

STATE OF NORTH CAROLINA BY:SS IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY SUPERIOR COURT DIVISION
23CV012381-910

NORTH CAROLINA STATE BOARD)
OF DENTAL EXAMINERS,)
Plaintiff)
v.)
SHAUNNET RUSHING d/b/a)
DAZZLE BRIGHT DENTAL SPA,)
Defendant)

**CONSENT ORDER GRANTING
PERMANENT INJUNCTION**

This matter came before the undersigned Superior Court Judge upon consent of Plaintiff North Carolina State Board of Dental Examiners ("Dental Board") and Defendant Shaunnet Rushing d/b/a Dazzle Bright Dental Spa ("Rushing") (collectively the "Parties"), and pursuant to N.C. Gen. Stat. §§ 90-40.1(b) and 1A-1, Rule 65, on a Verified Complaint for Permanent Injunction against Defendant. To resolve this matter, the Parties consent to and the undersigned Judge finds and concludes as follows:

- 1) The Dental Board's Verified Complaint for Permanent Injunction and its supporting affidavits, which were filed in this action on May 18, 2023, are incorporated by reference in their entirety.
- 2) Pursuant to N.C. Gen. Stat. § 90-29(a), only individuals who are licensed to practice dentistry by the Dental Board may engage in the practice of dentistry in North Carolina.
- 3) Defendant Rushing has never been licensed to practice dentistry in North Carolina.

4) Pursuant to N.C. Gen. Stat. § 90-29(b):

A person shall be deemed to be practicing dentistry in this State who does, undertakes or attempts to do, or claims the ability to do any one or more of the following acts or things which, for the purposes of this Article, constitute the practice of dentistry:

- (1) Diagnoses, treats, operates, or prescribes for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity;
- (2) Removes stains, accretions or deposits from the human teeth;
- ...
- (4) Performs any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with any artificial substance, material or device;
- (5) Corrects the malposition or malformation of the human teeth;
- ...
- (8) Makes, builds, constructs, furnishes, processes, reproduces, repairs, adjusts, supplies or professionally places in the human mouth any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth, except to the extent the same may lawfully be performed in accordance with the provisions of G.S. 90-29.1 and 90-29.2 [which requires that the services be performed exclusively, directly, and solely on the written work order of a licensed dentist and not for the public];
- ...
- (11) Owns, manages, supervises, controls or conducts, either himself, by and through another person or other persons, or by use of any electronic or other digital means, any enterprise wherein any one or more of the acts or practices set forth in subdivisions (1) through (10) above are done, attempted to be done, or represented to be done;
- ...
- (13) Represents to the public, by any advertisement or announcement, by or through any media, the ability or qualification to do or perform any of the acts or practices set forth in subdivisions (1) through (10) above.

5) The Dental Board provides evidence in the Verified Complaint for Permanent Injunction and its supporting affidavit that Defendants has engaged in the unauthorized practice of dentistry in North Carolina by:

- a. treating a deformity, injury, deficiency, defect, or other physical condition of the human teeth including shaping, shaving, or molding teeth to change

their shape or size; repairing cracked or chipped teeth; repairing damaged or missing tooth enamel; and filling yellow spots on teeth;

- b. removing stains, accretions, or deposits from human teeth by using tooth bath cleaning, toothpaste toner, and laser whitening with professional grade teeth whitening gel containing more than 10% hydrogen peroxide;
 - c. performing operations, or a phase of them, relative or incident to the replacement or restoration of human teeth with any artificial substance, material, or device, including using composite resin for tooth replacement and to restore and change the shape or structure of human teeth;
 - d. correcting the malformation of human teeth, including shaping, shaving, or molding teeth to change their shape or size;
 - e. making, constructing, furnishing, processing, supplying or professionally placing in the human mouth any prosthetic structure designed or constructed as a substitute for a natural human tooth or teeth, or as an aid in the treatment of the malformation of a tooth or teeth, including molding and placing in the human mouth prosthetic structures designed for tooth replacement or to change the shape or size of human teeth;
 - f. owning, managing, controlling, and conducting an enterprise wherein the aforementioned acts are done or represented to be done; and
 - g. claiming and advertising to the public the ability to do the aforementioned acts and to provide training to other persons to do one or more of the aforementioned acts, including on the website <https://dazzlebrightwhitening.as.me> and on Facebook.com.
- 6) The unlawful or unlicensed practice of dentistry in North Carolina is inimical to the public health and welfare and constitutes a public nuisance, as set out in N.C. Gen. Stat. § 90-40.1(a).
- 7) To resolve this matter, Defendant acknowledges that sufficient evidence exists such that a reasonable fact finder could sustain the Dental Board's allegations and asserted violations in this matter. Defendant's stipulations are solely for the purposes of this matter and any future proceedings involving the Dental Board, including in this matter.

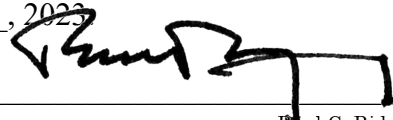
- 8) Defendant voluntarily waives the right to appeal or challenge the sufficiency of the findings, conclusions, and basis for this Consent Order in any future proceedings in this matter or any future proceedings involving the Dental Board.

In accordance with the foregoing, and with the consent of the Parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant and any affiliates, related entities or successors, her officers, agents, servants, employees, directors, or others acting in concert or participation with her are permanently enjoined from engaging in the unlicensed practice of dentistry in North Carolina, including:

- a. treating a deformity, injury, deficiency, defect, or other physical condition of the human teeth including shaping, shaving, or molding teeth to change their shape or size; repairing cracked or chipped teeth; repairing damaged or missing tooth enamel; and filling yellow spots on teeth;
- b. removing stains, accretions, or deposits from human teeth by using tooth bath cleaning, toothpaste toner, and laser whitening with professional grade teeth whitening gel containing more than 10% hydrogen peroxide;
- c. performing operations, or a phase of them, relative or incident to the replacement or restoration of human teeth with any artificial substance, material, or device, including using composite resin for tooth replacement and to restore and change the shape or structure of human teeth;
- d. correcting the malformation of human teeth, including shaping, shaving, or molding teeth to change their shape or size;
- e. making, constructing, furnishing, processing, supplying or professionally placing in the human mouth any prosthetic structure designed or constructed as a substitute for a natural human tooth or teeth, or as an aid in the treatment of the malformation of a tooth or teeth, including molding and placing in the human mouth prosthetic structures designed for tooth replacement or to change the shape or size of human teeth, unless it is done pursuant to a specific work order issued to Defendants for a particular patient by a dentist actively licensed in North Carolina;
- f. owning, managing, controlling, and conducting an enterprise wherein any of the acts or practices set forth in N.C. Gen. Stat. § 90-29(b)(1)-(10) are done, attempted to be done, or represented to be done;


- g. representing to the public, by any advertisement or announcement, the ability or qualification to do or perform, or to provide training to other persons to do or perform, any of the acts or practices set forth in N.C. Gen. Stat. § 90-29(b)(1)-(10); and
- h. engaging in any other act constituting the practice of dentistry in North Carolina until such time, if ever, that Defendant is the holder of a license issued by the Dental Board and currently in effect.

Issued this 29th day of June, 2023



Hon. Paul C. Ridgeway
Resident Superior Court Judge Senior Resident Superior Court Judge

Consented to by and on behalf of The North Carolina Board of Dental Examiners.

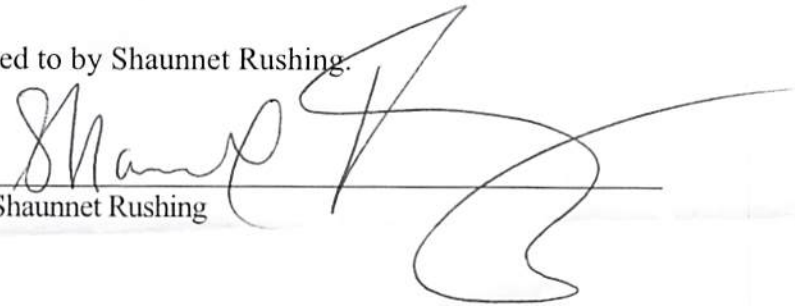
By: 
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Telephone (919) 415-2357
Counsel for Plaintiff

Date: June 28, 2023

By: 
Bobby D. White, Chief Executive Officer
NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

Date: 26 June 2023

Consented to by Shaunnet Rushing.

By: 
Shaunnet Rushing

Date: 6/7/23