

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: MONTGOMERY HEATHMAN, D.D.S.

CONSENT ORDER

On this 19th day of September, 2008, comes on for hearing the matter of Montgomery Heathman, D.D.S. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership together with its attorney, William H. Trice. Montgomery Heathman, D.D.S. appeared together with his attorney, Irwin Davis. From the pleadings and agreement of the parties, the Board finds that:

I.

Montgomery Heathman, D.D.S. is licensed to practice dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

The Board entered an Order dated 29 May 2008 charging that Montgomery Heathman, D.D.S., had violated the Dental Practice Act, more specifically ACA § 17-82-316(c)(3), that is, he exhibited habitual drunkenness for a period of three (3) months, and ACA § 17-82-316(c)(3) that is being convicted of a felony, that is fourth offense DWI.

III

Montgomery Heathman, D.D.S. has admitted before the Arkansas State Board of Dental Examiners that he has an alcohol substance abuse problem

IV

Montgomery Heathman, D.D.S., together with his attorney, Irwin Davis, makes the following
offer to the Arkansas State Board of Dental Examiners, pursuant to A.C.A. § 25-15-208(b) of the

Administrative Procedure Act, as follows:

- (1) The Arkansas State Board of Dental Examiners will not proceed with the disciplinary hearing involving the allegations of violations of the Dental Practice Act as stated in the Order and Notice of Hearing dated 29 May 2008.
- (2) Montgomery Heathman, D.D.S., would enter into a contract of rehabilitation and monitoring for substance abuse with the Arkansas Medical Foundation for five (5) years.
- (3) Montgomery Heathman, D.D.S., would comply with the terms of his contract for rehabilitation and monitoring with the Arkansas Medical Foundation for a period of five (5) years.
- (4) Montgomery Heathman, DDS, agrees that the provisions of his contract with the Arkansas Medical Foundation would be considered as provisions of this Consent Order and that he must comply with the same.
- (5) Montgomery Heathman, D.D.S. would attend such meetings of the Arkansas State Board of Dental Examiners as the Board requires, to show compliance with his contract for rehabilitation and monitoring.
- (6) Montgomery Heathman, D.D.S. will reimburse the Board its out-of-pocket costs of the investigation and hearing in this matter not to exceed \$50.00. Said reimbursement will be paid within six (6) months from the date of this Order.

Upon Montgomery Heathman, D.D.S., complying with the terms of this Consent Order for a period of five (5) years, his license will become unencumbered. If Montgomery Heathman, D.D.S., fails to comply with the provisions of this Consent Order and the Board finds the same, his license will be revoked or suspended, or other sanctions imposed, as provided by Arkansas law.

The Arkansas State Board of Dental Examiners, pursuant to A.C.A. §25-15-208(b) of the Administrative Procedure Act, finds that the offer of Montgomery Heathman, D.D.S., as stated in Paragraph IV above protects the health and safety of the citizens of Arkansas and the Board accepts the same.

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED that the agreement of the parties as stated in Paragraph IV and V above is an equitable agreement and the Board adopts the same as the Board's own Order.

IT IS SO ORDERED.

Arkansas State Board of Dental Examiners



Mark Muncy, D.D.S., PRESIDENT

DATE: 10/24/08

APPROVED :



WILLIAM H. TRICE, III
Attorney for the Arkansas State Board of Dental Examiners

IRWIN DAVIS
Attorney for Montgomery Heathman, D.D.S.



Montgomery Heathman, D.D.S.