

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

S. TRENT RIGSBEE, D.D.S.)
(License No. 7047)) FINAL AGENCY DECISION

THIS MATTER came on to be heard and was heard on August 8, 2008, before the North Carolina State Board of Dental Examiners (the Board) pursuant to G.S. §§ 90-41.1 and 150B-38 and 21 N.C.A.C. 16N .0504 of the Board's Regulations. The hearing panel of the Board consisted of Board members Dr. Ronald K. Owens, presiding; Dr. C. Wayne Holland, Dr. Brad C. Morgan, Dr. W. Stan Hardesty and Dr. Millard Wester. Board members Dr. Joseph S. Burnham, Ms. Zannie P. Efird and Ms. Jennifer A. Shepherd, R.D.H., did not participate in the hearing, deliberations or decision of this matter. Thomas F. Moffitt appeared as counsel to the Hearing Panel. Carolin Bakewell represented the Investigative Panel. The Respondent, Dr. S. Trent Rigsbee (Dr. Rigsbee) was neither represented nor present at the hearing.

Based upon the record herein and the evidence produced at the hearing, the Board enters the following:

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 under the authority granted it in Chapter 90 of the North Carolina General Statutes (the Dental Practice Act) and the Regulations of the North Carolina State Board of Dental Examiners.

2. The Respondent was licensed to practice dentistry in North Carolina on July 22, 1999.

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

4. The Respondent was properly served with the First Amended Notice of Hearing and had proper notice of the hearing date.

5. On December 18, 2007, the parties hereto entered into a Consent Order which, among other things, required Respondent to "sign a five year contract with the Caring Dental Professionals (CDP) within 15 business days of the date of this Order and . . . abide by all terms and conditions of the contract."

6. Pursuant to an Order entered by the Board on March 20, 2008, Respondent was given until Monday, April 14, 2008 in which to sign a CDP contract, the terms of which were to be prepared and approved by CDP.

7. Respondent failed to sign a CDP contract at any time following entry of the December 2007 Consent Order.

8. Pursuant to the December 2007 Consent Order, Respondent was ordered to completely abstain from all mood altering substances, including alcohol, except as prescribed by a licensed practitioner for legitimate purposes. He was also ordered to abide by the laws of North Carolina and of the United States.

9. Prior to March 16, 2008, Respondent illegally possessed and consumed cocaine, in violation of the December 2007 Consent Order.

10. On March 16, 2008, Respondent tested positive for cocaine. Thereafter, the Board summarily suspended his dental license.

11. On April 9, 2008, Respondent was arrested and charged with seven felony counts of obtaining controlled substances by fraud. The charges arose out of Respondent's conduct in forging Dr. Vijay Juneja's signature on prescriptions for Ritalin on seven occasions between August 7, 2007 and February 7, 2008. Four of the prescriptions were dated after the December 20, 2007 Consent Order was entered.

12. On April 11, 2008, Respondent entered a plea of guilty in Wake County Superior Court to one count of obtaining controlled substances by fraud and the remaining six charges were dismissed. Respondent was placed on supervised probation for 24 months and ordered to pay a \$200 fine and \$120 in court costs.

Based upon the foregoing Findings of Fact, the Hearing Panel enters the following

CONCLUSIONS OF LAW

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

2. By failing to sign the CDP contract by the April 14, 2008 deadline, Respondent violated the December 2007 Consent Order and the March 20, 2008 Order and thereby violated 21 NCAC 16V .0101(4) and G.S. §§ 90-41(a)(6) and(a)(26).

3. By illegally possessing and consuming cocaine, Respondent violated the December 2007 Consent Order and thereby violated 21 NCAC 16V .0101(4) and G.S. §§ 90-41(a)(6) and (a)(26).

4. By forging Dr. Juneja's signature on four prescriptions for Ritalin after December 20, 2007, Respondent violated the December 2007 Consent Order and thereby violated 21 NCAC 16V .0104(4) and G.S. §§ 90-41(a)(6) and (a)(26).

5. Respondent is a chronic or persistent user of intoxicants, drugs or narcotics to the extent that his ability to practice dentistry is impaired, in violation of G.S. § 90-41(a)(2).

Based upon the evidence presented at the hearing and the records herein, the Board also enters the following:

FINDINGS AND CONCLUSIONS REGARDING DISCIPLINE

1. Respondent's misconduct is aggravated by the following facts:
 - a) Respondent has been disciplined by the Board on two prior occasions.
 - b) Respondent has engaged in a pattern of misconduct.
 - c) Respondent's misconduct occurred over a significant period of time.
 - d) Respondent failed to demonstrate remorse or any interim rehabilitation.
2. The aggravating factors outweigh the mitigating factors.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board hereby enters the following

ORDER OF DISCIPLINE

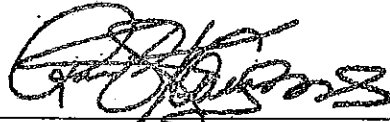
In determining the appropriate discipline, the Board concluded that imposition of lesser discipline would not sufficiently protect the public for the following reasons:

- a) Respondent offered no evidence that he has rehabilitated himself. Indeed, he did not bother to attend the disciplinary hearing herein. Therefore, the Board has no assurance that Respondent will not engage in further misconduct.

- b) Past disciplinary orders imposing a probationary term and a short suspension of license have proven insufficient to deter Respondent from committing additional violations of the Dental Practice Act.
- c) Given the gravity of the Respondent's misconduct, his long history of substance abuse and his disciplinary history, imposition of discipline short of revocation would be insufficient to protect the public from the risk of future harm by the Respondent.

WHEREFORE, Respondent's license to practice dentistry in North Carolina is hereby REVOKED.

This the 10 day of October, 2008.



Ronald K. Owens, D.D.S., President
The North Carolina State
Board of Dental Examiners