

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

NATASHA B. SUMNER, R.D.H.
(License Number 5615)

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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.

Subsequent to an investigation conducted by the Board's Investigative Panel and allegations arising therefrom having been presented to Natasha B. Sumner, R.D.H. (Respondent), at a settlement conference on January 10, 2009, the Respondent enters into this Consent Order. Respondent consents to the entry of the Findings of Fact, Conclusions of Law and Order of Discipline herein.

FINDINGS OF FACT

1. The North Carolina State Board of Dental Examiners is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 90 of the North Carolina General Statutes (the Dental Hygiene Practice Act) and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. The Respondent was at all times relevant hereto subject to the Dental Hygiene Practice Act and the rules promulgated thereunder.

3. A settlement conference was held in this matter on January 10, 2009 with proper notice to all parties. The Respondent voluntarily agreed to participate in the

settlement conference and waived all objections to providing the Board with a forecast of the evidence.

4. On April 1, 2008, Respondent opened a business called Piedmont Orofacial Myology for the purpose of treating various disorders, pain, deformities, deficiencies, defects or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible or adjacent tissues or structures of the oral cavity, such as tongue thrust, oral motor behaviors, TMJ dysfunction, bruxing and clenching.

5. By owning an enterprise which offered treatment for disorders pain, deformities, injuries, deficiency, defects or other physical conditions of the human teeth, gums, alveolar process, jaws, maxilla, mandible or adjacent tissues or structures of the oral cavity, the Respondent engaged in the unauthorized practice of dentistry.

6. In 2008, Respondent disseminated solicitation letters and brochures to dentists, for the purpose of procuring referrals to Piedmont Orofacial Myology. In the materials, Respondent represented that she could treat various disorders, including TMJ dysfunction, bruxing and clenching. She also represented that “[m]y private practice specializes in the evaluation and treatment of oromyfunction disorders and facial rejuvenation therapy.”

7. Respondent made similar claims about her private practice on her web page.

8. By holding herself out as able to evaluate and treat defects, deficiencies or conditions of the human teeth, gums, alveolar process, jaws, maxilla, mandible or adjacent tissues or structures of the oral cavity, the Respondent engaged in the

unauthorized practice of dentistry and made misleading statements regarding her ability to practice dentistry.

9. On six occasions between July 18, 2008 and September 26, 2008 Respondent treated patient AW for AW's symptoms of Bells Palsy. These symptoms amounted to a disorder, injury, deficiency, defect or other physical condition of AW's teeth, gums, alveolar process, jaws, maxilla, mandible, or other adjacent tissues or structures of the oral cavity.

10. Respondent was not under the supervision of a licensed North Carolina dentist when she treated AW.

11. By treating AW for a disorder, injury, deficiency, defect or other physical condition of her teeth, gums, alveolar process, jaws, maxilla, mandible, or other adjacent tissues or structures of the oral cavity while unsupervised by a licensed North Carolina dentist, Respondent engaged in the unauthorized practice of dentistry.

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

CONCLUSIONS OF LAW

1. The Dental Board has jurisdiction over the subject matter of this proceeding and over the person of the Respondent.

2. By engaging in the unlawful practice of dentistry Respondent violated N.C. Gen. Stat. 90-40 and Board Rules 21 NCAC 16G .0101 and 16B .0103 regarding the proper functions of a dental hygienist, in violation of N.C. Gen. Stat. 90-229(a)(6).

3. By making misleading statements about her ability to practice dentistry in her advertising and on her website, Respondent violated N.C. Gen. Stat. 90-229(a)(8).

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ORDER OF DISCIPLINE

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority set forth in G.S. §90-229(a), it is ORDERED as follows:

1. License number 5615 issued to the Respondent for the practice of dental hygiene in North Carolina is suspended for one year. Respondent shall surrender her license and current renewal certificate to the Board office on or before April 24, 2009.

2. With Respondent's consent, her license to practice dental hygiene shall be conditionally restored, with no active suspension, provided that for the ensuing five (5) years, Respondent adheres to the following probationary terms and conditions:

(a) Respondent shall violate no provision of the Dental Hygiene Act or the Board's Rules;

(b) Respondent shall submit to interviews by the Board or its authorized agent during regular office hours or at such other times as are mutually convenient. Respondent shall also arrange for the Board or its agent to interview her employer and co-employees during regular office hours.

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 allow Respondent an opportunity to show cause as to why Respondent's license should not be immediately rescinded. If as a result of the Show Cause Hearing, the Board is satisfied that Respondent failed to comply or breached any term or condition of this Order, Respondent's license shall be rescinded and upon written demand, Respondent shall immediately surrender her license and current renewal certificate to the Board. This sanction shall be in addition to and not in lieu of any sanction the Board may impose as a result of future violations of the Dental Practice Act or of the Board's Rules.

This the 9 day of October, 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

BY: Terry W. Friddle
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, NATASHA SUMNER, R.D.H., do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before this Board, that there is a factual basis for the allegations set forth therein, that these factual allegations, if proven, are legally sufficient to support findings and conclusions that I am in violation of G.S. §90-229(a)(6) and I will not contest the factual allegations therein should further disciplinary action be warranted in this matter, and that I assent to the terms and conditions set forth therein. I hereby express my understanding that the Board 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 25 day of August, 2009.

Natasha Sumner, R.D.H.
NATASHA SUMNER, R.D.H.