

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: JOSEPH R. SCARBROUGH, D.D.S.

ORDER

On this 19th day of April, 2002, comes on for hearing the matter of Joseph R. Scarbrough, 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. Joseph R. Scarbrough, D.D.S. appeared pro se. From the pleadings, testimony of the witnesses, and evidence introduced, the Board finds that:

1. Joseph R. Scarbrough, D.D.S. is licensed to practice dentistry in the State of Arkansas pursuant to the provisions of the Dental Practice Act.
2. Joseph R. Scarbrough, D.D.S. exhibited professional incompetency by over-prescribing schedule medication from June 10, 1999, to April 16, 2001, more specifically, Hydrocodone/APAP, Vicoprofen, Propoxy N/APAP, Oxycodone, and Mepergan Fortis, for a patient NB.
3. Joseph R. Scarbrough, D.D.S. violated Regulation Article X(m), more specifically, he violated laws and regulations governing the dispensing and administering of schedule medication in that he failed to keep bi-annual controlled substance inventories, as required by Regulation 6(d) of the Arkansas Department of Health and Federal Drug Enforcement Administration.
4. Joseph R. Scarbrough, D.D.S. violated Regulation Article X(m), more specifically, he violated laws and regulations governing the dispensing and administering schedule medication by failing to keep copies of controlled substance procurement records, as required by Regulation 6(a) by the Arkansas Department of Health and the regulations of the Federal Drug Enforcement Administration.
5. Joseph R. Scarbrough, D.D.S. violated Regulation Article X(m), more specifically,

he violated laws and regulations governing the dispensing and administering schedule medication by failing to keep controlled substance disposition records, as required by Regulation 6(b) by the Arkansas Department of Health and the regulations of the Federal Drug Enforcement Administration

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED THAT:

1. Joseph R. Scarbrough, D.D.S. violated the Dental Practice Act, more specifically, Arkansas Code Annotated §17-82-316(c)(3), that is exhibiting professional incompetency by over-prescribing schedule medication for a patient.
2. Joseph R. Scarbrough, D.D.S. violated the Dental Practice Act, more specifically, Arkansas Code Annotated §17-82-316(c)(6), in violating a rule and regulation of the Board, more specifically, Article X(m), by failing to comply with the laws and regulations of the State of Arkansas and the United States Federal Government in the dispensing and administration of schedule medication, more specifically, he failed to keep bi-annual controlled substance inventories in his clinic.
3. Joseph R. Scarbrough, D.D.S. violated the Dental Practice Act, more specifically, Arkansas Code Annotated §17-82-316(c)(6), in violating a rule and regulation of the Board, more specifically, Article X(m), by failing to comply with the laws and regulations of the State of Arkansas and the United States Federal Government in the dispensing and administration of schedule medication, more specifically, he failed to keep copies of controlled substance procurement records in his clinic.
4. Joseph R. Scarbrough, D.D.S. violated the Dental Practice Act, more specifically, Arkansas Code Annotated §17-82-316(c)(6), in violating a rule and regulation of the Board, more specifically, Article X(m), by failing to

comply with the laws and regulations of the State of Arkansas and the United States Federal Government in the dispensing and administration of schedule medication, more specifically, he failed to keep controlled substance disposition records in his clinic.

5. As a result of the above violations of the Dental Practice Act and the regulations of the Board, the Board orders that Joseph R. Scarbrough, D.D.S. reimburse the Board for its costs and expenses in the investigation and conduction of the hearing in the amount of \$1,118.58 within one year from the date of this Order.
6. As a result of the above violations of the Dental Practice Act and regulations of the Board, Joseph R. Scarbrough, D.D.S. will pay to the Board the sum of \$400.00 for each violation committed hereinabove, for at total of four violations or a total fine of \$1,600.00 to be paid to the Board within one year from the date of this Order.
7. Joseph R. Scarbrough, D.D.S. is further ordered as a condition of keeping his license to practice of dentistry in the State of Arkansas, to provide the Board for a period of twenty-four (24) months, on a monthly basis, copies of all prescriptions he writes for schedule medication for his patients. Joseph R. Scarbrough, D.D.S., in order to comply with this provision, is further ordered when writing schedule medication prescriptions, to write them on duplicate prescription forms and providing one of those copies to the Arkansas State Board of Dental Examiners on a monthly basis.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: James B. Phillips, D.D.S.
JAMES B. PHILLIPS, D.D.S., PRESIDENT

DATE: 5/1/02

APPROVED AS TO FORM:



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