

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF DENTISTRY**

In Re: :
:
Butler Redd, D.D.S. :
:
:
:
Respondent :

ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Dentistry (the “Board”) pursuant to D.C. Official Code § 3-1201.01 *ff.* (2001), otherwise known as the Health Occupations Revision Act (“HORA”). The HORA, at D.C. Official Code § 3-1202.01(b) (2001), authorizes the Board to regulate the practice of dentistry in the District of Columbia.

Background

On or about October 1, 2009, the Board issued a Notice of Intent to Deny Licensure (“Notice”) to Respondent. The Notice charged Respondent as follows:

The Board has sufficient evidence which, if proven to be true, justifies taking the proposed action. The basis of the Board’s proposed denial is that you filed a license application with the Board on or about May 20, 2009, containing statements which you knew or should have known were false or misleading in violation of D. C. Official Code § 3-1210.04 (2001) for which the Board may take disciplinary action pursuant to D. C. Official Code § 3-1205.14 (a)(3), (24)(2001). Further bases are outlined below.

Section 7(B) violations:

In your license application submitted on or about May 20, 2009, you answered “yes” to the question in Section 7(B) which asks, in pertinent part, “Have you ever been convicted or investigated of a crime or misdemeanor (other than minor traffic violations). You indicated that you were “charged with trespassing in Staten Island, New York during an investigation.” You failed to disclose that, in addition to the disclosed

criminal trespass charge and conviction on November 9, 2007 in case entitled *The People of the State of New York v. Redd, Butler*, you were charged with Criminal Possession of a Controlled Substance in the 7th Degree – crack cocaine and Hydrocodone, a schedule II substance.

You failed to disclose that you were arrested in North Carolina for felony possession of Schedule II controlled substances and possession of drug paraphernalia. The court disposition date was June 13, 2000.

You failed to disclose that as a result of a November 10, 1992, search warrant for your address you were arrested for possession of Cocaine. Drug paraphernalia was also found at your address. The arrest occurred on or about March 23, 1993, in Hampton, Virginia. At the time of your arrest and interview by the Hampton City Police, you acknowledged that you should seek treatment for an addiction problem.

Additionally, you failed to disclose that on or about February 26, 1996, you were convicted of practicing without a valid license to practice dentistry in Durham, North Carolina. You entered a plea of no contest.

You failed to disclose that you were arrested for driving while impaired in North Carolina. The court disposition date was November 24, 1995.

Section 7(D) violation:

In your license application submitted on or about May 20, 2009, you answered “yes” to the question 7(D), and indicated that you were named in two malpractice suits, one in New York and one in New Jersey. You neglected to provide “copies of relevant court documents” as instructed.

You failed to disclose that the New Jersey medical malpractice case, entitled *Vanessa Jackson v. Dr. Butler Redd, et al.*, Docket No.: L-180-04, resulted in an Order for Judgment upon Proof of Hearing. The judgment was entered against all defendants in the amount of \$70,000.00. In the *Jackson* case, plaintiff alleged, in pertinent part, you failed to prepare the teeth correctly so that a bridge could not be fitted properly resulting in an “ill-fitting”, “cosmetically inappropriate” bridge which eventually broke apart and required plaintiff to undergo extensive reconstruction and repair.

Section 7(I) violations:

In your license application submitted on or about May 20, 2009, you answered “yes” to the question 7(I): (1) Have you withdrawn an application (in D. C. or any other state/jurisdiction) to practice your profession? (2) Has any authority or peer review board taken adverse action against your license or privileges? (3) Are you currently under investigation or were you investigated by any authority or peer review board for any violation of state, federal, or local law? (4) Has any authority or peer review board informed you of any pending charge(s) or investigation not previously reported to this Board? However, you provided only partial explanations. In your application, you indicated that discrepancies were noted on your NJ

application, but failed to mention what the discrepancies actually were. You indicated that you received two years probation, were ordered to complete two courses, and issued a reprimand. However, you neglected to provide a copy of the Consent Order issued by the NJ Board of Dentistry or in the alternative, you failed to indicate the nature of the reprimand, indicate when your probation began and ended, and whether you completed the required courses.

In your explanation section for Section 7 responses you indicated that in 1996, you applied for a North Carolina license. You further indicated that after your “full application was submitted, but before it was officially approved, [you] worked in a dental office.” You indicated you were “reprimanded, but there was no negative outcome.” You neglected to provide a copy of the Consent Order issued by the NC State Board of Dental Examiners, or in the alternative, you failed to indicate the nature of the reprimand, indicate when your probation began and ended, and whether you completed the required courses. Finally, you failed to indicate that you were never issued a license to practice in North Carolina.

In your explanation section for Section 7 responses you indicated that in 1994 while you were practicing in Virginia, you were disciplined by the Virginia Board of Dentistry for over prescribing narcotics to a patient and not keeping proper narcotic records in your office. You indicated that you were placed on probation, ordered to complete classes and that the “probation period was completed.” You failed to disclose that the VA Board of Dentistry ordered that your dental license be placed on “INDEFINITE PROBATION” subject to your petition for reinstatement in not less than two years.

Finally, you failed to provide verification of licensure for all licenses, past and present as required. The licenses you listed were New York, Virginia and the District of Columbia.

A hearing on the Notice was scheduled for June 16, 2010. Rather than proceed with the hearing, the Respondent requested that he be allowed to withdraw his application for licensure. The Board agreed to allow the Respondent to withdraw his application for licensure, subject to the following stipulations:

1. The dismissal of the Respondent’s application will be a matter of public record;
2. The dismissal will include the substance of the Notice; and
2. Respondent will not re-apply for licensure as a dentist in the District of Columbia for a period of five years.

Transcript (Tr.), p. 3.

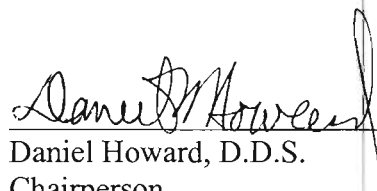
Respondent stated that he accepted the stipulations. Tr., p. 6.

ORDER

Based on the foregoing, it is hereby,

1. ORDERED that Respondent's application is WITHDRAWN; and it is further
2. ORDERED that Respondent shall not re-apply for licensure as a dentist in the District of Columbia for a period of five (5) years from the date of this Order.

7/21/10
Date


Daniel Howard, D.D.S.
Chairperson,
District of Columbia
Board of Dentistry

This Order is the Final Order of the Board in this disciplinary matter and a public record and shall be posted on the Department of Health's website and newsletter, and reported to the National Practitioner Data Bank and the Healthcare Integrity Protection Data bank as required by law.