

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

BILLY F. BOOTY, JR., D.D.S.     )  
(License No. 8554)             )             CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. 90-41.1(b) for consideration of a Consent Order in lieu of a formal administrative hearing. Billy F. Booty, Jr., D.D.S. (Respondent), consents to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Discipline.

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 May 5, 2008 and is subject to the Dental Practice Act and the rules promulgated thereunder.
3. At all times relevant hereto, Respondent was engaged in the practice of general dentistry in Louisiana and/or North Carolina.

4. The Louisiana State Board of Dentistry (Louisiana Dental Board) began an investigation of the Respondent on September 18, 2006 after it received a complaint from Anne T. Kelly (Ms. Kelly).

5. On March 3, 2008, Respondent submitted an application for licensure by credentials in North Carolina. Respondent failed to disclose that he was under investigation by the Louisiana Dental Board.

6. The Investigative Panel assigned to this matter alleges that Respondent was aware of the Louisiana Dental Board investigation by no later than January 2008 and that he intentionally concealed its existence from the N.C. State Board of Dental Examiners.

7. Respondent denies that he knew about the Louisiana Dental Board investigation until after he submitted his application for licensure by credentials in North Carolina. The parties agree that a genuine dispute exists between them as to the merits of the Investigative Panel's claim that Respondent engaged in fraud or misrepresentation in applying for his license by credentials in North Carolina.

8. Respondent was issued a dental license by credentials in North Carolina on May 5, 2008.

9. On May 16, 2008 Respondent voluntarily surrendered his Louisiana dental license in lieu of participating in a formal hearing to face charges that he violated the standard of care in treating a patient, employed an unlicensed person to practice dentistry and failed to inform the Board of an address change.

10. Respondent was represented by counsel at the time he voluntarily surrendered his Louisiana dental license.

11. Respondent contends that he would not have surrendered his Louisiana dental license had he known that this action would subject him to discipline in North Carolina.

12. The surrender of the Respondent's Louisiana dental license became effective on May 16, 2008. The Respondent's Louisiana dental license has not been reinstated.

13. After Respondent's Louisiana dental license was revoked, he continued to prescribe medications for individuals who reside in Louisiana.

14. After he was licensed to practice dentistry in North Carolina, the Respondent self-prescribed medications without proper authorization.

15. After he was licensed to practice dentistry in North Carolina, Respondent prescribed medications for disorders that are outside the scope of dentistry.

16. Respondent contends that he was unaware that his prescribing practices were improper.

17. Respondent also failed to keep complete treatment records regarding the individuals for whom he prescribed medications for disorders outside the scope of dentistry. The treatment records did not set out the name, strength, amount and date of all prescriptions provided to these patients.

### CONCLUSIONS OF LAW

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

2. If the factual allegations made by the Investigative Panel regarding the Respondent's application for licensure by credentials were proven, there would be grounds to find that the Respondent engaged in an act of fraud or misrepresentation in obtaining a license, in violation of N.C. Gen. Stat. 90-41(a)(1).

3. By having disciplinary action taken against his Louisiana license, the Respondent engaged in unprofessional conduct as defined by 21 NCAC 16V .0101(1) and N.C. Gen. Stat. 90-41(a)(26).

4. By issuing prescriptions for individuals residing in Louisiana at a time when he did not have a Louisiana license, the Respondent engaged in unprofessional conduct as defined in 21 NCAC 16V. 0101(11) and N.C. Gen. Stat. 90-41(a)(26).

5. By failing to keep patient records that set out the name, strength, amount and date of all prescriptions provided, the Respondent violated the Board's record keeping requirements set out in 21 NCAC 16T .0101(a) and thereby violated N.C. Gen. Stat. 90-21(a)(6).

6. By prescribing medications for disorders outside the scope of dentistry, the Respondent distributed or caused to be distributed drugs for an unlawful purpose in violation of N.C. Gen. Stat. 90-29(a)(25).

7. By self-prescribing medications without proper authorization, the Respondent engaged in unprofessional conduct as defined in 21 NCAC 16V .0101(7), in violation of N.C. Gen. Stat. 90-29(a)(26) and caused drugs to be distributed for an unlawful purpose in violation of N.C. Gen. Stat. 90-29(a)(25).

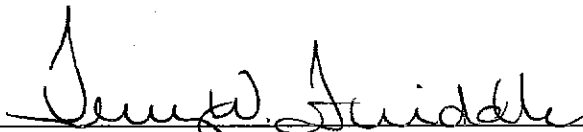
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WHEREFORE, pursuant to the authority set forth in G.S. §90-41(a), and in cooperation with the Board of Dental Examiners of Louisiana, it is ORDERED as follows:

1. License Number 8554 issued to Respondent for the practice of dentistry in North Carolina is hereby permanently revoked. Respondent may not seek reinstatement of his North Carolina dental license or file a new application for licensure. Respondent shall surrender his license and current renewal certificate to the Board on or before June 4, 2009.

This the 13 day of July, 2009.

BY:

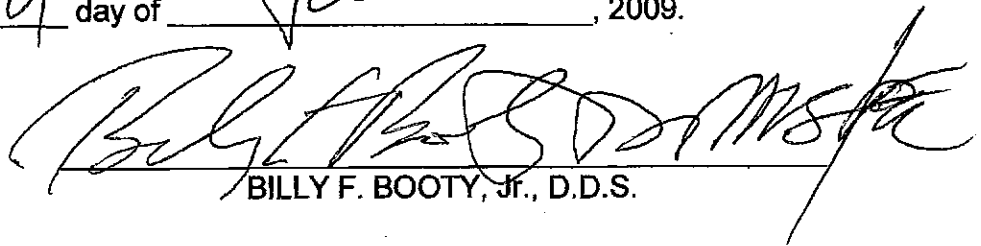


Terry W. Friddle  
Deputy Operations Officer

STATEMENT OF CONSENT

I, BILLY BOOTY, 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, that there is a factual basis for the allegations set forth therein, that these factual allegations, if proven, are legally sufficient to support findings and conclusions that I am in violation of G.S. Section 90-41(a)(1),(6),(25) and (26), and I will not contest the factual allegations therein 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 agree never to seek reinstatement of my dental license in North Carolina or to file a new application for licensure. 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 3rd day of June, 2009.

  
BILLY F. BOOTY, Jr., D.D.S.