

**State of New Hampshire  
Board of Dental Examiners  
Concord, New Hampshire**

In the Matter of:  
**Robert T. Christ, DMD**  
License No. 01575  
(Adjudicatory Proceeding)

Docket No. 13-9

**ORDER OF EMERGENCY SUSPENSION  
OF PRESCRIBING PRIVILEGES  
AND NOTICE OF HEARING**

1. RSA 317-A:18-b; RSA 541-A:30, III; RSA 541-A:31; and New Hampshire Board of Dental Examiners Administrative Rule (“Den”) 207.04 authorize the New Hampshire Board of Dental Examiners (“Board”) to suspend a license to practice dentistry or a privilege for no more than sixty (60) days pending completion of an adjudicatory proceeding, in cases involving imminent danger to life or health. In such cases, the Board must commence a hearing not later than 30 days after the date of the emergency order. If the Board does not commence the hearing within 30 days, the suspension order shall be automatically vacated. *See*, RSA 541-A:30, III. The Board may not continue such a hearing without the consent of the licensee to the continuation of the emergency suspension. *See*, RSA 317-A:18-b and Den 207.04. Postponement of the proceeding is prohibited unless the licensee agrees to continue the suspension pending issuance of the Board’s final decision. *See*, RSA 317-A:18-b and Den 207.04.

2. Robert Christ, DMD (“Dr. Robert Christ, DMD” or “Respondent”), holds an active license, No. 01575, issued on August 3, 1978, to practice dentistry in the State of New Hampshire. Respondent practices dentistry at 50 Derry Street, Suite 2A, Hudson, New Hampshire, 03051-4034.

3. The Board has received information indicating that the continued prescribing of controlled medications by Respondent poses an imminent threat to life, safety and/or health, which warrants the temporary suspension of Respondent's privilege to prescribe controlled substances pending a hearing on whether permanent and/or temporary disciplinary sanctions should be imposed. An investigation was conducted and a Report of Investigation was provided to the Board.

4. In support of this *Order of Emergency Suspension of Prescribing Privileges and Notice of Hearing*, the Board alleges the following facts:

- A. On or around January 11, 2013, the Board received information from an area pharmacist that Respondent may be writing excessive prescriptions for an individual working in his office. Following an investigation by NH State Police, the individual who had been employed by Respondent was arrested and charged with approximately twenty-five (25) counts of drug diversion. Respondent has stated that he has fired the employee. There is no information that Respondent was at fault for the employee's alleged criminal conduct.
- B. On March 14, 2013, a Board ordered unannounced inspection of Respondent's practice in Hudson, New Hampshire was carried out.
- C. During the said unannounced inspection, Respondent acknowledged that he had patients who he suspected were drug seekers.
- D. Respondent further acknowledged that one of the drug seeking patients showed up at his office and "made a scene", stating that she would not leave until she was prescribed "pain killers". Instead of calling the police,

Respondent prescribed her narcotics. Respondent eventually sent a dismissal letter to this patient. Respondent acknowledged that before he sent the dismissal letter, this patient brought six of her friends to his practice where she directed some or all of them to write down allergies to certain pain medications so that they could be prescribed the narcotic of their choosing.

- E. During the inspection, Respondent stated that he used to routinely write prescriptions for patients who called in on a weekend stating that they could not get to the office until the following week. Respondent said that he “caught on” that these patients were not keeping their follow up appointments and were likely just calling to get the narcotics. Respondent recently changed his policy to no longer prescribe in these instances.
- F. Respondent’s office manager had been using a yellow highlighter to flag prescribing instances by Respondent whereby the office manager had suspicions with regard to a patient’s actual need for the narcotic prescribed. Some of the highlighting dated back to prescriptions written in 2009. The office manager stated that the highlighting was done “quite a while ago”. It does not appear that the concerns raised by the highlighting resulted in a change in Respondent’s prescribing practices.
- G. Copies of records of certain patients recently seen by Respondent were obtained during the inspection. These records indicate that the frequency, quantity and dosage of the controlled substances prescribed by Respondent are excessive for the pain and treatments documented.

5. Based upon the above information, the Board finds that the case involves imminent danger to life and/or health. Further, the Board believes there is a reasonable basis for both immediately suspending Respondent's privilege to prescribe controlled medications on a temporary basis, and for commencing an expedited disciplinary proceeding against Respondent pursuant to RSA 317-A:18-b; RSA 541-A:30; RSA 541-A:31, III; and Den 207.04.

6. The purpose of this proceeding will be to determine whether Respondent has engaged in professional misconduct contrary to RSA 317-A:17, II, and RSA 17-A:18-b, which warrants the continued imposition of a temporary suspension of his privilege to prescribe controlled medications, the imposition of permanent disciplinary sanctions, or both. The specific issues to be determined in this proceeding are:

- A. Whether Respondent engaged in professional misconduct by prescribing controlled medications to individuals without examining them and/or while he knew or should have known that such individuals were seeking narcotics without a medical basis, constituting: (1) ignorance and/or incompetence inconsistent with the basic knowledge and skills expected of persons licensed to practice dentistry in violation of RSA 317-A:17, II (d); (2) gross or repeated negligence in practicing dentistry in violation of RSA 317-A:17, II (e); engagement of unprofessional conduct in practicing dentistry in violation of RSA 317-A:17, II (f); (3) knowing or willful violations of ADA code of professional conduct 5B6 in violation of RSA 317-A:17, II (j); and/or
- B. Whether Respondent engaged in professional misconduct by prescribing controlled medications in excessive and inappropriate frequencies, quantities and dosages to patients under his care, constituting: (1) ignorance and/or

incompetence inconsistent with the basic knowledge and skills expected of persons licensed to practice dentistry in violation of RSA 317-A:17, II (d); (2) gross or repeated negligence in practicing dentistry in violation of RSA 317-A:17, II (e); engagement of unprofessional conduct in practicing dentistry in violation of RSA 317-A:17, II (f); (3) knowing or willful violations of ADA code of professional conduct 5B6 in violation of RSA 317-A:17, II (j); and/or

- C. If any of the above allegations are proven, whether and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 317-A:17, III.

7. While RSA 317-A:18-a requires that the Board furnish Respondent at least 15 days notice of allegations of professional misconduct and the date, time and place of an adjudicatory hearing, RSA 541-A:30, III and Den 207.04 require the Board to commence an adjudicatory hearing within thirty (30) days after the date of an immediate, temporary license suspension order.

8. The Board intends to complete this adjudicative proceeding within the sixty (60) day time period provided by RSA 541-A; RSA 317-A:18-b; and Den 207.04. Accordingly, neither the date of the initial evidentiary hearing nor the date for concluding this proceeding shall be postponed or extended unless Respondent agrees to continue the suspension period pending issuance of the Board's final decision in this matter. *See* RSA 317-A:18-b; RSA 541-A:30, III; RSA 541-A: 31.

THEREFORE, IT IS ORDERED that Respondent's New Hampshire privileges to prescribe controlled drugs is immediately suspended until further order of the Board; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 317-A:17; 317-A:18-a; 317-A:17:18-b; 541-A:30, III; and RSA 541-A:31. To the extent that this order or the Board's rules do not address an issue of procedure, the Board shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that Robert Christ, DMD shall appear before the Board on Monday, April 8, 2013 at 5:30 p.m., at the Board's office located at 2 Industrial Park Drive, Concord, N.H., to participate in an adjudicatory hearing and, if deemed appropriate, be subject to sanctions pursuant to RSA 317-A:17, and,

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia*, or the imposition of disciplinary sanctions without further notice or an opportunity to be heard, or both; and,

IT IS FURTHER ORDERED that Assistant Attorney General Matthew Mavrogeorge, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301 is appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA Chapter 317 to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that Stacy Plourde, RDH, President, or any other person whom he may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and twelve (12) copies, with an additional copy mailed to any party to the proceeding, and to Attorney Brian Buonamano, Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Board no later than three (3) days before the date of the hearing. Respondent shall pre-mark his exhibits with capital letters, and Hearing Counsel shall pre-mark her exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. Upon the request of any party made at least ten (10) days prior to the proceeding or conference or upon the Board's own initiative, a shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,

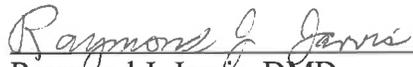
IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to Raymond J. Jarvis, DMD, Executive Secretary, New Hampshire Board of Dental Examiners, 2 Industrial Park Drive, Concord, New Hampshire 03301; and

IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Raymond J. Jarvis, DMD, Executive Secretary, New Hampshire Board of Dental Examiners at (603) 271-4561, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Respondent by certified mail addressed to the office address he supplied to the Board in his latest renewal application. *See*, RSA 317-A:18. A copy shall also be delivered to Hearing Counsel.

BY ORDER OF THE BOARD/\*

Dated: MARCH 22, 2013

  
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Raymond J. Jarvis, DMD  
Authorized Representative of the  
New Hampshire Board of  
Dental Examiners

/\* Charles Albee, DMD, Vice President, did not participate