

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

KIMBERLY A. BOGGIE, R.D.H,
(License No. 3584)

)
) CONSENT ORDER OF
) CONDITIONAL REINSTATEMENT

THIS MATTER is before the North Carolina State Board of Dental Examiners (Dental Board) pursuant to N.C. Gen. Stat. §§ 90-41.1 and 150B-38, for consideration of the application for reinstatement of the dental hygiene license of Kimberly A. Boggie, R.D.H. (Petitioner). A Settlement Conference was held before the full Board on February 7, 2020. Petitioner represented herself, and Crystal S. Carlisle represented the Investigative Panel. In lieu of a formal evidentiary hearing and pursuant to N.C. Gen. Stat. § 90-41.1(b), the parties freely and voluntarily consent to the following Findings of Fact and Conclusions of Law and to the entry of the Order of Conditional Licensure:

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. Petitioner was licensed to practice dental hygiene in North Carolina on July 28, 1987 and held license number 3584.
3. At all times relevant hereto, Petitioner was subject to the Dental Hygiene Act and the Board's rules and regulations promulgated thereunder.

4. On March 11, 2019, Petitioner contacted the Board regarding the renewal of her license.

5. Petitioner reported the following convictions to the Board which she had not disclosed on previous renewal applications:

- a. Driving Under the Influence – April 1, 2011;
- b. Driving Under the Influence – August 29, 2013; and
- c. Habitual Impaired Driving – December 23, 2017.

6. The Habitual Impaired Driving charge resulted in a one-year incarceration where Petitioner received extensive substance abuse treatment.

7. After being released from prison and submitting an application to renew her license in March 2019, Petitioner elected to allow her license to lapse and concentrate on her sobriety.

8. Petitioner signed a five-year Participation Agreement with CDP on September 3, 2019.

9. On December 6, 2019, Petitioner submitted an application for reinstatement of her license.

10. Nancy Davis, Executive Director CDP, appeared at the Settlement Conference regarding Petitioner's application for reinstatement and reported that Petitioner has been compliant with the terms of the Participation Agreement and advocated that petitioner be granted a license.

11. Petitioner submitted letters of support from the prison chaplain, her Alcoholics Anonymous sponsor, and her dental office employer.

12. Though Petitioner has a lengthy history of substance abuse, she has taken significant steps at recovery and reformation and based on her recent compliance, currently does

not appear to pose a threat to public health, safety, and welfare if allowed to resume practicing dental hygiene.

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Petitioner and the subject matter of this case.
2. At all times relevant hereto, Petitioner was subject to the Dental Hygiene Act and the Board's rules and regulations promulgated thereunder.
3. Petitioner had proper notice of the time, date, and place of the Settlement Conference and attended the Settlement Conference.
4. Petitioner has demonstrated and presented evidence that she is complying with the CDP Participation Agreement and that she can safely resume the practice of dental hygiene under certain conditions.
5. In light of the longstanding nature of Petitioner's substance abuse, protection of the public in the future requires that certain restrictions be placed on her ability to practice dental hygiene.

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

CONSENT ORDER OF CONDITIONAL REINSTATEMENT

1. Petitioner shall be conditionally granted reinstatement of her license to practice dental hygiene in the state of North Carolina which is effective upon entry of this Order, provided that for five (5) years from her conditional reinstatement Respondent complies with all the following probationary terms and conditions necessary to protect the public:

(a) Before Petitioner may resume the practice of dental hygiene at any dental office, she must complete no less than thirty (30) dental hygiene volunteer hours at a free clinic. Petitioner must submit proof that these hours were completed to the Board's Investigations Coordinator;

(b) Petitioner shall complete an additional three (3) hours of continuing education, beyond what is normally required, before her license is due to be renewed in 2021.

(c) Petitioner shall continue to remain compliant with all terms of the CDP Participation Agreement;

(d) Petitioner shall not possess or use any controlled substances, alcohol or any other mood-altering substance unless it is both (i) prescribed for her in the usual course of professional treatment and (ii) approved by CDP in advance of its use;

(e) Petitioner shall sign a release with CDP permitting it to submit reports to the Board, either monthly or upon its request, regarding her progress in the program and authorizing it to report any positive drug screens to the Board immediately upon notification to CDP;

(f) Petitioner shall submit to interviews by the Board or its authorized agent during regular office hours, unless a mutually convenient alternative time can be arranged;

(g) Petitioner shall provide each employer with a copy of this Consent Order prior to beginning any employment as a dental hygienist and arrange for the Board or its agent to interview her employer and co-employees during regular office hours;

(h) Petitioner shall violate no provision of the Dental Hygiene Act or the Board's rules and regulations;

2. The Board recognizes that the conditions, limitations, or requirements set forth in this Consent Order may present Petitioner with certain practical difficulties. The Board concludes

that each one is necessary to ensure public protection and it does not intend to modify or eliminate any of the conditions, limitations, or requirements set forth herein based on such potential difficulties during the term of this Consent Order.

3. If Petitioner violates any term of this Consent Order or breaches any term or condition of the reinstatement of her license, the Board will promptly schedule a hearing to require Petitioner to show cause why her dental hygiene license should not be suspended. This sanction shall be in addition to and not in lieu of any sanction that the Board may impose as a result of future violations of the Dental Hygiene Act or the Board's rules.

This the 18th day of FEBRUARY, 2020.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

Merlin W. Young DDS

BY: _____

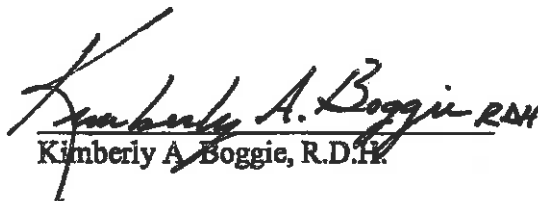
Merlin W. Young, D.D.S.
President/Hearing Panel Chair



STATEMENT OF CONSENT

I, KIMBERLY A. BOGGIE, 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 and understand that the Board might not be able to include some of the conditions if I elected to proceed to a formal hearing in lieu of this Consent Order, as I have a right to do. 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, and that I will not contest the findings of fact, the conclusions of law, or the order of conditional licensure in any future proceedings before or involving the Dental Board, including if future disciplinary proceedings or action is warranted in this matter, and 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 11 day of February, 2020.


Kimberly A. Boggie, R.D.H.