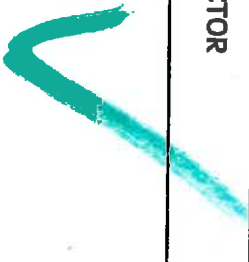


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singlesta</i>	DATE <i>11-14-09</i>
------------------------	-------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000252</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Huges</i> 	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____
	<input type="checkbox"/> FOIA DATE DUE _____
	<input checked="" type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	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

LLR

*Log: Singleton
c: Myers*

app. av / NA

RECEIVED

NOV 19 2007

Department of Health & Human Services
OFFICE OF THE DIRECTOR

TO: INTERESTED PARTIES

FROM: SOUTH CAROLINA STATE BOARD OF DENTISTRY

RE: SMITH, James Ronald, D.M.D.

DATE: November 5, 2007

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

KPB/kp

Enclosures

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

In the Matter of:

JAMES RONALD SMITH, D.M.D.,
License No. 1659

CONSENT AGREEMENT

OGC 07-0006
OIE 2007-39

Respondent.

By agreement of the State Board of Dentistry of South Carolina, hereinafter referred to as 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. 2006) 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. The Board has jurisdiction over this matter.
2. Respondent admits that he acted unprofessionally in his use of a prosthetic device and dehydrated sterile urine to conceal his unlawful use of opiate based medications.
3. Respondent further admits that as a result of the previous admissions herein, Respondent has violated S.C. Code of Laws §§ 40-1-110(f) & (i); and 40-15-190(A)(3),(9), and (19).
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.

THEFORE, IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent's license is hereby reinstated. Thereafter, Respondent's license to practice dentistry in this State shall be suspended indefinitely; however, Respondent's suspension shall be immediately stayed and Respondent's license shall be continued uninterrupted in a probationary status for an indefinite period of time, 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 completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. All use of such substances is to be reported by Respondent to the Board or its designee within 48 hours of initiation. All such medical treatment and prescribing shall be reported directly to the Board in writing by the treating practitioner within ten (10) days after the date of treatment. Respondent must inform the treating practitioner of this responsibility, provide a copy of this Order to the treating practitioner, and ensure timely compliance. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Order.
 - b. Respondent shall be subject to periodic, unannounced blood and hair alcohol and drug analysis as desired by the Board or its designee, the purpose being to ensure that the Respondent remains drug and/or alcohol-free. The costs of such blood and hair drug and alcohol analyses and reports will be borne by Respondent, which costs shall be paid within thirty (30) days after the date of the invoice therefore. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Order.
 - c. Respondent must have a written contract with and be an active participant in the activities of the Recovering Professionals Program (the Program), as approved in advance in writing by the Board, for an indefinite period of not less than five years of documented sobriety and compliance with this Order has been satisfactorily established by Respondent, and until this Order has been terminated as provided herein. Such contract shall include provisions for any assessment, treatment, monitoring and aftercare activities, and other activities as the Program shall deem appropriate, including, but not limited to:
 - (1) Assessment and treatment requirements of the Program;
 - (2) Monitoring and aftercare activities of the Program;

- (3) Participation in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA);
- (4) Participation in professional support groups or organizations or equivalents, as approved by the Program;
- (5) Such additional therapeutic activities as deemed appropriate and necessary by the Program.

The Program shall submit regular written reports documenting Respondent's full compliance with the terms of the contract with the Program and this Order.

- d. Within thirty (30) days of the date of this Order, Respondent must provide to the Board a letter signed by an appropriate representative of the Program verifying that Respondent has signed a written contract with and become an active participant in the activities of the Program, as required above. Compliance with this paragraph shall not be deemed satisfied until said written verification is received by the Board. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Respondent's license to practice until such time as full compliance has been made by Respondent.
- e. Respondent shall pay a fine of Ten-Thousand (\$10,000.00) 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 made within sixty-days of the effective date of this Agreement. Failure to pay the said fine is a violation of this Consent Agreement.
- 2. Respondent understands that failure to comply with the letter, intent or spirit of this Consent Agreement may 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 shall pay all investigative costs associated with this matter within thirty (30) days of the effective date of this Consent Agreement.
- 4. Respondent shall surrender his right to prescribe controlled substances in this state during the effective period of this Agreement. A copy of this document will be presented to the S.C. DHEC Bureau of Drug Control. Respondent will be permitted to prescribe drugs bearing the federal legend which are classified as antibiotics. Other over-the-counter medications are not restricted by this Agreement.
- 5. Respondent agrees to comply with all state and federal statutes and regulations

governing the practice of dentistry.

6. Respondent understands his right to legal representation and enters into this Consent Agreement freely and voluntarily and not under duress, restraint or compulsion.
7. 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.
8. This Consent Agreement shall take effect immediately upon receipt by Respondent or his counsel.

AND IT IS SO ORDERED.

STATE BOARD OF DENTISTRY
J. DOUGLAS SNOWDEN, D.M.D.
President of the Board

75-103-41
BY KENNARD BUXTON
Administrator

Columbia, South Carolina
Nov. 2, 2007

WE CONSENT:

James Ronald Smith
JAMES RONALD SMITH, D.M.D.
Respondent

Patrick D. Hanks
WITNESS OR ATTORNEY

Patrick D. Hanks
PATRICK D. HANKS
Assistant General Counsel
South Carolina Department of Labor,
Licensing & Regulation

BEFORE THE STATE BOARD OF DENTISTRY OF SOUTH CAROLINA

In the Matter of:

JAMES RONALD SMITH, D.M.D.,
License No. 1659

CERTIFICATE OF SERVICE

OGC #: 07-0006
OIE #: 2007-39

Respondent.

I hereby certify that I have this day caused to be served the within Consent Agreement upon the person hereafter named.

James Ronald Smith, DMD
1210 Ella Street
Anderson, SC 29621-4839

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION



PC Faglie, Chief Investigator
Investigations & Enforcement
LLR-Board of Dentistry
Post Office Box 11329
Columbia SC 29211 1329

November 2, 2007.

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

In the Matter of:

JAMES RONALD SMITH, D.M.D.
License No. 1659

FORMAL ACCUSATION

OGC # 07-0006
OIE # 2007-39

Respondent

The Board alleges:

I.

The Respondent is a dentist, duly licensed by the Board of Dentistry, hereinafter referred to as the Board, to practice dentistry in South Carolina, and was so licensed at all times relevant to the matters asserted in this case. The Board of Dentistry has jurisdiction over Respondent and the subject matter of this action.

II.

That upon information and belief, Respondent has engaged in misconduct that violates S.C. Code Ann. §§ 40-1-110(f) & (i); and 40-15-190(A)(3), (9), and (19) including the commission of the following acts:

1. Respondent endorsed a contract to participate in the Recovering Professional's Program on May 14, 2003. Within this contract, Respondent agreed to remain drug and alcohol free and to submit to random urine drug screens to document his sobriety. Respondent acted unprofessionally in his use of a prosthetic device and dehydrated sterile urine to conceal his unlawful use of opiate based medications.

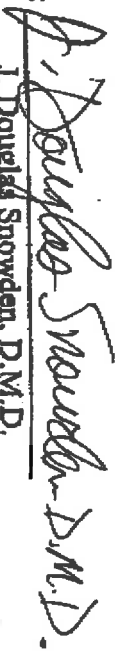
III.

PURSUANT to S.C. Code Ann. § 40-15-200, the Board of Dentistry 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; if you are found guilty of the alleged violations. Further, if you are found guilty, the Board may assess a civil fine 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 of Laws § 1-23-310, *et seq.* (Supp. 2006), 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
Columbia, S.C.

BY:

 J. Douglas Snowden, D.M.D.

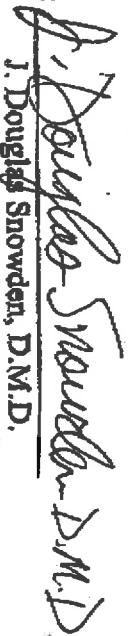
President of the Board
P.O. Box 11329
Columbia, SC 29211
(803) 896-4599

10-22, 2007

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 of Laws § 1-23-310, *et seq.* (Supp. 2006), 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
Columbia, S.C.

BY:

 J. Douglas Snowden, D.M.D.

President of the Board
P.O. Box 11329
Columbia, SC 29211
(803) 896-4599

10-22, 2007

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

In the Matter of:

**JAMES RONALD SMITH, D.M.D.,
License No. 1659**

**OGC 07-0006
OIE 2007-39**

WAIVER OF ATTORNEY

I, *J. Ron Smith*, do hereby waive my right to have an attorney
(Print Name)

represent me before the State Board of *Dentistry*
on this *26* day of *October*, 2007.

I am freely, voluntarily, and knowingly waiving my right to an attorney in this proceeding.

I am aware that I am entitled to thirty (30) days notice of this proceeding. I have received the Formal Complaint in this matter and request that this matter be considered at this time.

J. Ronald Smith M.D.
Respondent

Holly Bruckman
Witness