BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

Theresa M. Ray, R.D.H,
(License Number 6220)

) ) CONSENT ORDER

) )

THIS MATTER came on to be heard and was heard before the North Carolina State Board of Dental Examiners ["Dental Board"] pursuant to N.C. Gen. Stat. § 90-231, for consideration of a Consent Order in lieu of a formal administrative hearing.

On December 30, 2015, the Dental Board entered an order summarily suspending License Number 6220 issued to Theresa M. Ray, R.D.H. ["Respondent"] based on evidence that Respondent failed to comply with the terms of her contract with the NC Caring Dental Professionals Program. In order to terminate further controversy and avoid additional proceedings, Respondent agrees not to contest the allegations set forth within this Consent Order and does furthermore agree to the provisions and sanctions contained herein. The parties freely and voluntarily consent to the following Findings of Fact and Conclusions of Law 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 in Article 16, and
the Rules and Regulations of the North Carolina State Board of Dental Examiners, set forth in 21 North Carolina Administrative Code Chapter 16.

2. Respondent was licensed to practice dental hygiene on June 23, 1999 and holds license number 6220.

3. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Dental Board’s Rules and Regulations.

4. Prior to December 30, 2015, Respondent held an active license to practice dental hygiene in North Carolina.

5. On May 11, 2015, Respondent entered into a five (5) year contract [“Participation Agreement”] with NC Caring Dental Professionals [“CDP”] related to alcohol dependency and agreed to adhere to all terms and conditions of the treatment program outlined in the Participation Agreement.

6. One of the terms of Respondent’s CDP Participation Agreement was that she was to abstain from all mood altering substances, including alcohol, unless approved by the CDP and an Addictionologist approved by the CDP.

7. Respondent failed to comply with the terms of her CDP Participation Agreement when she tested positive for alcohol on December 10, 2015 and admitted that she drank a bottle of wine the previous evening.

8. Respondent’s case was referred to CDP’s Compliance Committee. The CDP Compliance Committee unanimously decided Respondent must complete a minimum of 28
days in a residential treatment facility and then, when discharged, attend Tammy Bell's Relapse Prevention Program, in order to continue in the program.

9. Respondent refused to follow the recommendations of the CDP Compliance Committee. Respondent communicated to CDP that she would not follow the recommendations and that it was her intention to attend outpatient therapy on her own.

10. Nancy K. Davis, CDP's Executive Director, contacted Respondent and advised her that if she did not follow the recommendations of the CDP Compliance Committee, CDP would be required to report the matter to the Dental Board. Ms. Davis explained to Respondent the process that would follow after CDP released the information to the Dental Board.

11. Respondent again refused to follow the recommendations of the CDP Compliance Committee; therefore, on December 21, 2015, CDP terminated Respondent's Participation Agreement and reported the matter to the Dental Board that same day.

12. On December 30, 2015, the Dental Board found that the public health, safety, and welfare required emergency action related to Respondent's conduct and entered an order summarily suspending Respondent's license.

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

CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over the person of Respondent and the subject matter of this case.
2. Respondent is a chronic or persistent user of alcohol to the extent that her ability to practice dental hygiene is impaired, in violation of N.C. Gen. Stat. §§ 90-229(a)(4).

3. By violating the CDP Participation Agreement, Respondent engaged in unprofessional conduct and thereby violated the Board’s Rules and Regulations, 21 NCAC 16V .0102(10), and N.C. Gen. Stat. §§ 90-229(a)(6) and (a)(12).

4. In light of the nature of Respondent’s admitted alcoholism or chemical dependency, Respondent’s refusal to follow the CDP Participation Agreement and the recommendations of the CDP Compliance Committee, and violations of law, protection of the public requires that Respondent’s dental hygiene license be suspended.

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

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 new five (5) year 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, for the 12 months immediately preceding her petition to lift the suspension of her North Carolina license, maintained continuous abstinence from alcohol and all drugs, other than those prescribed to her by a treating physician who is aware of her addiction, which abstinence shall be confirmed through compliance with a CDP Participation Agreement;

(d) has completed at least a 28 day inpatient treatment to address Respondent’s alcohol dependency. The total length of inpatient treatment time must be at least 28 days, but may be longer as determined by Respondent’s needs and the recommendations of the inpatient treatment center; and

(e) 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.

This the 12th day of September, 2015.

THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

By:  
Terry W. Friddle
Deputy Operations Officer
STATEMENT OF CONSENT

By signing this Statement of Consent I, THERESA M. RAY, R.D.H., do hereby certify that I have read the foregoing Consent Order INDEFINITELY SUSPENDING my dental hygiene license in its entirety and I assent to its terms and conditions set out herein. I freely and voluntarily admit to 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 discipline if further disciplinary action is warranted in this matter, and knowingly waive any potential right to appeal this matter. I hereby express my understanding that the North Carolina State Board of Dental Examiners will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order shall become a part of the permanent public record of the Board.

This the 31 day of August, 2016.

[Signature]
THERESA M. RAY, R.D.H.