

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR**

ACTION REFERRAL

TO <i>Singleton</i>	DATE <i>11/27/06</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000371</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Bowling 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

Adrienne Riggins Youmans
Director



South Carolina Board of Dentistry

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

NOV 27 2006

RECEIVED

Department of Health & Human Services
OFFICE OF THE DIRECTOR

TO: INTERESTED PARTIES

FROM: SOUTH CAROLINA STATE BOARD OF DENTISTRY

RE: FAIRCLOTH, David Neal, D.M.D.

DATE: NOVEMBER 21, 2006

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

HRA/saj

Enclosures

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

In the Matter of:

DAVID NEAL FAIRCLOTH, D.M.D.,
License No. 3369

CONSENT AGREEMENT

OGC 06-0017
OIE 2005-85

Respondent.

By agreement of the State Board of Dentistry of South Carolina (the Board) and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(f) (Supp. 2002) of the South Carolina Administrative Procedures Act:

FINDINGS OF FACT

1. Respondent admits that he is licensed to practice as a dentist in the State of South Carolina and was so licensed at all times relevant to the matters asserted in this case. Said license is current. The Board has jurisdiction over this matter.
2. Respondent admits that on or about September 09, 2005, Respondent entered into a Consent Order with the Georgia Board of Dentistry, whereby he admitted that he deviated from the standard of care in Patient D. W. S., a 53-year-old male patient, who subsequently died of cancer. The aforementioned Consent Order is attached hereto and incorporated herein.
3. Respondent further admits that as a result of the previous admissions herein, Respondent has violated S.C. Code of Laws § 40-15-190(A)(15) (1976, as amended).
4. Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

5. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under § 40-15-190, *supra*. Respondent hereby waives any further conclusions of law with respect to this matter.
6. Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement he voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent

understands and agrees that a representative of the General Counsel's Office may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

THEREFORE, IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent's license shall be continued uninterrupted in a probationary status for at least five (5) years, to be served concurrently with probation required by the Georgia Board of Dentistry regarding Respondent in its Order of September 9, 2005, provided that Respondent faithfully complies with the following terms and conditions, which shall continue in effect until further Order of the Board:
 - a. Respondent shall pay a fine of One-Thousand (\$1,000.00) Dollars. The said fine shall be due at such time as this Consent Agreement is submitted to the full Board for approval. Payment must be in the form of a cashier's check, money order, or other good funds. Failure to pay the said fine shall result in the immediate temporary suspension of the Respondent's license to practice dentistry in this State until such amount is paid in full.
 - b. Respondent shall undertake additional professional training subject to direction and approval of the Board. Respondent's compliance with the aforementioned Georgia Board of Dentistry Order shall comply with the requirement herein.
 - c. Respondent shall appear and report to the Board as requested by the Board.
 - d. Respondent is subject to random office inspections and Respondent's dental records are subject to review to insure compliance with this Consent Agreement.
 - e. Respondent shall promptly advise this Board in writing of any changes in address, practice, professional status, or compliance with this Consent Agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

**LIR-Board of Dentistry
Post Office Box 11329
Columbia SC 29211-1329**
2. Respondent understands that failure to comply with the letter, intent or spirit of this Consent Agreement shall result in the immediate temporary suspension of his license to practice dentistry in the State of South Carolina pending a hearing into the matter and until further Order of the Board. In addition, the failure to comply with the letter, intent or spirit of this Consent Agreement may result in the immediate lifting of any stay that may be in effect, in accordance with South Carolina Code Ann. § 1-23-370

(c) (1976, as amended).

3. Respondent agrees to comply with all state and federal statutes and regulations governing the practice of dentistry.
4. 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 Consent Agreement. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Agreement.
5. Respondent enters into this Consent Agreement freely and voluntarily and not under duress, restraint or compulsion.
6. Pursuant to the South Carolina Freedom of Information Act, this Consent Agreement, with attachments, is a public document, and this action will be reported to the National Practitioner Data Bank in accordance with P.L. 99-660.
7. This Consent Agreement shall take effect immediately upon receipt by Respondent or his counsel.

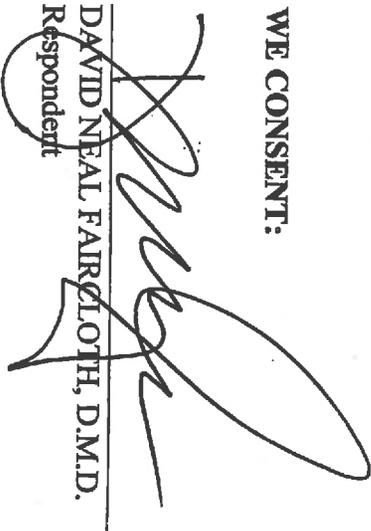
AND IT IS SO AGREED.

STATE BOARD OF DENTISTRY

Michelle D. Bedell D.M.D.
Michelle D. Bedell, D.M.D.,
President of the Board

Columbia, South Carolina
Odessa 28, 2006.

WE CONSENT:


DAVID NEAL FAIRCLOTH, D.M.D.
Respondent


WITNESS OR ATTORNEY


MARVIN G. FRIERSON
Associate General Counsel
South Carolina Department of Labor,
Licensing & Regulation

6-08-06

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

In the Matter of:

DAVID NEAL FAIRCLOTH, D.M.D.,
License No. 3369

FORMAL ACCUSATION

OGC 06-0017
OIE 2005-85

Respondent.

The Board alleges:

I.

That Respondent is currently licensed as a Dentist in South Carolina and the State Board of Dentistry (hereinafter "Board") has jurisdiction over Respondent and the subject matter of this action.

II.

1. That on or about September 09, 2005, Respondent entered into a Consent Order with the Georgia Board of Dentistry, whereby he admitted that he deviated from the standard of care in Patient D.W.S., a 53-year-old male patient, who subsequently died of cancer. The aforementioned Consent Order is attached hereto and incorporated herein.

III.

As a result of the acts and the conduct alleged herein, Respondent is charged with violation of § 40-15-190(A)(15) Code of Laws of South Carolina (1976, as amended).

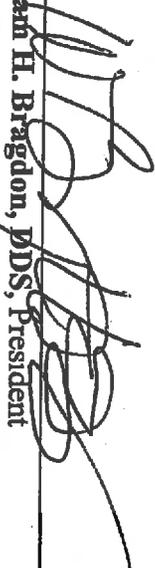
IV.

PURSUANT to S.C. Code Ann. § 40-15-200 (Supp. 1996), if you are found to have committed the alleged violations, the Board has the power to revoke or suspend your license or registration, it may reprimand you either publicly or privately, or take any other reasonable action short of revocation or suspension, such as placing you on probation. Further, if you are in violation, the Board may assess a civil fine of up to ten thousand (\$10,000) dollars per violation.

TAKE NOTICE that you are entitled to an opportunity to be heard with respect to these charges. You will be given a minimum of thirty (30) days notice of the hearing. Hearings are held in accordance with the S.C. Code Ann. § 1-23-310 et seq. (Supp. 1996), which describes your procedural rights, including, but not limited to the right to respond and present evidence and argument on all issues involved. You may wish to retain legal counsel to represent you in this matter so as to more fully understand, protect, and assert your legal rights.

STATE BOARD OF DENTISTRY

BY:



William H. Bragdon, DDS, President

South Carolina State Board of Dentistry
Post Office Box 11329
Kingstree Bldg. 110 Centerview Dr.
Columbia, South Carolina 29211-1329
(803) 896-4599

Columbia, South Carolina
21 Feb 2006.



South Carolina Department of Labor, Licensing and Regulation

Mark Sanford
Governor

Adrienne Riggins Youmans
Director

South Carolina Board of Dentistry

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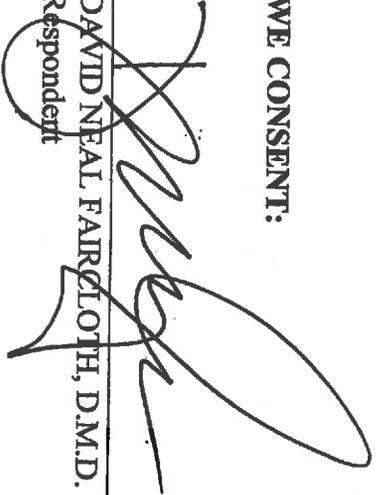
AND IT IS SO AGREED.

STATE BOARD OF DENTISTRY

Michelle D. Bedell D.M.D.
Michelle D. Bedell, D.M.D.,
President of the Board

Columbia, South Carolina
October 28, 2006.

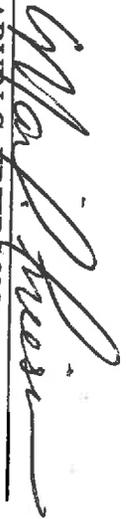
WE CONSENT:



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MARVIN G. FRIERSON
Associate General Counsel
South Carolina Department of Labor,
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