

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:
KEITH M. MCCLUNG, D.D.S.

ORDER

On this 3rd day of December, 1999, comes on for hearing the matter of Keith M. McClung, 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; Keith M. McClung, D.D.S. appeared together with his attorney, Steven Inboden. From the pleadings, testimony of Keith M. McClung, D.D.S. the offer of Keith M. McClung, D.D.S. and argument of counsel, the Board finds that:

1. The Board issued an Emergency Order of Suspension of the license to practice dentistry in the State of Arkansas of Keith M. McClung, D.D.S. dated November 2, 1999. Said Emergency Order of Suspension was to remain in effect pending further orders of the Board or the disciplinary hearing scheduled on the merits in this matter on February 25, 2000.

2. The alleged violations of the Dental Practice Act as stated in the Emergency Order of Suspension and Notice of Hearing involved the over-prescribing and wrongful prescribing of scheduled medication for third parties to include family members of Keith M. McClung, D.D.S.

3. Pursuant to the Administrative Procedure Act, Ark. Code Ann. Sec. 25-15-208(b), Keith M. McClung, D.D.S. has made an offer by informal disposition for the return of his license to practice dentistry pending the disciplinary hearing. Said offer is as follows:

A. The Arkansas State Board of Dental Examiners would lift the Emergency Order of Suspension of the license to practice dentistry in the State of Arkansas of Keith M. McClung, D.D.S.

- B. Keith M. McClung, D.D.S. would surrender his DEA permit to the Board Office and not write or dispense any schedule medication to himself or to third parties pending the hearing on the merits.
- C. Keith M. McClung, D.D.S. would attend two weekly meetings for substance abuse in either Alcoholics Anonymous or ALANON.
- D. Keith M. McClung, D.D.S. would submit to random drug screens through the lab and testing agency as selected by the Board. Keith M. McClung, D.D.S. would contact the Board for notification of which testing agency would be utilized and the method to carry out the testing.
- E. Keith M. McClung, D.D.S. would not keep any schedule medications in his office for distribution to third parties or himself.
- F. Keith M. McClung, D.D.S. would provide the Board a comprehensive assessment of his capability to practice dentistry taking into consideration his relationship with family members who may have drug abuse problems as well as possible substance abuse problems himself. Said assessment is to be performed by Michael H. Teague and will be paid for by Keith M. McClung, D.D.S.

4. Pursuant to Ark. Code Ann. Sec. 25-15-208(b) of the Administrative Procedure Act, the Board accepts the offer of Keith M. McClung, D.D.S. as stated in paragraph 3(A) to (F) above with the understanding that this in no way impacts or affects the hearing on the merits to be conducted on February 25, 2000 involving the alleged violations of the Dental Practices Act.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED THAT:

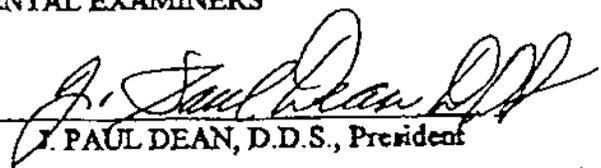
1. The Emergency Order of Suspension of the license to practice dentistry in the State of Arkansas of Keith M. McClung, D.D.S. is lifted.

2. The terms of the offer of Keith M. McClung, D.D.S. as stated in paragraph 3 (A) to (F) above will become the Order of this Board.

3. A violation of the terms of paragraph 3B above will be grounds for the immediate revocation of the license to practice dentistry in the State of Arkansas by Keith M. McClung, D.D.S.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF
DENTAL EXAMINERS

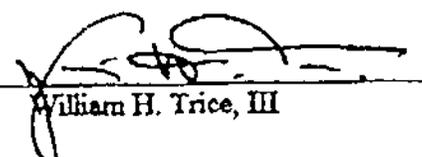
By: 

J. PAUL DEAN, D.D.S., President

DATE: 12-13-1999

APPROVED:

WILLIAM H. TRICE, III
Attorney for the Arkansas State
Board of Dental Examiners
211 Spring Street
Little Rock, AR 72201
(501) 372-4144

By: 

William H. Trice, III

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:
KEITH M. MCCLUNG, D.D.S.

ORDER

On this 7th day of April, 2000, comes on for hearing the matter of Keith M. McClung, 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; Keith M. McClung, D.D.S. appeared together with his attorney, Steven Inboden. From the pleadings, evidence introduced, testimony of the witnesses and argument of counsel, the Board finds that:

1. Keith M. McClung, D.D.S. is licensed dentist in the State of Arkansas under the provisions of the Dental Practice Act.
2. Keith M. McClung, D.D.S. has admitted in testimony and confirmed other evidence and testimony introduced to this hearing that while practicing dentistry in the State of Arkansas he over prescribed scheduled medications, more specifically, Butalbital/APAP, Codeine, Ultram, Hydrocodone cough syrup, and Hydrocodone/APAP for one C.M., his wife, and for non-dental reasons.
3. Keith M. McClung, D.D.S. admitted in testimony and has confirmed other evidence and testimony introduced into the hearing while practicing dentistry in the State of Arkansas, he over prescribed scheduled medication, more specifically, Hydrocodone/APAP, Meprozone, Propo-N/APAP, Ultram, Alprazolam for one patient, C.B.
4. Keith M. McClung, D.D.S. has admitted in testimony and confirmed the testimony of Dr. Gene Gines, D.D.S. that he prescribed excessive amounts of scheduled medication, more specifically, Hydrocodone, Mepergan Fortis, and Oxycodone/APAP for various patients to include:

B.B., R.B., J.B., C.B., T.B., W.C., T.C., R.C., W.C., R.C., L.D., S.D., S.D., C.D., D.F., T.F., T.G., S.H., D.J., V.L., D.L., B.M., D.O., A.T., B.R., C.S., R.W., and L.W.

5. The Board finds that Keith M. McClung, D.D.S. exhibited professional incompetency in prescribing excessive scheduled medications for the patients referenced hereinabove.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED THAT:

1. Keith M. McClung, D.D.S. has violated the Dental Practice Act, more specifically, Arkansas Code Annotated § 17-82-316(b)(3)(c), by exhibiting professional incompetency in the over prescribing of scheduled medication and for prescribing for non-dental reasons for one C.M. as referenced in paragraph 2 above.

2. Keith M. McClung, D.D.S. has violated the Dental Practice Act, more specifically, Arkansas Code Annotated § 17-82-316(b)(3)(c), that is, he has exhibited professional incompetency by over prescribing scheduled medication for one C.B. as referenced in paragraph 3 above.

3. Keith M. McClung, D.D.S. has violated the Dental Practice Act, more specifically, Arkansas Code Annotated § 17-82-316(b)(3)(c), that is, he has exhibited professional incompetency in the over prescribing of scheduled medication for various patients as referenced in paragraph 4 above.

IT IS FURTHER ORDERED AND ADJUDGED that as a result of the violations of the Dental Practice Act stated hereinabove that the license to practice dentistry in the State of Arkansas of Keith M. McClung, D.D.S. is suspended for a period of five (5) years. Said five year suspension will be stayed for so long as Keith M. McClung, D.D.S. complies with the terms of his probation.

The terms of said probation being:

1. Keith M. McClung, D.D.S. will attend ALANON or an alcohol and drug abuse twelve step meetings for a period of twelve (12) months, two times per week, and show proof of attendance to the Board on a quarterly basis;

2. Keith M. McClung, D.D.S. will continue with psychotherapy with his present counselor for an additional twelve (12) months from the date of this order and will instruct his therapist to provide the Board with quarterly reports as to his ongoing mental and physical condition;

3. Keith M. McClung, D.D.S. will pay to the Board a fine of \$1,500.00 within six (6) months from the date of this order;

4. Keith M. McClung, D.D.S. will refrain from applying for a DEA permit enabling him to prescribe scheduled medication until such time as he has paid his monetary fine to the Board;

5. Keith M. McClung, D.D.S. will prescribe scheduled medication only by means of written prescription. Said written prescriptions will be written in duplicate form, with the original going to the patient and a copy being sent to the Arkansas State Board of Dental Examiners on a monthly basis; said prescriptions will be sequentially numbered for each prescription in the pad.

6. Keith M. McClung, D.D.S. will comply with the terms of this order, the Dental Practice Act and the Rules and Regulations of the Arkansas State Board of Dental Examiners.

7. Keith M. McClung, D.D.S. will appear before the Board every six months to give proof and testimony as to his compliance with the terms of his probation.

IT IS FURTHER ORDERED that if Keith M. McClung, D.D.S. complies with the terms of his probation for five (5) years that his license to practice dentistry will become unimpaired.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF
DENTAL EXAMINERS

By: 
J. PAUL DEAN, D.D.S., President

DATE: 4-27-00

APPROVED:

WILLIAM H. TRICE, III
Attorney for the Arkansas State
Board of Dental Examiners
211 Spring Street
Little Rock, AR 72201
(501) 372-4144

By: _____
William H. Trice, III

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BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: KEITH M. McCLUNG, D.D.S.

ORDER

On this 14th day of November, 2008 comes on for hearing the matter of Keith M. McClung, DDS. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, William H. Trice. Keith M. McClung, DDS appeared *pro se*. From the pleadings, testimony of the witnesses and evidence introduced, the Board finds that:

I

Keith M. McClung, DDS, is licensed to practice dentistry in the State of Arkansas pursuant to the provisions of the Dental Practice Act.

II

Keith M. McClung, DDS, has admitted in testimony that he received an Order of the Arkansas State Board of Dental Examiners in April of 2000, finding him in violation of over prescribing medication for his wife and others. At that time, he received sanctions that were imposed by the Board.

III

Keith M. McClung, DDS has admitted in testimony that he over prescribed schedule medication of Hydrocodone, Alprazolam, Xanax, Carisoprodol, Propox Naps-ACET and Tramadol for a patient identified as CM. He further has acknowledged that patient CM is his wife and that he prescribed said medication for non-dental reasons.

IV

Keith M. McClung, DDS has admitted in testimony that he over prescribed schedule

medication Hydrocodone for a patient identified as KP. He further has acknowledged that patient KP is his stepson, and that he prescribed said schedule medication for non-dental reasons.

V.

Keith M. McClung, DDS has admitted in testimony that he over prescribed schedule medication of Hydrocodone for a patient identified as AP. He has further admitted that patient AP is his stepson, and that he prescribed said schedule medication for non-dental reasons.

VI.

Keith M. McClung, DDS has admitted in testimony that he over prescribed schedule medication of Hydrocodone, Alprazolam and Lorcet for a patient identified as MT. He has further admitted that he prescribed said schedule medication for non-dental reasons.

VII.

Keith M. McClung, DDS has admitted in testimony that he over prescribed schedule medication of Hydrocodone, Carisoprodol, Alprazolam and Endocet for a patient identified as DT, and that he prescribed said schedule medication for non-dental reasons.

VIII.

Keith M. McClung, DDS has admitted in testimony that he over prescribed schedule medication of Hydrocodone for a patient identified as JS, and that he prescribed said schedule medication for non-dental reasons.

IX.

The Board takes as true the testimony of Dr. Gene Jines, DDS, that after he reviewed the dental records and prescription records, and listening to the testimony of Keith M. McClung, DDS, found that Keith M. McClung, DDS had over prescribed schedule medication for patients and for

non-dental reasons, and thus exhibited professional incompetency, and further that Keith McClung, DDS, has violated the laws of the United States and the State of Arkansas regulating the dispensing and administration of schedule medication.

WHEREFORE, it is considered, ordered, and adjudged that:

Keith M. McClung, DDS, has violated the Dental Practice Act, ACA § 17-82-316(C)(6), that is, he has violated the rules and regulations of the Board, more specifically Article X Section M, that is, he wilfully violated the laws of the United States and the State of Arkansas regulating the dispensing and administration of schedule drugs on six individual patients referred to hereinabove.

It is further ordered and adjudged that Keith M. McClung, DDS, has violated the Dental Practice Act, more specifically ACA§17-82-316(C)(3) that is, he exhibited professional incompetency by over prescribing schedule medication for patients and for non-dental reasons, pertaining to the six patients referred to hereinabove.

As a result of the six violations of the Dental Practice Act referred to hereinabove, Keith McClung, DDS, will pay to the Arkansas State Board of Dental Examiners a monetary fine of \$750 for each of the six patient counts referred to hereinabove, for a total fine of \$4,500, within one year from the date of this Order.

It is further ordered, as a result of the above violations of the Dental Practice Act, that Keith M. McClung, DDS, will surrender his Drug Enforcement Administration (DEA) permit to prescribe schedule medication, and will refrain from prescribing schedule medication until authorized to re-apply for his DEA permit by the Board.

It is further ordered, as a result of the above violations of the Dental Practice Act, that Keith M. McClung, DDS, will enter into a contract for rehabilitation and monitoring with the

Arkansas Medical Foundation by the 31 December 2008, and will comply with the terms of that contract as though they were terms of this Order. Failure to do so will be considered as a violation of this Order.

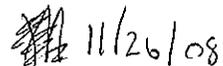
It is further ordered that Keith M. McClung, DDS, will reimburse the Arkansas State Board of Dental Examiners within a period of one year from the date of this Order, its costs in investigating and conducting this hearing of \$1,797.50.

IT IS SO ORDERED.

The Arkansas State Board of Dental Examiners



Mark Muncy, D.D.S., President



Date

Approved:



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