



BOARD OF DENTISTRY

Steven L. Beshear
Governor

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Brian K. Bishop
Executive Director

November 23, 2010

Eric Browning, D.M.D.
811 Corporate Drive, STE 302
Lexington, Kentucky 40503

*** Via HAND DELIVERY, and by regular mail ***

Re: **Order and Notice of Immediate, Temporary
Suspension of Kentucky License to Practice Dentistry**
Agency Case No. 10-077

Dear Dr. Browning:

The Kentucky Board of Dentistry recently considered information within its possession through its Law Enforcement Committee regarding alleged violations of KRS Chapter 313 that you may have committed.

The Law Enforcement Committee, by and through its statutory authority, has made the following preliminary findings of fact, which have been supplemented with additional investigative information and documentation:

- 1) Over the past several months you have personally consumed and/or ingested scheduled or restricted drugs for personal use;
- 2) On November 23, 2010, you were witnessed being in an intoxicated state and while under the influence of one or more mind altering substances, you have practiced dentistry or attempted to practice dentistry in violation of KRS 313.080 (2)(a), (c), (d) and (e).
- 3) Your actions constitute an immediate danger to the health, welfare, and safety of your patients and the general public in violation of KRS 313, authorizing the Board, by and through the LEC to immediately suspend your license as authorized by KRS 313.085, KRS 313.090, KRS 313.100 and KRS 313.130; and
- 4) Pursuant to KRS 313.085 and KRS 313.130, the Law Enforcement Committee of the Kentucky Board of Dentistry (hereinafter the "LEC"), by majority vote, has the authority

to issue an emergency order for the immediate temporary suspension of your license against which disciplinary action or an investigation is pending if the order is necessary to protect the public;

With the above in mind, the LEC made the following conclusions of law by invoking KRS 313.085.

With due regard for the totality of the circumstances, the Board, by and through a majority vote of the LEC, hereby orders that your license to practice dentistry in Kentucky be immediately and temporarily suspended for the reasons set forth above as necessary to protect the health, safety, and welfare of the public for your alleged violations of KRS 313.080(2)(a), (c), (d), and (e) and KRS 313.130.

These violations involved your: 1) use and/or addiction to one or more drugs as well as alcohol abuse; and 2) such physical or mental disability, or other condition, that continued practice would be dangerous to patients or to the public.

This Immediate, Temporary Suspension shall become effective upon service by personal delivery or by mail to your last known address on record with the Board, but not later than the time of personal service to you of this letter on Tuesday November 23, 2010. You may not practice dentistry as that term is defined in KRS 313.010(11) effective upon delivery of this Notice of Immediate Temporary Suspension, unless you hold a current license in good standing issued by the Board.

Since you are immediately, temporarily suspended, you shall make appropriate professional arrangements to refer your dental patients currently scheduled, if any, to other dentists for follow-up dental treatment by contacting those patients to provide a referral, by placing an appropriate written notice in your dental office, if any, or window visible to the public, and by staffing your dental office, if any, for a reasonable time starting immediately, so that an office staff person is available to make continued referrals in person.

You may appeal this action of the Board under KRS 313.085, or as otherwise allowed, by filing a written request with the Board within thirty (30) days after receipt of this Order, at the address on this letterhead, by notifying the Board through its staff that you desire a due process hearing, which will be conducted under KRS 13B.125. A request for a hearing does not stay the effectiveness of this Order. If a hearing is requested, then the only issue in such a hearing under KRS 13B.125 is whether "there is substantial evidence of a violation of law which constitutes an immediate danger to the public health, safety, or welfare."

The Board requires that you review this Order, sign and date below, and provide a copy to a representative of the Board, or mail/fax a copy to the Board at the address on this letterhead.

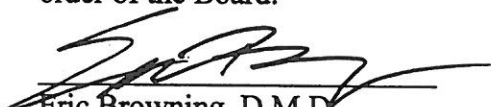
Sincerely,

Brian K. Bishop, Executive Director
Kentucky Board of Dentistry

cc: William A. Bausch, General Counsel, Kentucky Board of Dentistry

I

I hereby acknowledge receipt of a copy of the above document Order and Notice of Immediate, Temporary, Suspension of Kentucky License and will abide by its terms until further order of the Board.



Eric Browning, D.M.D.

Date: 11/23/10