

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

MARY L. MCGINN, R.D.H.
(License No. 7274)

)
)
)

CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. § 90-231 for consideration of a Consent Order in lieu of a formal administrative hearing. The parties hereby consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of the Order of Discipline.

FINDINGS OF FACT

1. The Dental 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 Hygiene Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. Respondent, Mary McGinn was licensed to practice dental hygiene in North Carolina at all times relevant hereto and is subject to the Dental Board's rules and regulations.

3. In February 2017, the North Carolina Caring Dental Professionals (CDP) received information about Respondent's potential abuse of alcohol or other substances.

4. On February 16, 2017, Respondent signed an Evaluation Agreement with CDP as a voluntary participant.

5. Respondent was aware before she signed it that the CDP Evaluation Agreement required her to undergo a 96-hour in-patient evaluation at one of three facilities.

6. Respondent was scheduled for evaluation at Fellowship Hall in Greensboro on two separate occasions.

7. Respondent canceled the first scheduled evaluation and then failed to cooperate with Fellowship Hall's admission requirements.

8. On March 23, 2017, Respondent emailed the Dental Board indicating that she wished to voluntarily surrender her dental hygiene license.

9. On March 28, 2017, CDP informed the Dental Board that the Respondent was not in compliance with the voluntary Evaluation Agreement.

Based upon the foregoing Findings of Fact and with the consent of the parties hereto, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over Respondent's person and over the subject matter of this proceeding.

2. By failing to comply with the CDP Evaluation Agreement, Respondent engaged in unprofessional conduct, in violation of G.S. § 90-229(a)(12) and 21 NCAC 16V .0102(10).

3. In light of the allegations reported to CDP, Respondent's failure to comply with the Evaluation Agreement creates a presumption that her ability to practice dental hygiene currently is impaired by her use of alcohol or other substances in violation of G.S. § 90-229(a)(4).

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

ORDER OF DISCIPLINE

1. Respondent's dental hygiene license in North Carolina is hereby **INDEFINITELY SUSPENDED.**

2. Respondent may seek to lift the indefinite suspension of her North Carolina dental hygiene license upon demonstrating, by clear and convincing evidence that she:

(a) is not impaired and can practice dental hygiene safely in the state of North Carolina;

(b) has signed a CDP Participation Agreement prior to filing a petition to lift the suspension with the Dental Board and is in compliance with its terms;

- (c) has maintained continuous abstinence from alcohol and all drugs, other than those prescribed to her by a treating physician who is aware of her addiction, for a period deemed sufficient to CDP and confirmed through compliance with a CDP Participation Agreement; and
- (d) has obtained the support and advocacy of CDP including that Respondent is not impaired and can practice dental hygiene safely in the state of North Carolina.

3. If the Dental Board reinstates Respondent's license, it may impose probationary terms and conditions of reinstatement as deemed necessary for the protection of the public, including but not limited to the following requirements for a period to be determined at reinstatement:

- a) Respondent shall violate no provision of the Dental Hygiene Act or the Board's rules and regulations;
- b) Respondent shall remain in the CDP and abide by all terms and conditions of her Participation Agreement with CDP and all addenda thereto and any succeeding Agreement with CDP;
- c) Respondent shall allow the Board or its authorized agents to inspect and observe her in any office in which she works, conduct random patient chart reviews and interview her co-workers at any time during regular office hours; and

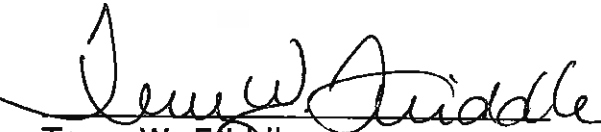
d) Respondent shall inform any prospective employer of this Consent Order and provide a copy of it to such employer prior to commencing employment.

4. The Board shall retain jurisdiction of this matter and Respondent to enforce the provisions herein or enter orders as necessary in the future.

This the 3rd day of April, 2017.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

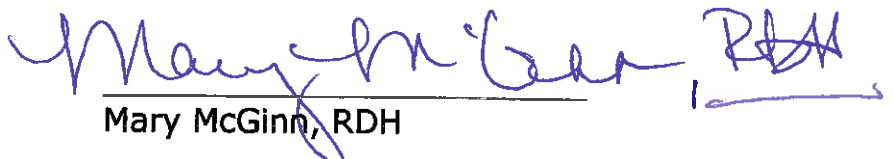
By:


Terry W. Fiddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, Mary McGinn, R.D.H., do hereby certify that I have read the foregoing Consent Order in its entirety. I assent to its terms and conditions set out 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 conclusions of law, that I will not contest the findings of fact, the conclusions of law, or the order of conditional reinstatement in any future proceedings before or involving the Dental 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 had the opportunity to consult with an attorney prior to signing this Consent Order.

This the 30th day of March, 2017.


Mary McGinn, RDH