

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

Ceasar R. Marston D.M.D.
(License No. 8737)

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**CONSENT ORDER OF
INDEFINITE SUSPENSION**

THIS MATTER is before the North Carolina State Board of Dental Examiners ["Board"] as authorized by N.C. Gen. Stat. § 90-41.1 for consideration of a Consent Order of Indefinite Suspension in lieu of a formal administrative hearing. K. Brandon Remington represented Respondent Ceasar R. Marston D.M.D. ["Respondent"]. Douglas J. Brocker and Dauna L. Bartley represented the Board's Investigative Panel. The Parties freely and voluntarily consent to the Findings of Fact and Conclusions of Law set out below and to the entry of this Consent Order.

FINDINGS OF FACT

1. The 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 Board.

2. Respondent was licensed to practice dentistry in North Carolina on March 26, 2009, and holds license number 108737. Respondent has remained licensed to practice dentistry in North Carolina and subject to the Dental Practice Act and the Board's rules and regulations at all times relevant to this Consent Order.

3. Respondent's dental license was summarily suspended by way of a Consent Order Summarily Suspending License [the "Summary Suspension Order"] entered on July 10, 2020, pending the Board's further order.

Events Leading to Summary Suspension

4. From late 2015 until May 2020, Respondent was employed and practicing dentistry at Smile Starters, a pediatric dental practice in Conover, North Carolina.

5. In January 2020, the Board received and began investigating information about possible misconduct by Respondent, including a complaint filed with the Board against Respondent by a Smiles Starter staff member alleging violations of the Board's sterilization and infection control rules. Respondent denies any such misconduct.

6. In June 2020, the Board received additional information and evidence indicating that Respondent was unsafe to practice dentistry due to Respondent's actions, which if true, constituted violations of the Dental Practice Act and the Board's regulations related to his treatment of pediatric patients and his interactions with staff members at Smile Starters.

7. During a voluntary meeting with the Board's investigator on June 29, 2020, Respondent stated that he had resigned from his position at Smile Starters in May 2020.

8. During the meeting with the investigator, Respondent signed a statement consenting to the summary suspension of his dental license pending the Board's full investigation.

9. On July 10, 2020, the Board found that the public health, safety, and welfare required emergency action related to Respondent's conduct and, by consent of Respondent, entered the Summary Suspension Order to remain in effect pending the Board's investigation and until further order of the Board.

Respondent's NCCDP Agreement and Evaluation

10. On July 1, 2020, in an email to the Board's investigator and Investigations Coordinator, Respondent stated that he needed treatment and he planned to contact the North Carolina Caring Dental Professionals ["NCCDP"] program.

11. On July 9, 2020, Respondent signed an Evaluation Agreement with the NCCDP [the "NCCDP Agreement"].

12. The NCCDP Agreement provided that Respondent agreed to an evaluation and listed Pine Grove Treatment Center ["Pine Grove"] as one of his preferred choices for evaluation.

13. The NCCDP Agreement also provided that Respondent agreed to follow all recommendations as a result of the evaluation.

14. On July 31, 2020, Respondent presented to Pine Grove for an evaluation which resulted in the conclusion that Respondent was not currently fit to practice dentistry.

15. The Pine Grove evaluation included the recommendation that Respondent complete a minimum of eight weeks of treatment in a program approved by the NCCDP and that Respondent then enter into a monitoring contract with the NCCDP with a monitoring period of at least five years.

16. On August 5, 2020, in an email to the Board's Investigations Coordinator, Respondent acknowledged the result and recommendations from the Pine Grove evaluation, and stated he planned to attend the recommended eight-week treatment program.

17. Respondent was scheduled for admission to the Pine Grove treatment program on August 24, 2020.

18. Respondent did not present for admission to the treatment program on August 24, 2020, nor did he present for admission to any approved treatment program at any time after that date.

19. Respondent failed to follow the recommendations from the Pine Grove evaluation, and therefore failed to comply with the provisions of the NCCDP Agreement.

CONCLUSIONS OF LAW

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

2. Respondent's failure to comply with the provisions of the NCCDP Agreement constitutes unprofessional conduct pursuant to 21 NCAC 16V .0101(13).

3. Respondent's failure to comply with the provisions of the NCCDP Agreement indicate he has engaged in any unprofessional conduct as the same may be, from time to time, defined by the rules and regulations of the Board, in violation of N.C. Gen. Stat. § 90-41(a)(26).

4. Respondent's conduct indicates he has engaged in acts or practices violative of the provisions of the Dental Practice Act and violative of the rules and regulations promulgated by the Board in violation of N.C. Gen. Stat. § 90-41(a)(6).

5. In light of the results of the Pine Grove evaluation and Respondent's breach of the NCCDP Agreement, protection of the public requires that Respondent's dental license be suspended indefinitely unless and until he can demonstrate that he is safe to resume practice.

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 DISCIPLINE

1. The dental license in North Carolina of Respondent, Ceasar R. Marston D.M.D., is hereby **INDEFINITELY SUSPENDED**.

2. Respondent may apply for reinstatement and petition the Board to lift the indefinite suspension of his North Carolina dental license by demonstrating, by clear and convincing evidence, that he has:

- a. complied with all provisions of the NCCDP Agreement, including completing a treatment program consistent with the recommendations as a result of the evaluation; and
- b. obtained the proper support and advocacy of the NCCDP.

3. If the Board approves Respondent's petition and reinstates Respondent's North Carolina dental license in the future, the Board may impose probationary terms and conditions of reinstatement deemed necessary for the protection of the public, including but not limited to the requirement(s) that Respondent shall:

- a. not violate any provision of the Dental Practice Act or the Board's rules and regulations;
- b. neither direct nor permit any of his employees to violate any provision of the Dental Practice Act or the Board's regulations;
- c. permit the Board or its agents to inspect and observe his offices, conduct a random review of patient treatment records, and

- interview employers, employees and coworkers at any time during normal office hours and at the Board's sole discretion;
- d. respond to requests for inspections or interviews promptly, and on the same day as the request, and shall fully cooperate with the Board or its agent and all inspections and interviews;
 - e. if applicable, remain in the NCCDP and abide by all terms and conditions of his NCCDP Agreement and any addenda or succeeding agreements with the NCCDP; and
 - f. sign all necessary releases authorizing NCCDP to provide information to the Board concerning participation and compliance with NCCDP, including a monthly report and not revoke any such releases while this or another Consent Order with the Board remains in effect. Respondent's revocation of any releases authorizing NCCDP to provide information to the Board would constitute a violation of the Consent Order and warrant activating suspension of his dental license.

4. The Board recognizes that the conditions, limitations, or requirements set forth in this Consent Order, including those necessary for potential reinstatement, may present Respondent with certain practical difficulties. The Board concludes that each one is necessary to ensure public protection and it does not intend to modify or eliminate any of the conditions, limitations, or requirements set forth herein based on such potential difficulties.

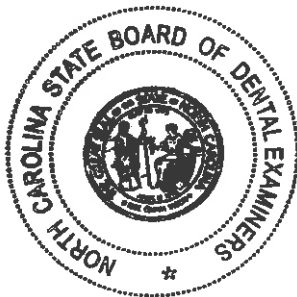
5. As of the entry of this Consent Order of Indefinite Suspension, the Summary Suspension Order is terminated and of no further effect.

6. The Board shall retain jurisdiction of this matter and Respondent to enforce the provisions herein or enter orders as necessary in the future.

This the 24th day of March 2021.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

BY: Casie S. Goode
Casie S. Goode
Deputy Operations Officer



STATEMENT OF CONSENT

I, Ceasar R. Marston, 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 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 consent order of discipline in any future proceedings before or involving the 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 will become 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 my attorney prior to signing this Consent Order.

This the 18 day of March 2021.



Ceasar R. Marston, D.M.D.