

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF)
)
)
 MARIA TERESA TORRES, R.D.H.)
 (License Number 11146))

AMENDED CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners ["Dental Board" or "Board"] as authorized by N.C. Gen. Stat. § 90-231 for consideration of a Consent Order in lieu of a formal administrative hearing. A settlement conference was held before the full board on July 10, 2015. On September 9, 2015, the Board entered a Consent Order conditionally granting Respondent a dental hygiene license. Based on additional information received by the Board since entry of the Consent Order, the parties hereby consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of this Amended Consent Order.

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 applied for a license to practice dental hygiene in North Carolina on April 2, 2015.

3. On October 22, 2010, Respondent was charged with Driving after Consuming Alcohol Under the Age of 21. She entered a guilty plea and received a Prayer for Judgment ["PJC"]. She complied with all terms of the PJC.

4. On March 18, 2014, Respondent was charged with Driving While Impaired. Respondent pled guilty and was sentenced to thirty (30) days in jail suspended for one (1) year. Respondent successfully completed all terms of her suspended sentence.

5. Respondent revealed both criminal charges on her application for licensure and has had no further arrests or convictions.

6. After the Settlement Conference, the Board's Hearing Panel requested that Respondent be evaluated through the Caring Dental Professionals ["CDP"] to determine if she had any physical or mental disorder that would prevent her from safely engaging in the practice of dental hygiene.

7. On July 31, 2015, Respondent underwent a four-day evaluation at Pavillon. The Pavillon team recommended Respondent enter into a monitoring contract with CDP for a minimum of one (1) year, including random toxicology screens.

8. On September 9, 2015, with Respondent's consent, the Dental Board issued a license to Respondent but immediately suspended the license for two (2) years. Respondent's license was conditionally restored, with no active suspension, provided that for two (2) years she adhered to certain probationary terms and conditions, including (a) not possessing or using alcohol; and (b) entering into and complying with a two-year CDP contract.

9. Respondent entered into a two-year contract with CDP on September 11, 2015, which required her to submit to random urine and blood tests.

10. The CDP contract included the following provision, "I agree to voluntarily cease practicing Dental Hygiene immediately upon receiving notification of any unexcused, missed, diluted or positive drug or alcohol screen results and shall not resume practice until permitted to do so by the NCBDE."

11. Respondent submitted to a urine drug screen on October 7, 2016. The laboratory report was issued on October 15, 2016 and was positive for ETG/ETS, indicating the use of alcohol.

12. Respondent was informed that her alcohol screen was positive and admitted to consuming one glass of wine offered to her by her employer at a continuing education event the night before the test.

13. CDP reported the positive alcohol screen to the Dental Board as required under the CDP contract.

14. On October 24, 2016, Respondent consented to summary suspension of her license and agreed to undergo another evaluation.

15. On November 9, 2016, Respondent was evaluated by a Psychologist and an Addiction Psychologist at First Health of the Carolinas ["First Health"].

16. The First Health team concluded that Respondent does not have an alcohol use disorder and is safe to practice dental hygiene. The team recommended "an additional two (2) years of toxicology monitoring and mandatory counseling on a regular, at least monthly, basis for accountability and for development of an attitude of mindfulness and compliance with the rules and regulations of her profession."

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

CONCLUSIONS OF LAW

1. The Dental Board has jurisdiction over Respondent and over the subject matter of this proceeding.
2. Respondent can practice dental hygiene provided that she enters into a two-year service agreement with CDP and comply with all terms and conditions of the agreement.

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 is no longer summarily suspended and is conditionally reinstated provided that for a period of two (2) years following entry of this order she 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. Respondent shall notify and provide a copy of this consent order to any current or prospective employer;

- (c) Respondent shall give written notice to the Board of the street and mailing addresses of her places of employment and residence. Respondent shall notify the Board of any changes of either address within ten (10) days of the change;
- (d) Within fifteen (15) days of signing this Order, Respondent shall enter into a two-year service agreement with CDP which will include random toxicology screens. Respondent shall comply with all terms and conditions of her Caring Dental Professionals contract. Respondent shall sign a release with CDP permitting them to submit monthly reports to the Board regarding 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. 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.

2. 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 hygiene license should not be suspended. If, as a result of the Show Cause hearing, the Board is satisfied that Respondent failed to comply with 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 for a

period of two (2) years. 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 Hygiene Act or the Board's Rules.

This the 30th day of November, 2016.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: Terry W. Friddle

Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, MARIA TERESA TORRES, 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 disciplinary 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 29th day of November, 2016.


MARIA TERESA TORRES, R.D.H.