

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

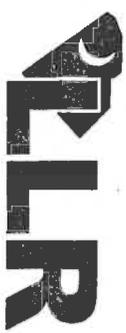
TO	DATE
<i>Single for</i>	<i>12-18-06</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER 000404	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Basling, Wells</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____
	<input type="checkbox"/> FOIA DATE DUE _____
	<input checked="" type="checkbox"/> Necessary Action

APPROVALS <small>(Only when prepared for director's signature)</small>	APPROVE	* DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small>	COMMENT
1.			
2.			
3.			
4.			



South Carolina Department of Labor, Licensing and Regulation



Mark Sanford
Governor

South Carolina Board of Dentistry

Adrienne Riggins Youmans
Director

110 Centerview Drive
Post Office Box 11329
Columbia, SC 29211-1329
Phone: (803) 896-4599
FAX: (803) 896-4596
www.llr.state.sc.us

RECEIVED

DEC 15 2006

Department of Health & Human Services
OFFICE OF THE DIRECTOR

TO: INTERESTED PARTIES
FROM: SOUTH CAROLINA STATE BOARD OF DENTISTRY
RE: HARRIS, Roger Marvin, III, D.M.D.
HUCH, Stephen D., D.M.D.
PELLETIER, Mark G., D.D.S.
DATE: DECEMBER 12, 2006

Enclosed please find a copy of the public orders of the South Carolina State Board of Dentistry in the above referenced matter.

HR A/saj

Enclosures

*for each,
Please log each
separately -
log- David
"The. Action"
CC: Bowling
WJLJ*

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY**

In the Matter of:

ROGER MARVIN HARRIS, III, D.M.D.,
License No. 3557

OGC Case #06-0018
OIE Case #2005-87

**FINAL ORDER
(Public)**

Respondent.

This matter came before the South Carolina State Board of Dentistry (the Board) for hearing on October 27, 2006, as a result of the Notice and Formal Accusation which was served upon the Respondent and filed with the Board. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §40-15-185 (1976), as amended, and the provisions of the SC Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, *et seq.*, (1976), as amended, to determine whether sanctions should be imposed based upon the Memorandum of Agreement and Stipulations agreed upon by the Respondent and the State. The State was represented by Patrick D. Hanks, Esquire. The Respondent appeared and was represented by Stephen P. Williams, Esquire.

The Respondent was charged with violation of S.C. Code Ann. §§40-15-190(A)(5), (9) and (15); 40-15-130; 40-15-220 through 260 (Supp. 2004; and S.C. Code of Regs. 39-11(4-A), (4-C) and (4-D) (Supp. 2004).

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a dentist duly licensed to practice dentistry in South Carolina, and was so licensed at all times relevant to the issues raised in the Formal Accusation. The Respondent currently practices in Greenville, South Carolina.
2. On or about August 8, 2005, the Respondent implied or inferred superior skills, or a specialty, in a manner which could be construed as misleading by representing, advertising or permitting or causing the same, on a local television station, communications to be published which expresses or

implies that he "specializes in cosmetic, family, and sedation dentistry." Respondent is a general practitioner in the field of dentistry, and is not eligible to announce a specialization in sedation. Cosmetic and family dentistry are not recognized specialties.

3. The Respondent admits that the aforementioned acts of Respondent present grounds that constitute misconduct, as alleged.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-15-190 (1976), as amended, has the authority to order the revocation or suspension of a license to practice dentistry, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension including, but not limited to, probation or requiring the person to undertake additional professional training subject to the direction and approval of the Board or imposing restraint upon the dental practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a civil penalty of up to ten thousand dollars and the costs of the disciplinary action.

2. The Respondent has violated S.C. Code Ann. §40-15-190(A)(5) (Supp. 2004) and S.C. Code of Regs. 39-11(4-A) (Supp. 2004), in that the Respondent has published, circulated, or made public, a false, deceptive or misleading statement as to his skill or methods of practice.

3. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified dentists against the countervailing concern that society be protected from professional ineptitude and misconduct.

4. The sanction imposed is designed not to punish the Respondent, but to protect the life, health and welfare of the people at large.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Respondent's license shall be placed in a probationary status for a period of one (1) year subject to compliance with the following terms and conditions:

A. Within thirty (30) days of the date of this final order, the Respondent shall pay a civil penalty of Two Thousand and No/100 (\$2,000.00) Dollars. Said penalty shall not be deemed paid until received by the Board.

- B. The Respondent shall appear and report to the Board as requested by the Board.
- C. The Respondent shall comply with the terms of the final order and all state and federal statutes and regulations concerning the practice of dentistry.
2. Failure by the Respondent abide by any of the aforementioned conditions of probation during the period of probation may warrant the immediate suspension of his license to practice dentistry in this State pending hearing into the matter and until further order from the Board.
3. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order.
4. This final order shall become effective immediately upon service of the order upon the Respondent or Respondent's counsel.

AND IT IS SO ORDERED.

SC BOARD OF DENTISTRY

BY: *Michelle D. Bedell, DMD*
MICHELLE D. BEDELL, DMD
Board Chairman

November 15, 2006.

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
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SC BOARD OF DENTISTRY

BY:


MICHELLE D. BEDELL, DMD
Board Chairman

November 15, 2006.