

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: VON DUKE HEATH, D.D.S.

ORDER

On this 12th day of March, 1999, comes on for hearing the matter of Von Duke Heath, 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, III; and Von Duke Heath, D.D.S. appeared *pro se*. From the pleadings, testimony of the witnesses, and evidence introduced, the Board finds that:

1. Von Duke Heath, D.D.S. is a licensed dentist in the state of Arkansas under the provisions of the Dental Practice Act.

2. Von Duke Heath, D.D.S., has admitted in testimony this day that while practicing dentistry in the state of Arkansas, he prescribed controlled substances, more specifically, hydrocodone, for a patient identified as M.H., from October 19, 1992 until October 6, 1997. He further admitted that a portion of said medication was diverted from the patient to Von Duke Heath, D.D.S. for his own use and benefit and for non-dental reasons.

3. Von Duke Heath, D.D.S., has admitted in testimony this day that while practicing dentistry in the state of Arkansas, he prescribed controlled substances, more specifically, hydrocodone, for a patient identified as H.H., from October 19, 1992 until December, 1997. He further admitted that a portion of said medication was diverted from the patient to Von Duke Heath, D.D.S. for his own use and benefit and for non-dental reasons.

4. Von Duke Heath, D.D.S., has admitted in testimony this day that while practicing dentistry in the state of Arkansas, he prescribed controlled substances, more specifically, hydrocodone, for a patient identified as D.H., from February 27, 1996 until September 4, 1998. He further admitted that a portion of said medication was diverted from the patient to Von Duke Heath, D.D.S. for his own use and benefit and for non-dental reasons.

5. Von Duke Heath, D.D.S. has admitted in testimony this day that while practicing dentistry in the state of Arkansas, he prescribed controlled substances, more specifically, hydrocodone, for a patient identified as C.H., from January 13, 1993 until September 30, 1997. He further admitted that a portion of said medication was diverted from the patient to Von Duke Heath, D.D.S. for his own use and benefit and for non-dental reasons.

6. Von Duke Heath, D.D.S. has admitted in testimony that he had a substance addiction to hydrocodone and has been admitted on two occasions for treatment.

WHEREFORE, it is considered, ordered and adjudged that:

1. Von Duke Heath, D.D.S. has violated the Dental Practice Act, more specifically, Ark. Code Ann. § 17-82-316(b)(3)(C), that is the commission of a criminal operation, by diverting schedule drugs, that is hydrocodone, for his own use and for non-dental reasons.

2. Von Duke Heath, D.D.S. has violated the Dental Practice Act, more specifically, Ark. Code Ann. § 17-82-316(b)(3)(C), that is an addiction to narcotics or other dangerous drugs, more specifically, hydrocodone.

3. Von Duke Heath, D.D.S. has violated the Dental Practice Act and the Rules and Regulations of the Board, more specifically, Ark. Code Ann. § 17-82-316(b)(3)(F), that is a violation of the rules of the Board, more specifically, Article X (m), that is a violation of the laws

regulating the dispensing and administration of narcotics or other controlled substances.

4. As a result of the above violations of the Dental Practice Act, the license to practice dentistry in the state of Arkansas of Von Duke Heath, D.D.S. is revoked. Said revocation will be stayed for a period of five (5) years, so long as he complies with the conditions of his five (5) year probation. The terms of his probation are as follows:

(a) Von Duke Heath, D.D.S. will enter into a contract of drug monitoring and counseling with the Arkansas Medical Foundation for a period of five (5) years.

(b) The terms of the contract with the Arkansas Medical Foundation will be adhered to and will be terms of the Board's probation.

(c) Von Duke Heath, D.D.S. will provide a copy of said contract with the Arkansas Medical Foundation to the Arkansas State Board of Dental Examiners.

(d) Von Duke Heath, D.D.S. will execute any forms necessary to ensure that the Arkansas Medical Foundation will provide the Arkansas State Board of Dental Examiners information concerning his compliance or non-compliance with the terms of his contract for monitoring and counseling.

(e) Von Duke Heath, D.D.S. will pay to the Arkansas State Board of Dental Examiners his monetary fine of \$200.00 within sixty (60) days of having his license restored.

(f) Von Duke Heath, D.D.S. will comply with the statutes of the Dental Practice Act and the Rules and Regulations of the Arkansas State Board of Dental Examiners.

Upon completion and compliance with the terms of the probation for a period of five (5) years, this matter will be concluded and his license restored in full. If Von Duke Heath, D.D.S.

does not comply with the terms of his probation as stated hereinabove, the stay of the revocation of his license will be lifted and his license will be revoked.

Von Duke Heath, D.D.S. will pay to the Arkansas State Board of Dental Examiners a fine in the amount of \$200.00 within sixty (60) days of having his license reinstated to practice dentistry in the state of Arkansas.

5. As of the date of this hearing, the license to practice dentistry in the state of Arkansas of Von Duke Heath, D.D.S. is suspended on an emergency basis. Said license will be restored to Von Duke Heath, D.D.S. upon him providing to the office of the Arkansas State Board of Dental Examiners a signed contract and proof of entering into a contract with the Arkansas Medical Foundation for drug monitoring and therapy.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS


JAMES A. BURGESS, JR., D.D.S. PRESIDENT

DATE: 3/16/99

APPROVED AS TO FORM:


William H. Trice, III
Attorney for the Arkansas State
Board of Dental Examiners