

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:)
)
CHARLES ALBERT NASON, D.D.S.) **CONSENT ORDER**
)

THIS MATTER is before the North Carolina State Board of Dental Examiners (the "Board") as authorized by G.S. § 90-41 for consideration of a Consent Order in lieu of a formal administrative hearing. A settlement conference was held before the Board on July 10, 2020. Dr. Charles Albert Nason ("Applicant") elected to appear without counsel. The Investigative Panel ("IP") was represented by Douglas J. Brocker. The parties freely and voluntarily consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Conditional Licensure.

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. On March 5, 2020, Applicant applied for a North Carolina dental license. Applicant graduated from dental school in May of 2020.

3. In response to multiple different subparts on Item 22 on his application for licensure, Applicant denied separately for each that he had ever been (i) arrested or taken into custody for commission of a crime, (ii) charged, (iii) tried, (iv) convicted or (v) plead guilty to a criminal charge.

4. Through a criminal background check, the IP discovered that Applicant had been arrested twice in 2012, once for hit and run/damage to property and once for driving while impaired. The IP asked Applicant for additional information regarding these incidents.

5. On June 2, 2020, Applicant disclosed additional information regarding the two arrests, the charges, and the disposition of each case. Applicant also disclosed a third charge from 2010 for underage possession of alcohol.

6. The information obtained by the IP and that Applicant subsequently provided establish that he was arrested, taken into custody, charged, plead guilty, and been tried and convicted of these various criminal offenses.

7. Applicant's multiple, separate response to these questions about prior criminal matters were false.

8. Applicant stated to the Board that at the time he submitted his application, he recalled the prior criminal matters but did not believe he was required to disclose the them for reasons the Board found unpersuasive.

CONCLUSIONS OF LAW

1. The 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 and attended the Settlement Conference.
3. Respondent engaged in acts of misrepresentation in attempting to obtain a license in violation of N.C. Gen Stat. § 90-41(a)(1).
4. Considering Applicant's multiple misrepresentations and complete failure to disclose information responsive to Item 22 on his application for licensure until discovered

independently by the Board, protection of the public requires that restrictions initially be placed upon his ability to practice dentistry.

5. The Board's action in this matter is based on Applicant's misrepresentations on his licensure application in 2020, not on his prior criminal matters.

6. Applicant has agreed to entry of this Consent Order.

Based upon the foregoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, it is ORDERED as follows:

ORDER OF CONDITIONAL LICENSURE

1. Applicant's application for licensure as a dentist in North Carolina is hereby granted, provided that for a period of one year, he adheres to the following probationary terms and conditions:

- a. Applicant shall violate no provisions of the Dental Practice Act or the Board's Rules and Regulations;
- b. Applicant shall neither permit nor direct any of his employees to violate any provision of the Dental Practice Act or the Board Rules and Regulations;
- c. Applicant shall permit the Board and its agents to inspect and observe his office and patient records and interview employers, employees, and co-workers at any time during normal office hours;
- d. Applicant shall engage a North Carolina licensed dentist approved by the Board's IP to monitor treatment of patients. The designated monitor's principal place of practice must be located outside of Gaston County, and the designated monitor must not practice, or have ever practiced, on a

regular basis in Gaston County. Within thirty (30) days of the entry of this Order, Applicant shall submit a proposed practice monitor for review and potential approval by the Board's IP, at its discretion. The practice monitor shall meet with Applicant regularly and no less than monthly to review patient records selected by the monitor, not the Applicant or employees of the Applicant's practice. During those meetings, the monitor shall examine the patient records to determine the appropriate treatment of patients. Applicant shall ensure that the monitor prepares and submits to the Board, on a quarterly basis, reports with findings, including the specific patient treatment reviewed. The IP reserves the right to review the charts that the monitor selects for his/her report, which records Applicant shall provide to the IP upon its request. The reports shall be due no later than November 1, and February 1, May 1, and August 1 for the previous quarter. Applicant is responsible for payment of costs associated with this monitoring. If the monitor reports information to the Board indicating that Applicant may be engaging in a violation of the Board's statutes or regulations, Applicant understands that such findings may result in disciplinary action by the Board, following notice to Applicant and an opportunity to be heard.

- e. Applicant shall, within nine months of entry of this Consent Order, complete three (3) hours of continuing education on ethics, with the course(s) being approved in advance by the Board. This requirement shall be in addition to the continuing education required by the Board for renewal of Applicant's dental license. It is the Applicant's responsibility to make all

arrangements for and bear the costs of these courses within the specified time.

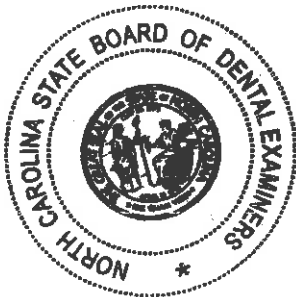
2. If Applicant fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a Show Cause Hearing to permit Applicant to show cause why his dental license should not be suspended. If, as a result of the Show Cause Hearing, the Board is satisfied that 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 dental license and current renewal certificate to the Board. This sanction shall be in addition to and not in lieu of any sanction that the Board may impose because of future violations of the Dental Practice Act or the Board rules.

This the 23rd day of OCTOBER, 2020.



Millard W. Wester, D.D.S.
President

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS



STATEMENT OF CONSENT

I, Charles Albert Nason, D.D.S., 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 order of discipline 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 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 an attorney prior to signing this Consent Order.

This the 2nd day of August, 2020.



Charles Albert Nason, D.D.S.