BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

Mark C. Austin, D.D.S.
(License Number 107348)

CONSENT ORDER
SUMMARILY SUSPENDING
LICENSE

Pursuant to G.S. 150B-3(c), the North Carolina State Board of Dental Examiners (Board) finds that the public health, safety, and welfare requires emergency action and hereby summarily suspends License Number 107348 issued to Mark C. Austin, D.D.S. (Respondent), effective upon entry of this Order. Respondent shall immediately cease the practice of dentistry in North Carolina and surrender his license and current renewal certificate pending further order of the Board.

Based on a preliminary investigation regarding Respondent’s treatment of Patient H.P. on July 30, 2020, the Board previously concluded that there was sufficient evidence to summarily restrict Respondent’s general anesthesia permit. On January 4, 2021, the Board entered a consent order summarily restricting Respondent’s general anesthesia permit and requiring another provider to be involved in the administration of sedation or general anesthesia for Respondent’s patients.

The current action is being taken based on additional information and evidence received after January 4, 2021 providing the Board probable cause that Respondent has committed significant additional violations. Specifically, the Board received information demonstrating that Respondent has prescribed controlled substances for his staff members, including prescribing controlled substances outside the scope of practicing
dentistry, such as narcotic cough suppressants and sedative-hypnotic medications. The Board also recently received evidence that during an audit by the Drug Enforcement Agency (DEA) conducted in 2021, Respondent was unable to account for controlled substances that were supposed to be maintained at his office, including the schedule II-controlled substance Fentanyl. Most recently, the Board obtained evidence indicating that Respondent has taken controlled substances, including Fentanyl, from his dental practice and used them personally during portions of 2019 and 2020.

The Board’s summary suspension is not a final agency decision concerning whether any violations of the Dental Practice Act and the Board’s regulations occurred or Respondent’s ability to practice dentistry in the future. If Respondent submits a written request for a hearing to the Board, contested case proceedings in this matter will be commenced as soon as practicable and a hearing scheduled to begin no later than December 2021, absent mutual written agreement by Respondent and the Board’s Investigative Panel or further Order of the Board’s Hearing Panel to postpone the contested case hearing for good cause. Respondent will be served with a Notice of Hearing containing the allegations to be heard in accordance with G.S. 150B-38(b). The summary suspension of Respondent’s dental license number 107348 shall remain in effect while the investigation is pending and until a further Board order or final agency decision.
This the 6th day of May 2021.

THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

Casie S. Goode
Director of Investigations
STATEMENT OF CONSENT

I, Mark C. Austin, D.D.S., do hereby certify that I have read the foregoing Consent Order Summarily Suspending my dental license and assent to it. I knowingly waive any right to seek judicial review, appeal, or otherwise 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 it will become part of the Board's public record. I understand that the investigation is still ongoing and, as a result, I agree that no proceeding will be promptly commenced and determined pursuant to N.C. Gen. Stat. 150B-3(c). I understand that the summary suspension of my dental license shall remain in effect while the investigation is pending and until a further Board order or final agency decision. I freely and voluntarily enter into this Consent Order. I acknowledge that I have not been forced or coerced to sign this Consent Order and consulted with my counsel before agreeing to and signing it.

This the 5 day of May 2021.

Mark C. Austin, D.D.S.