

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: MONTE BUTLER, DDS

CONSENT ORDER

On this day comes for hearing the matter of Monte Butler, DDS. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, Kevin M. O'Dwyer. Monte Butler, DDS, appeared in person and with his attorney, Matt Ketcham. From the pleadings and agreement of the parties, the Board finds that:

I.

Monte Butler, DDS, is licensed to practice dentistry in the State of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

The Board issued an Order and Notice of Hearing on January 30, 2014, alleging that Monte Butler, DDS, had violated the Dental Practice Act, more specifically:

- a. Article III, Practice of Dentistry Defined (F)(3) – Dentists who choose to dispense legend drugs directly to their patients are subject to the following definitions and requirements: Except for dispensing samples without charge, oral rinses or topical, and emergency or started dosages for use up to seventy-two (72) hours, no dentist licensed under Ark. Code Ann. §17-82-301, et seq., shall dispense legend drugs without prior approval by the Arkansas State Board of Dental Examiners after application to the Board and upon the showing of need. A dentist shall dispense only to his own patients and only for conditions being treated by that dentist.

In that none of the individuals receiving narcotics were for "conditions being treated by that dentist."

- b. Article III, (F)(5) – The above constitutes “professional misconduct” and shall subject the violator to disciplinary action as provided in Ark. Code Ann. §17-82-316(c)6, 8 and Ark. Code Ann. §17-83-317.
- c. Article X, Unprofessional Conduct Defined: (M) the wilful violation of any of the provisions of law regulating the dispensing and administration of dangerous drugs or narcotics.
- d. Article XIII; (C) Standard of Care; (5) all scheduled medications should be stored and inventoried in accordance with all applicable state and federal regulations. Specific violations:
 - a. Failure to maintain a biennial inventory of all controlled substances on hand, as required by Title 21 CFR 1304.11, a violation of Title 21 USC 842(a)(5).
 - b. Failure to maintain receipts of all controlled substances received, as required by Title 21 CFR 1304.21(a), a violation of Title 21 USC 842(a)(5).
 - c. Failure to maintain a record of all dispensations of controlled substances, as required by Title 21 CFR 1304.21(a), a violation of Title 21 USC 842(a)(5).
 - d. Failure to maintain a controlled substance record for two years, as required by Title 21 CFR 1304.04(a), a violation of Title 21 USC 8842(a)(5).
 - e. Failure to maintain records that are deemed ‘readily retrievable,’ as required by Title 21 CFR 1304.21(a), a violation of Title 21 USC 842(a)(5).

III.

Without admitting the specific violations, Monte Butler, DDS, has stipulated and testified that the Board could make a finding that he has violated the Dental Practice Act and the Rules and Regulations of the Board as alleged in the charging document referenced in Paragraph II above.

IV.

Pursuant to A.C.A. § 25-15-208 (b) of the Administrative Procedure Act, Monte Butler, D.D.S., makes the following offer to the Board:

- A. Monte Butler, DDS, agrees to take a prescription course at Vanderbilt which will be completed in May 2014;
- B. Monte Butler, DDS, will submit his practice protocol for prescribing to the Arkansas State Board of Dental Examiners within 30 days of this Order.
- C. Monte Butler, DDS, will provide a duplicative copy of his prescription from his prescription pad to the Board for each month. The use of a signature stamp is prohibited for any prescription by Dr. Butler, and all prescriptions shall be signed with Dr. Butler's original signature. Call-in prescriptions for pain medication are prohibited. He will ensure that each month duplicative copies of all prescriptions from his prescription pad are submitted no later than the 5th day of the subsequent month.
- D. Monte Butler, DDS, is prohibited from prescribing any medications for his wife and will not treat his spouse.
- E. Monte Butler, DDS, will provide to the Arkansas State Board of Dental Examiners the Arkansas Prescription Monitoring Program printout and he will also provide Oklahoma's equivalent to the Arkansas Prescription Monitoring Program printout after November 1, 2014 or at such time as it is available for providers to access Oklahoma's program.
- F. Monte Butler, DDS, will pay the cost of investigation of \$2,929.00 within one year of May 9, 2014.
- G. Monte Butler will report back to the Board as the Board deems necessary.
- H. This Consent Order will be in existence for five years from May 9, 2014.

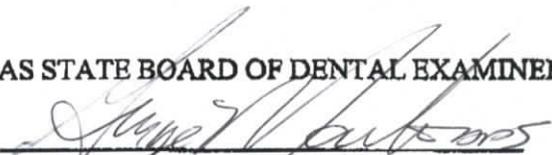
V.

The Arkansas State Board of Dental Examiners pursuant to ACA§25-15-208(b) of the Administrative Procedure Act accepts the offer of Monte Butler, DDS, described in Paragraph IV above, finding that it protects the health and safety of the citizens of Arkansas and the rights of Monte Butler, DDS.

WHEREFORE, it is CONSIDERED, ORDERED, and ADJUDGED, that the agreement of the parties stated in Paragraphs III and IV above is fair and equitable, and protects the health and safety of the citizens of Arkansas and the rights of Monte Butler, DDS. The Board adopts said agreement as the Board's own Order.

IT IS SO ORDERED.

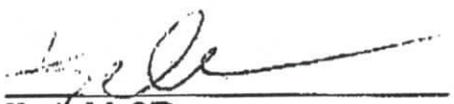
ARKANSAS STATE BOARD OF DENTAL EXAMINERS



GEORGE MARTIN, D.D.S., PRESIDENT

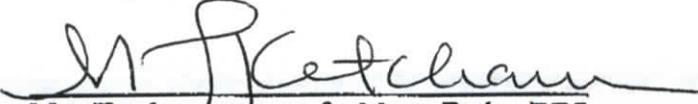
9-16-14
Date

Approved as to Form:



Kevin M. O'Dwyer

Attorney for the Arkansas State Board of Dental Examiners



Matt Ketcham, attorney for Monte Butler, DDS



Monte Butler, DDS