

STATE OF NORTH CAROLINA BY Shanda

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23 CVS 500001

WAKE COUNTY

NORTH CAROLINA STATE BOARD)
OF DENTAL EXAMINERS,)
Plaintiff)
)

v.)

CHERYL E. LYNCH,)
Defendant)
)
)

**CONSENT ORDER GRANTING
PERMANENT INJUNCTION**

This matter came before the undersigned Superior Court Judge upon consent of Plaintiff North Carolina State Board of Dental Examiners ("Dental Board") and Defendant Cheryl E. Lynch ("Defendant") (collectively the "Parties"), and pursuant to N.C. Gen. Stat. §§ 90-40.I(b) and IA-I, Rule 65, on a Verified Complaint and Motion for Permanent Injunction against Defendants. To resolve this matter, the Parties consent to and the undersigned Judge finds and concludes as follows:

1) The Verified Complaint and Motion for Permanent Injunction, and the Motion for Preliminary Injunction and its supporting affidavits, which were filed in this action on January 10, 2023, are incorporated herein by reference in their entirety.

2) The Dental Board alleges in its Verified Complaint and its motions, and provides corroborating evidence in the affidavits, that Defendant has engaged in the unlicensed practice of dentistry and the unlicensed practice of dental hygiene in North Carolina by:

- a. cleaning and removing stains, accretions, or deposits from teeth;
- b. using an Xray machine for dental treatment or diagnostic purposes; and

c. performing acts of dental hygiene without a current dental hygiene license.

3) Pursuant to N.C. Gen. Stat. § 90-29(a), only individuals who are licensed to practice dentistry by the Dental Board may engage in the practice of dentistry in North Carolina.

4) Pursuant to N.C. Gen. Stat. § 90-29(b)(2), an individual who "[r]emoves stains, accretions or deposits from the human teeth" is deemed to be engaged in the practice of dentistry.

5) Pursuant to N.C. Gen. Stat. § 90-29(b)(9), an individual who "[u]ses a Roentgen or X-ray machine or device for dental treatment or diagnostic purposes" is deemed to be engaged in the practice of dentistry.

6) Pursuant to N.C. Gen. Stat. § 90-29(c)(7), any "act or acts performed by a dental hygienist when such act or acts are lawfully performed pursuant to the authority of Article 16 of this Chapter 90 or the rules and regulations of the Board promulgated thereunder" do not constitute the unlawful practice of dentistry.

7) Pursuant to N.C. Gen. Stat. § 90-233(c), only individuals who hold a license issued by the Dental Board and currently in effect may engage in the practice of dental hygiene in North Carolina.

8) Pursuant to N.C. Gen. Stat. § 90-221(a), dental hygiene includes performance of "[c]omplete oral prophylaxis, application of preventive agents to oral structures, [and] exposure and processing of radiographs."

9) Defendant has never been licensed to practice dentistry in North Carolina.

10) Defendant does not hold a current dental hygiene license. Previously, Defendant was licensed to practice dental hygiene, but her license was suspended indefinitely by the Dental Board in 2011 as a result of a disciplinary proceeding. In addition, Defendant failed to renew her license in 2011 and therefore her license expired as of March 31, 2011.

11) The unlawful or unlicensed practice of dentistry in North Carolina, by any person who is not licensed to practice or whose license has been suspended or revoked, is inimical to the public health and welfare and constitutes a public nuisance, as set out in N.C. Gen. Stat. § 90-40.1(a).

12) The Dental Board may bring an action to enjoin the unlawful practice of dentistry, pursuant to N.C. Gen. Stat. § 90-40.1(a).

13) To resolve this matter, Defendant acknowledges that sufficient evidence exists such that a reasonable fact finder could sustain the Dental Board's allegations and asserted violations in this matter. Defendant's stipulations are solely for the purposes of this matter and any future proceedings involving the Dental Board, including in this matter.

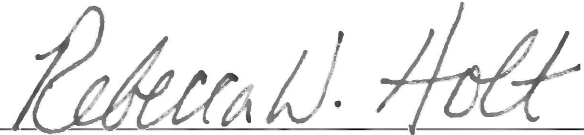
14) Defendant voluntarily waives the right to appeal or challenge the sufficiency of the findings, conclusions, and basis for this Consent Order in any future proceedings in this matter or any future proceedings involving the Dental Board.

In accordance with the foregoing, and with the consent of the Parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant is permanently enjoined from engaging in the practice of dentistry and the practice of dental hygiene in North Carolina, including:

1. cleaning and removing stains, accretions, or deposits from teeth for patients in North Carolina;
2. using an Xray machine for dental treatment or diagnostic purposes for patients in North Carolina;
3. performing acts of dental hygiene for patients in North Carolina; and

- engaging in any other act constituting the practice of dentistry or the practice of dental hygiene in North Carolina until such time, if ever, that Defendant is the holder of a license issued by the Dental Board and currently in effect.


Issued this 24th day of February, 2023.

A handwritten signature in cursive script that reads "Rebecca W. Holt". The signature is written in black ink and is positioned above a horizontal line.

Hon. Rebecca W. Holt
Resident Superior Court Judge

Consented to by and on behalf of The North Carolina Board of Dental Examiners.

THE BROCKER LAW FIRM, P.A.

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Date: 2/21/2023

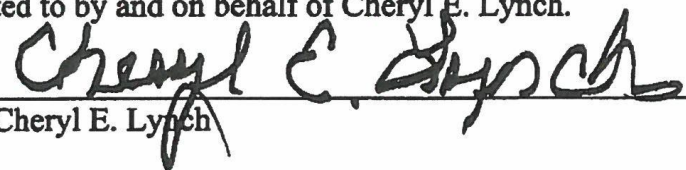
and

NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: 
Bobby D. White, Chief Executive Officer

Date: 20 FEB 2023

Consented to by and on behalf of Cheryl E. Lynch.

By: 
Cheryl E. Lynch

Date: 2/7/23