

STATE OF NORTH CAROLINA BY: S. Smallwood

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23CV030009-910

WAKE COUNTY

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

v.)

RICHELLE BLACK,)
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 Richelle Black ("Defendant") (collectively the "Parties"), and pursuant to N.C. Gen. Stat. §§ 90-40.1(b) and 1A-1, Rule 65, on a Verified Complaint for Permanent Injunction against Defendant. To resolve this matter, the Parties consent to and the undersigned Judge finds and concludes as follows:

- 1) The Dental Board's Verified Complaint for Permanent Injunction and its supporting affidavit, which were filed in this action on October 20, 2023, are incorporated by reference in their entirety.
- 2) 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.
- 3) Defendant has never been licensed to practice dentistry in North Carolina.
- 4) Pursuant to N.C. Gen. Stat. § 90-29(b):

A person shall be deemed to be practicing dentistry in this State who does, undertakes or attempts to do, or claims the ability to do any one or more of the following acts or things which, for the purposes of this Article, constitute the practice of dentistry:

- (1) Diagnoses, treats, operates, or prescribes for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity;
- ...
- (4) Performs any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with any artificial substance, material or device;
- (5) Corrects the malposition or malformation of the human teeth;
- ...
- (8) Makes, builds, constructs, furnishes, processes, reproduces, repairs, adjusts, supplies or professionally places in the human mouth any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth, except to the extent the same may lawfully be performed in accordance with the provisions of G.S. 90-29.1 and 90-29.2 [which requires that the services be performed exclusively, directly, and solely on the written work order of a licensed dentist and not for the public];
- ...
- (11) Owns, manages, supervises, controls or conducts, either himself, by and through another person or other persons, or by use of any electronic or other digital means, any enterprise wherein any one or more of the acts or practices set forth in subdivisions (1) through (10) above are done, attempted to be done, or represented to be done;
- [and]
- (13) Represents to the public, by any advertisement or announcement, by or through any media, the ability or qualification to do or perform any of the acts or practices set forth in subdivisions (1) through (10) above.

5) The Dental Board provides evidence in the Verified Complaint for Permanent Injunction and its supporting affidavit that Defendant has engaged in the

unauthorized practice of dentistry in North Carolina by:


- a. treating a deformity, deficiency, defect, or other physical condition of the human teeth, including placing composite veneers, fixing chipped or broken teeth, fixing gaps and uneven teeth, and providing dentures and partials;
- b. performing any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with any artificial substance, material or device, including fixing chipped or broken teeth, fixing gaps and uneven teeth, and providing dentures and partials;

- c. correcting the malposition or malformation of the human teeth, including fixing chipped or broken teeth, and fixing gaps and uneven teeth;
 - d. furnishing or supplying directly to the public, or professionally placing in the human mouth, any prosthetic denture, bridge, or other structure designed or constructed as a substitute for a natural human tooth or teeth;
 - e. managing, controlling, and conducting an enterprise, using the name "Recreating Smiles," wherein the aforementioned acts are done or represented to be done; and
 - f. claiming and advertising to the public the ability or qualification to do the aforementioned acts, including on Facebook.com.
- 6) The unlawful or unlicensed practice of dentistry in North Carolina 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).
- 7) 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.
- 8) 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 and any affiliates, related entities or successors, her officers, agents, servants, employees, directors, or others acting in concert or participation with her are permanently enjoined from engaging in the unlicensed practice of dentistry in North Carolina, including:

- a. treating a deformity, deficiency, defect, or other physical condition of the human teeth, including placing composite veneers, fixing chipped or broken teeth, fixing gaps and uneven teeth, and providing dentures and partials;
- b. performing any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with any artificial substance, material or device, including fixing chipped or broken teeth, fixing gaps and uneven teeth, and providing dentures and partials;
- c. correcting the malposition or malformation of the human teeth, including fixing chipped or broken teeth, and fixing gaps and uneven teeth;
- d. furnishing or supplying any prosthetic denture, bridge, or other structure designed or constructed as a substitute for a natural human tooth or teeth, except pursuant to the written work order of a licensed dentist and not directly for the public;
- e. professionally placing in the human mouth any prosthetic denture, bridge, or other structure designed or constructed as a substitute for a natural human tooth or teeth;
- f. managing, controlling, and conducting an enterprise wherein any of the acts or practices set forth in N.C. Gen. Stat. § 90-29(b)(1)-(10) are done, attempted to be done, or represented to be done;
- g. representing to the public, by any advertisement or announcement, the ability or qualification to do or perform any of the acts or practices set forth in N.C. Gen. Stat. § 90-29(b)(1)-(10); and
- h. engaging in any other act constituting the practice of dentistry 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 17th day of November, 2023.




Hon. A. Graham Shirley
Resident Superior Court Judge

11/17/2023 10:41:17 AM

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

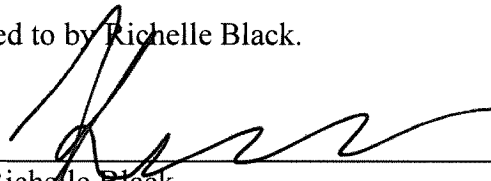
By: 
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Counsel for Plaintiff

Date: 11/8/2023

By: 
Bobby D. White, Chief Executive Officer
NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

Date: 8 Nov. 2023

Consented to by Richelle Black.

By: 
Richelle Black

Date: 11/2/23