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 PERMANENT SURRENDER

THIS MATTER is before the North Carolina State Board of Dental Examiners ["Board"] as authorized by N.C. Gen. Stat. § 90-231 for consideration of a Consent Order of Permanent Surrender at the request of Kimberly A. Boggie, R.D.H. ["Respondent"] in lieu of a formal administrative hearing. Respondent acknowledges that the Board has significant and sufficient evidence to prove and establish the Findings of Fact and Conclusions of Law and to warrant the Order of Discipline. Respondent represented herself in this matter. Crystal S. Carlisle represented the Investigative Panel of the North Carolina State Board of Dental Examiners. Based upon the consent of the parties, the Board enters the following:

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 in North Carolina on July 28, 1987 and holds license number 3584.
3. At all times relevant hereto, Respondent was subject to the Dental Hygiene Act and the Board’s Rules and Regulations promulgated thereunder.

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

5. Respondent 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

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

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

8. Respondent signed a five-year Participation Agreement with the North Carolina Caring Dental Professionals ["CDP"] on September 3, 2019.


10. A Settlement Conference was held on February 7, 2020, regarding Respondent’s request for reinstatement.

11. Nancy Davis, Executive Director of CDP, appeared at the Settlement Conference and reported that Respondent had been compliant with the terms of the Participation Agreement. Ms. Davis advocated on Respondent’s behalf.
12. Respondent submitted letters of support from the prison chaplain, her Alcoholics Anonymous sponsor, and her dentist employer.

13. Though Respondent had a lengthy history of substance abuse, she demonstrated that she had taken significant steps toward recovery and reformation.

14. On February 18, 2020, Respondent entered into a Consent Order with the Board conditionally granting reinstatement of her dental hygiene license, provided she comply with probationary terms and conditions for a period of five (5) years.

15. The terms and conditions of the Consent Order included Respondent's continued participation and compliance with all terms of her Participation Agreement with CDP which prohibited the possession or use of a controlled or mood-altering substance, including alcohol.

16. On October 8, 2020, CDP personnel notified the Board that Respondent had failed to abstain from the use of alcohol in violation of her Participation Agreement and the Consent Order.

17. On October 15, 2020, CDP provided the Board with written notification of Respondent's non-compliance and informed the Board that Respondent submitted to a ninety-six (96) hour evaluation which resulted in a recommendation that she participate in a thirty (30) day treatment program. Respondent has not followed the recommendation or completed the treatment program.

18. In lieu of following the recommendation and obtaining further treatment, Respondent requests to surrender her North Carolina Dental Hygiene license effective immediately.
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 Respondent and the subject matter of this proceeding.

2. Respondent was properly notified of this matter and has agreed to the entry of this Consent Order.

3. Respondent violated the CDP Participation Agreement and Board Consent Order by failing to abstain from the use of alcohol thereby violating N.C. Gen. Stat. § 90-229(a)(4) and (12) and 21 NCAC 16V .0102(4) and (10).

4. The violations included in Paragraph No. 3 above combined with the prior violations set forth in her February 18, 2020 Consent Order warrant a hearing before the Board and Respondent has opted to surrender her license in lieu of a proposed hearing.

Based upon the foregoing Findings of Fact and Conclusions of Law and with the consent of the parties hereto, it is ORDERED as follows:

**ORDER OF DISCIPLINE**

1. Respondent surrenders her license to practice dental hygiene, which becomes effective upon entry of this Consent Order. Respondent shall submit her original license in connection with her permanent surrender.
This the __________ day of __________, 2021.

THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

By: ____________________________

Casie S. Goode
Director of Investigations
STATEMENT OF CONSENT

I, Kimberly A. Boggie, R.D.H., do hereby certify that I voluntarily and knowingly elect to surrender my dental hygiene license. I understand that I cannot practice dental hygiene in this State. I have read the foregoing Consent Order in its entirety. I assent to its terms and conditions set out herein. I freely and voluntarily acknowledge that there is sufficient evidence to form 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 in any future proceedings before or involving the Dental Board. I knowingly waive any right to seek judicial review, 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 or to seek reinstatement of my dental hygiene license. I have had the opportunity to consult with counsel before signing this Consent Order.

This the 31st day of January, 2021.

[Signature]
Kimberly A. Boggie, R.D.H.