contract. Applicant shall sign a release with CDP permitting them to submit monthly reports to the Board regarding his progress in the program;
- (d) Applicant shall not possess or use any controlled substances, alcohol or any other mood altering substance unless prescribed for him in the usual course of professional treatment. Applicant shall immediately notify CDP of any medications prescribed, along with the name of the physician issuing the prescription. This must be accomplished prior to Applicant consuming the medication;
- (e) Applicant shall give written notice to the Board of the street and mailing addresses of his places of employment and residence. Applicant shall

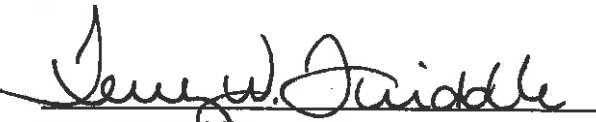
notify the Board of any changes of either address within ten (10) days of the change;

- (f) Applicant shall inform all employers, in writing, of his recovery status and provide each employer with a copy of this Consent Order.

2. If Applicant fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause Hearing to permit Applicant to show cause why his dental license should not be rescinded. If, as a result of the Show Cause hearing, the Board is satisfied that Applicant failed to comply with or breached any term or condition of this Order, Applicant's license shall be rescinded and, upon written demand, Applicant shall immediately surrender his license and current renewal certificate to the Board. This sanction shall be in addition to and not in lieu of any sanction the Board may impose as a result of future violations of the Dental Practice Act or the Board's Rules.

This the 30 day of December, 2016.

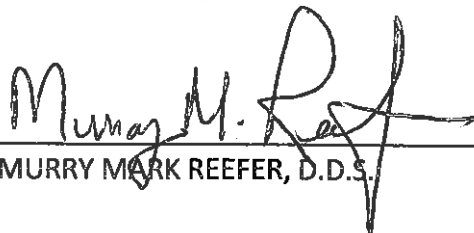
THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS

By:   
Terry W. Fiddle  
Deputy Operations Officer

STATEMENT OF CONSENT

I, MURRAY MARK REEFER, D.D.S., do hereby certify that I have read the foregoing Consent Order in its entirety. I assent to the terms and conditions set forth 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 conclusion of law; and that I will not contest the findings of fact, the conclusions of law, or the order of conditional licensure in any future proceedings before or involving the Dental Board, including if future disciplinary proceedings or action is warranted in this matter. I knowingly waive any right to appeal or otherwise later challenge this Consent Order once entered. I understand 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 Board's permanent public record. I further acknowledge that this required reporting may have adverse consequences in other contexts and any potential effects will not be the basis for a reconsideration of this Consent order. I have had the opportunity to consult with an attorney prior to signing this Consent Order.

This the 8<sup>th</sup> day of December, 2016.

  
MURRY MARK REEFER, D.D.S.