

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In the Matter of:

Brandi R. Jackson, D.D.S.  
(License No. 8224)

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**CONSENT ORDER**

This matter is before the North Carolina State Board of Dental Examiners (the "Board") as authorized by G.S. § 90-41.1(b) for consideration of a Consent Order in lieu of a formal administrative hearing. Kenneth L. Jones represented Respondent, Brandi R. Jackson, D.D.S. Douglas J. Brocker and Crystal S. Carlisle represented the Investigative Panel ("IP"). The parties hereby consent to the Findings of Fact and Conclusions of Law set forth herein, and to the entry of the Order of Discipline.

**FINDINGS OF FACT**

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding pursuant to the authority granted to it in Chapter 90 of the North Carolina General Statutes, including the Dental Practice Act and the Rules and Regulations of the Board.
2. Respondent was licensed to practice dentistry on June 15, 2006 and holds license number 8224.
3. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Board Rules and Regulations.

### **Respondent's Impairment and Related Criminal Charges**

4. On February 27, 2016, Respondent was charged with Driving While Impaired; Hit and Run Failure to Stop - Property Damage; Resisting, Delaying, or Obstructing a Public Officer; Reckless Driving to Endanger; Violating Vehicle Registration Provisions; and Operating a Motor Vehicle Without Financial Responsibility.

5. On May 9, 2016, Respondent was charged with misdemeanor larceny, damage to a vehicle, and misdemeanor assault and battery. These charges were subsequently dismissed by the State.

6. On or about July 9, 2016, the Dental Board received an anonymous complaint, including allegations that Respondent was exhibiting erratic behavior at her dental practice that affected her ability to safely practice dentistry.

### **Misrepresentation on 2015 Renewal Application**

7. On May 31, 2014, Respondent was arrested and charged with Misdemeanor Simple Assault. These charges were subsequently dismissed by the State.

8. On December 10, 2014, Respondent renewed her dental license with the Dental Board for the 2015 year.

9. The 2015 Renewal Application asked Respondent specific questions regarding whether she had been summoned to court, arrested, taken into custody, or

charged with a violation of any law or the commission any of misdemeanor. Respondent answered "no" to each question.

10. Respondent did not truthfully answer the questions on the 2015 renewal application and failed to disclose her May 31, 2014 charge of misdemeanor Simple Assault.

#### **Failure to Return Patient Funds and False Statements to the Board**

11. On or about December 4, 2015, the Board received a complaint filed by KG who had prepaid Respondent to provide dental services to KG's son, LH.

12. LH's insurance paid the dental bill leaving a balance owed by Respondent to KG from the prepaid amount.

13. After repeated requests, Respondent failed to return KG's overpayment.

14. On December 14, 2016, the Board sent a letter to Respondent requesting a response to KG's allegations. The letter requested a response within fifteen days.

15. Respondent did not respond to the Board's request.

16. On February 2, 2016, the Board sent another letter requesting that Respondent respond to KG's complaint.

17. The Board received a response from Respondent on February 10, 2016. Respondent advised the Board she had sent KG a refund check and included a copy of the check dated February 1, 2016 that she represented she had sent.

18. As of April 1, 2016, KG had not received the refund, so she filed a small claims action against Respondent.

19. On April 6, 2016, KG received an envelope containing a check from Respondent's practice. The envelope was postmarked April 5, 2016, the check was dated February 1, 2016, and the check number was the same as the copy of the check provided to the Board in February.

20. Respondent did not send the check to KG at the time she represented to the Board that the refund had been returned.

### **Notice of Hearing and Evaluation**

21. On or about November 9, 2016, the IP issued a Notice of Hearing against Respondent asserting various violations of the Dental Practice Act and Board rules, including that her ability to practice dentistry was impaired.

22. The IP filed a Rule 35 Motion for Substance Abuse and Mental/Emotional Examination contemporaneously with issuance of the Notice of Hearing.

23. At a hearing on the Rule 35 Motion, Respondent agreed to undergo an examination performed by a physician or other appropriate medical professional recommended and approved by the Caring Dental Professionals ("CDP").

24. Respondent attended an in-patient, 96-hour assessment at Fellowship Hall, as recommended by CDP.

25. The Medical Director at Fellowship Hall issued a report after Respondent's examination stating that she was not safe to practice dentistry until she met various conditions, including among others, completing ninety (90) days of residential treatment at a facility approved by CDP.

26. Respondent did not promptly enter a residential treatment at a facility approved by CDP.

27. On January 4, 2017, the Board concluded that Respondent had not satisfied the recommended conditions, was currently not safe to practice dentistry, determined that the public health, safety, and welfare required emergency action, and summarily suspended Respondent's license.

28. On February 16, 2017, Respondent was arrested and charged with second-degree trespass and resisting a public officer. These charges were subsequently dismissed by the State.

29. Respondent later admitted herself to Talbott Recovery Campus ("Talbott") in Atlanta, Georgia on May 2, 2017. CDP was notified of Respondent's admission and kept informed of Respondent's progress.

30. On July 18, 2017, Respondent met with CDP and signed a five-year Dentist Participation Agreement, which terms are incorporated herein by reference.

31. Respondent's Agreement with CDP states that upon returning to work she shall be limited to twenty-four (24) hours per week for two weeks and then limit work to a maximum of thirty-two (32) hours per week.

32. After completing Talbott's 90-day residential program, Respondent transitioned into the Sober Living Program at Talbott on July 30, 2017. She was discharged from this transitional program on November 7, 2017.

33. Upon Respondent's discharge from Talbott, she signed a Continuing Care Plan containing various terms and conditions, which terms are incorporated herein by reference.

34. Dr. Amar of Talbott stated in writing to CDP on November 10, 2017 that Respondent is "cleared to practice dentistry."

35. CDP advocates for Respondent's dental license to be restored.

36. Respondent has taken significant steps toward recovery.

Based upon the Findings of Fact and the consent of the parties, the Board hereby enters the following:

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over Respondent and the subject matter of this action.

2. By not truthfully answering the questions on her 2015 renewal application and by failing to disclose the 2014 charge of Simple Assault, Respondent engaged in an act of misrepresentation in obtaining her renewal license in violation of N.C. Gen. Stat. § 90-41(a)(1).

3. By not timely responding to the Board's request to respond to KG's complaint and by misrepresenting to the Board that she had refunded the overpayment to KG when she had not done so, Respondent engaged in unprofessional conduct in violation of N.C. Gen. Stat. § 90-41(a)(26) and N.C.A.C. 16V .0101(2), (14), and (24).

4. By repeatedly refusing to refund the balance due to KG, requiring KG to bring a small claims action to collect the balance due, and by making false or misleading statements to the Board and KG, Respondent obtained, retained or collected a fee in violation of N.C. Gen. Stat. § 90-41(a)(11).

5. Respondent previously was impaired in her ability to practice dentistry through the persistent use of alcohol or other intoxicants in violation of N.C. Gen. Stat. § 90-41(a)(7).

6. The public can be adequately protected by provisionally restoring Respondent's license and placing her on probation, provided that she fully complies with all terms and conditions as set forth herein, including fully complying with all provisions of her CDP Participation Agreement and Talbott Continuing Care Plan.

7. The public health, safety, and welfare would be threatened and prompt action by the Board likely would be required, if Respondent fails to comply with all her conditions of probation, including all provisions of her CDP Participation Agreement and Talbott Continuing Care Plan.

Based upon the foregoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, the Board enters the following:

#### **CONSENT ORDER OF DISCIPLINE**

1. License No. 8224 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended for a period of three (3) years.

2. Respondent's dental license is provisionally restored, with no additional active period of suspension, provided that for a period of five (5) years from the date of this Order, Respondent complies with all the following terms and conditions:

- (a) Respondent shall violate no provision of the Dental Practice Act or the Board's Rules;
- (b) Respondent shall neither direct nor permit any of her employees to violate any provision of the Dental Practice Act or the Board's rules;
- (c) Respondent shall permit the Board or its agents to inspect and observe her office, conduct a random review of patient chart records, and interview employers, employees, and co-workers at any time during normal office hours and at the Board's sole discretion. Respondent shall respond to a request for inspections or interviews promptly, and on the same day as the request, and shall fully cooperate with the Board or its agent in all inspections and interviews;
- (d) Respondent shall comply with all terms and conditions of her CDP Agreement. Respondent shall sign a release permitting CDP to submit monthly reports to the Board regarding her compliance with her Participation Agreement and her Talbott Continuing Care Plan and her progress in the Program;



- (e) Respondent shall not possess or use any controlled substances, alcohol or any other mood-altering substance, unless prescribed for her in the usual course of professional treatment and permitted under her Talbott and CDP contracts. Respondent shall immediately notify CDP of any medications prescribed, along with the name of the physician issuing the prescription. This must be accomplished prior to Respondent consuming the medication;
- (f) Respondent shall give written notice to the Board of the street and mailing addresses of her place(s) of employment and residence. Respondent shall notify the Board of any changes of either address within ten (10) days of the change and promptly respond to all communications from the Board;
- (g) Respondent shall inform all employers, in writing, of her recovery status and provide each employer with a copy of this Consent Order.

3. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause Hearing to permit Respondent to show cause why her dental license should not be suspended. If the Board determines at the Show Cause hearing that Respondent failed to comply with or breached any term or condition of this Order, the Board shall activate the three (3) year suspension of Respondent's license. The suspension activation shall

be in addition to and not in lieu of any sanctions the Board may impose because of future violations of the Dental Practice Act or the Board's rules.

This the 11<sup>th</sup> day of December, 2017.

THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS

By: Marlin W. Young DDS  
Presiding Officer

STATEMENT OF CONSENT

I, BRANDI R. JACKSON, D.D.S., do hereby certify that I have read the foregoing Consent Order in its entirety. I assent to the terms and conditions set forth herein. I freely and voluntarily admit that there is a factual basis for the findings of fact herein; that the findings of fact support the conclusion of law; that I will not contest the findings of fact, the conclusions of law, or the order of the Board in any future proceedings before or involving the Board, including if future disciplinary proceedings or action is warranted in this matter. I knowingly waive any right to appeal or otherwise later challenge this Consent Order once entered. I understand that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order will become part of the Board's permanent public record. I further acknowledge that this required reporting may have adverse consequences in other contexts and any potential effects will not be the basis for a reconsideration of this Consent Order. I have consulted with my attorney prior to signing this Consent Order.

This the 28th day of November, 2017.

  
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BRANDI R. JACKSON, D.D.S.

Reviewed and Consented to by:



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Kenneth L. Jones  
Counsel for Respondent



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Douglas J. Brocker  
Crystal S. Carlisle  
Counsel for the Investigative Panel