

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

Deborah Barsan, D.D.S.
(License No. 5892)

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CONSENT ORDER

THIS MATTER is 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. Deborah Barsan, D.D.S. (Respondent), was represented by Reed Fountain. Carolin Bakewell represented the Investigative Panel.

While Respondent does not admit for any purposes, other than this disciplinary hearing and any other disciplinary or licensure proceeding before this Board or any other dental licensing Board, the allegations contained in this Consent Order, in order to terminate further controversy and avoid additional proceedings, the Respondent agrees not to contest the allegations set forth within this Consent Order and does furthermore agree to the provisions and sanctions contained herein. Respondent further agrees that any breach or violation of this Consent Order shall constitute an admission of the Findings of Fact and Conclusions of Law as it pertains to the allegations contained herein.

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) and the Rules and Regulations of the North Carolina State Board of Dental Examiners (Dental Board).

2. Respondent was licensed to practice dentistry in North Carolina on June 15, 1990 and holds license number 5892.

3. At all times relevant hereto, the Respondent was subject to the Dental Practice Act and the Board's rules and regulations promulgated thereunder.

4. The Respondent suffers from cognitive impairments in the areas of executive functions, memory, and sensory motor integration skills.

5. The Respondent cannot safely engage in the practice of dentistry until her cognitive impairments are resolved.

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

CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over the subject matter of this action and over the person of the Respondent.

2. Respondent has stipulated that such allegations, if proven, are legally sufficient to support Findings and Conclusions that she has violated G.S. 90-41 as specified in the Findings of Fact. Furthermore, Respondent has stipulated that, solely

for the purposes recited herein, Respondent will not contest the allegations set forth in this Order, which allegations are previously incorporated in this Order, as if fully set forth herein, as Findings of Fact.

3. The Respondent is unfit to practice dentistry as defined in N.C. Gen. Stat. 90-41(a)(7), by virtue of her cognitive impairments.

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

CONSENT ORDER OF DISCIPLINE

1. License number 5892 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended indefinitely. Respondent shall surrender her original license and current renewal certificate to the Board office immediately.

2. Respondent may continue to own her present dental practice but may not engage in the practice of dentistry, give advice regarding dentistry, schedule appointments, consult with any locum tenens or temporary dentist regarding clinical dentistry issues or work in any capacity at the practice during regular business hours.

3. Respondent shall allow the Board or its authorized agent to inspect and observe her office, conduct random patient chart review, and interview any locum tenens or temporary dentist, her employees and/or co-workers at will.

4. At any time between 8 a.m. and 5 p.m. on week days when the office is closed to patients, the Respondent may visit the office for the following purposes:

(a) Review billing, insurance and financial information relating to the practice and make copies thereof.

- (b) Review and copy appointment information relating to the practice and make copies thereof.
- (c) Meet with her employees and/or locum tenens or temporary dentist(s) to discuss non-clinical management issues, such as the hiring, firing compensation and discipline of personnel, purchase and maintenance of dental supplies and equipment, payment of bills, maintenance and operation of the building and equipment in it, resolution of patient complaints not related to any clinical aspect of dentistry and the marketing and sale of the practice.

5. Respondent may not petition the Board for the reinstatement of her dental license until a minimum of one (1) year has passed from the date of this Order.

6. Any reinstatement petition filed by the Respondent must be accompanied by a written report from a licensed North Carolina physician opining that she is physically and mentally competent to practice dentistry.

7. Any Order granting the reinstatement of the Respondent's dental license may impose such probationary terms or other conditions as the Dental Board deems appropriate, including, but not limited 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 of her employees to violate any provision of the Dental Practice Act or the Board's Rules;
- (c) Respondent shall allow the Board or its authorized agent to inspect and observe her office, conduct random patient chart review, and

interview her employees and co-workers at any time during regular office hours or at such other times as are mutually convenient.

8. Trial of the Investigative Panel's pending claims that the Respondent breached one or more terms of the Consent Order that she signed on March 17, 2011 will be stayed until such time, if ever, that the Respondent's dental license is reinstated.

This the 17 day of August, 2011.

BY: Terry W. Friddle
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, DEBORAH BARSAN, D.D.S., do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before this Board or any other Dental Licensing Board, that there is a factual basis for the Findings of Fact set forth therein, that the Findings of Fact, if proven, support the Conclusions of Law, that I will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that I assent to the terms and conditions set forth therein. By signing this Statement of Consent I hereby express my understanding 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 permanent public record of the Board.

This the 8 day of August, 2011.

Deborah Barsan
DEBORAH BARSAN, D.D.S.