

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

DANIEL D. SKOTZKO, D.D.S
(License No. 6536)

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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. A settlement conference was held before the full Board on October 16, 2009. Daniel D. Skotzko, D.D.S. (Respondent), was represented by Walter L. Tippet, Jr. 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. At all times relevant hereto, Respondent was licensed to practice dentistry in North Carolina and was subject to the Dental Practice Act and the Board's rules promulgated thereunder.

3. On December 14, 2007, Respondent called in a prescription for antibiotics for Tammy Mitchell, one of his employees, who was suffering from a sinus infection.

4. At the request of another employee, Respondent called in the prescription under the name of Ms. Mitchell's sister, because the sister had insurance that would cover the prescription, whereas Ms. Mitchell did not.

5. Respondent has never held a license to practice medicine.

6. As of October 17, 2009, Respondent had not refunded any expenses that the insurance company for Ms. Mitchell's sister incurred as a result of his misconduct.

7. On at least one other occasion prior to December 2007, Respondent called in a prescription for antibiotics to treat his hygienist's chronic sinus infection.

8. On a number of occasions before and after December 14, 2007, Respondent permitted his employees to call in prescriptions for various medications for themselves, their relatives, and for Respondent's wife.

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

CONCLUSIONS OF LAW

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

2. By calling in a prescription for Ms. Mitchell in the name of her sister, the Respondent committed a fraudulent act in the practice of dentistry, in violation of G.S. § 90-41(a)(17) and caused a drug to be distributed for an unlawful purpose in violation of G.S. § 90-41(a)(25).

3. By permitting his employees to call in prescriptions for themselves, their relatives and for Respondent's wife, Respondent aided and abetted non-dentists to perform acts that can only lawfully be performed by a dentist, in violation of G.S. § 90-

41(a)(13) and engaged in negligence in the practice of dentistry, in violation of G.S. § 90-41(a)(12).

4. By calling in prescriptions to treat his employees' medical conditions which were outside the scope of his dental practice, the Respondent caused drugs to be distributed for unlawful purposes, in violation of G.S. § 90-41(a)(25) and engaged in negligence in the practice of dentistry, in violation of G.S. § 90-41(a)(12).

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

ORDER OF DISCIPLINE

1. License Number 6536 issued to the Respondent for the practice of dentistry is hereby suspended for a period of sixty (60) days.

2. With Respondent's consent, his license to practice dentistry shall be immediately restored, with no period of active suspension, provided that, for five (5) years from the date of this Order, he adheres to the following probationary terms and conditions:

- (a) Respondent shall violate no provision of the Dental Practice Act or the Board's rules and regulations.
- (b) Respondent shall neither direct nor permit any employee to violate any provision of the Dental Practice Act or the Board's rules and regulations.
- (c) Respondent shall allow the Board or its authorized agents to inspect and observe his office, conduct random patient chart

reviews and interview his employees and co-workers at any time during regular office hours.

- (d) Respondent shall, within one (1) year from the date of this Order, complete continuing education course(s) 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. This will be comprehensive, remedial course(s) in (1) recordkeeping, (2) prescription writing; (3) risk management; (4) Jurisprudence; and (5) dental ethics. 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 the course(s) 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 the course(s) within the specified time.
- (e) Respondent shall, on November 20, 2009, complete the continuing education course entitled "Top 50 Most Prescribed Medications and More," taught by Dr. Harold Crossley and sponsored by the University of North Carolina School of Dentistry. Respondent shall submit to the Board's Deputy Operations Officer written proof of satisfactory completion of this course before the course is 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.

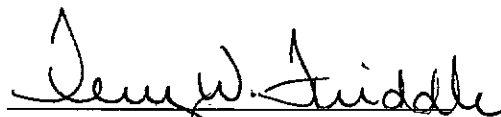
- (f) Within sixty (60) days of the date of this Order, Respondent must take and pass the Board's written jurisprudence exam at his sole expense.
- (g) Within thirty (30) days of the date of this Order, Respondent shall reimburse the Board for the costs associated with its investigation of this matter in the amount of \$916.00.

3. If Respondent 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 Respondent to show cause why his dental license should not be suspended. If, as a result of the Show Cause hearing, the Board is satisfied that Respondent failed to comply with or breached any term or condition of this Order, Respondent's license shall be rescinded and, upon written demand, Respondent shall immediately surrender his license and current renewal certificate to the Board for a period of sixty (60) days. 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 5 day of November, 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By:



Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, DANIEL D. SKOTZKO, 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 3 day of November, 2009.


DANIEL D. SKOTZKO, D.D.S.