

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: TONY WAYNE SHAW D.D.S.

ORDER

On this 21st day of May 1999 comes for hearing the matter of Tony Wayne Shaw 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. Tony Wayne Shaw appeared together with his attorney Robert Bush. From the pleadings, testimony from the witnesses, and evidence introduced the Board finds that:

1. Tony Wayne Shaw D.D.S. is a licenced dentist in the State of Arkansas under provisions of the Dental Practice Act.
2. Tony Wayne Shaw D.D.S. has admitted in testimony that while practicing dentistry in the state of Arkansas he prescribed hydrocodone for an individual K.B. and diverted said medication to his own use and benefit and for non-dental reasons. Said K.B. was a working associate Tony Wayne Shaw D.D.S. There was no dental chart for said individual reflecting treatment or the prescriptions.
3. Tony Wayne Shaw D.D.S. has admitted in testimony that while practicing dentistry in the state of Arkansas he prescribed hydrocodone for an individual identified as B.G. and diverted said medication to his own use and benefit and non-dental reasons. Said B.G. was a work associate of Tony Wayne Shaw D.D.S. There was no dental chart reflecting the treatment or the prescriptions of this individual.
4. Tony Wayne Shaw D.D.S. admitted in testimony that while practicing dentistry in the state of Arkansas he prescribed hydrocodone for an individual identified as M.S. and diverted

said medication for his own use and benefit and for non-dental reasons. Said individual was a work associate of Tony Wayne Shaw D.D.S. There was no dental chart to reflect any treatment or the prescriptions for this individual.

5. Tony Wayne Shaw D.D.S. admitted in testimony that he prescribed hydrocodone for a patient G.L. on June 27, 1997, and did not chart said medication in the dental records of the patient.

6. Tony Wayne Shaw D.D.S. admitted in testimony that he prescribed hydrocodone for a patient G.W. on June 27, 1997, and did not chart said medication in the dental records of the patient.

7. Tony Wayne Shaw D.D.S. admitted in testimony that he prescribed hydrocodone for a patient S.B. December 10, 1997, and did not chart said medication in the dental records of the patient.

8. Tony Wayne Shaw D.D.S. admitted in testimony that he prescribed hydrocodone for a patient B.H. on April 2, 1998, and did not chart said medication in the dental records of the patient.

9. Tony Wayne Shaw D.D.S. admitted in testimony that he purchased lorcet, that is hydrocodone, for his clinic and failed to keep proper records for the receipt, distribution and dispensing of said medication to include the two-year annual inventory, all as required by the Drug Enforcement Administration and the rules of the Arkansas Department of Health.

10. Tony Wayne Shaw D.D.S. admitted in testimony that he diverted some of the hydrocodone purchased for his clinic for his own use and benefit and for non-dental reasons.

11. Tony Wayne Shaw D.D.S. has exhibited drug abuse and addiction problems to controlled substances more specifically hydrocodone.

12. Tony Wayne Shaw D.D.S. has admitted in testimony that he has been indicted in the Circuit Court of Faulkner County Arkansas for obtaining medication, more specifically, hydrocodone by fraud in the writing of prescriptions and diverting the medication for his own use

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED that:

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

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

3. Tony Wayne Shaw D.D.S. violated the Dental Practice Act, more specifically, Ark. Code Ann. § 17-82-316(b)(3)(F), that is a violation of the Rules and Regulations of the Arkansas State Board of Dental Examiners, more specifically, Article X, Section M, that is a violation of the laws in regulating the dispensing and administration of schedule medication.

4. As a result of the above violations of the Dental Practice Act, the license to practice dentistry in the state of Arkansas Tony Wayne Shaw D.D.S. is revoked. Said revocation will be stayed for a period of five years, for so long as he complies with the condition of a five-year probation. The terms of his probation are as follows:

a. Tony Wayne Shaw D.D.S. will enter into a contract of monitoring and counseling with the Arkansas Medical Foundation for a period of five years.

b. The terms of said contract with the Arkansas Medical Foundation will be adhered to by Tony Wayne Shaw D.D.S. and will become the terms of his probation as well.

c. Tony Wayne Shaw D.D.S. will provide a copy of said contract with the Arkansas

Medical Foundation to the offices of the Arkansas State Board of Dental Examiners.

d. Tony Wayne Shaw D.D.S. will execute forms necessary to ensure that the Arkansas Medical Foundation will provide the Arkansas State Board of Dental Examiners information concerning this compliance or noncompliance with the terms of this contract for monitoring and counseling.

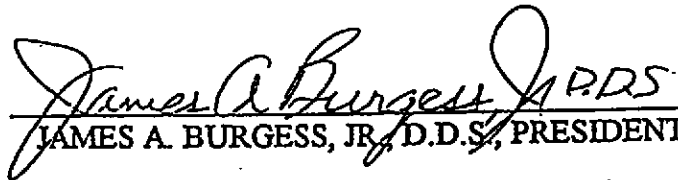
e. Tony Wayne Shaw D.D.S. will pay the Arkansas State Board of Dental Examiners and monetary fine in the amount of \$600.00 within sixty days from date of this hearing.

f. Tony Wayne Shaw D.D.S. will comply with the Statutes of the Dental Practice Act and the rules and regulations the Arkansas State Board of Dental Examiners.

Upon completion and compliance with the terms of the probation for a period of five years, this matter will be concluded and his license will be restored in full. If Tony Wayne Shaw D.D.S. does not comply with the terms of this probation as stated here in above, the stay will be lifted and his license will be revoked.


IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

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

DATE: June 4, 1999

APPROVED AS TO FORM:

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