

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

JESSICA LEIGH KURTH, R.D.H,

(License # 212950)

)
) CONSENT ORDER OF
) CONDITIONAL LICENSURE

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 the dental hygiene license of Jessica Leigh Kurth, R.D.H. (Petitioner). Petitioner represented herself, and Crystal S. Carlisle represented the Investigative Panel. In lieu of a contested case 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 applied for a dental hygiene license in North Carolina on April 3, 2019.
3. Petitioner disclosed the following on her application several prior criminal charges involving controlled substances or substance abuse.
4. Upon review of Petitioner's dental hygiene application, the Board's Investigative Panel held a pre-hearing conference, and Petitioner was encouraged to consult with the North Carolina Caring Dental Professionals ("CDP") before seeking licensure.

5. Petitioner ultimately entered a five (5) year Participating Agreement with CDP.
6. Because her initial application expired while consulting with CDP, Petitioner again applied for a license to practice dental hygiene in North Carolina on November 19, 2020.
7. The Dental Board held a settlement conference on December 11, 2020 to determine if Petitioner should be granted a license.
8. After the settlement conference, Petitioner missed two scheduled drug tests required under her Participating Agreement with CDP.
9. Petitioner's failure to report for two scheduled drug tests after the settlement conference, in addition to her history of prior substance abuse, demonstrates the need to ensure full compliance with her CDP Participating Agreement to protect the public.

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. Petitioner is subject to the Dental Hygiene Act and the Board's rules and regulations promulgated thereunder.
3. Petitioner has not adhered fully to the terms of her CDP Participating Agreement.
4. Considering the longstanding nature of Petitioner's substance abuse, and her recent failure to adhere fully to her CDP Participating Agreement, protection of the public 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 LICENSURE

1. Petitioner is conditionally granted a license to practice dental hygiene in the state of North Carolina subject to complying fully with the following probationary terms and conditions indefinitely:

- (a) Petitioner shall continue participation in CDP, remain in the Program, and comply fully with all terms of her Participation Agreement with CDP;
- (b) 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;
- (c) Petitioner shall sign a release permitting CDP to submit reports to the Board, either monthly or upon its request, regarding her progress in the Program, to provide the Board with other information and documentation about her assessment or treatment, and to report any missed or positive drug screens to the Board immediately upon notification to CDP;
- (d) 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. Petitioner also shall provide each employer with a copy of this Consent Order prior to beginning any employment and arrange for the Board or its agent to interview her employer and co-employees during regular office hours;
- (e) Petitioner shall give written notice to the Board of the street and mailing addresses of both her place(s) of employment and residence. Petitioner shall notify the Board of any changes of either address within ten days of the change; and

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

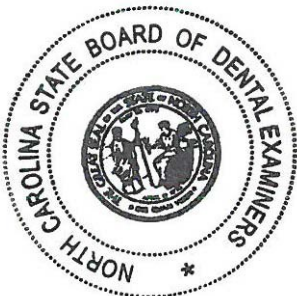
2. The Board recognizes that the conditions, limitations, or requirements set forth in this Consent Order may present Petitioner with certain practical difficulties. The Board concludes that each one is necessary to ensure public protection and it does not intend to modify or eliminate any of the conditions, limitations, or requirements set forth herein based on such potential difficulties.

3. If Petitioner successfully completes her Participation Agreement and has CDP's advocacy, she may submit a written petition to terminate the conditions and provisions in this Consent Order, along with supporting documentation. The Board may determine in its discretion whether protection of the public warrants termination of the conditions and provisions in this Consent Order at that time.


4. If Petitioner violates any term of this Consent Order or breaches any term or condition of her conditional licensure, the Board will promptly schedule a hearing to require Petitioner to show cause why the conditional licensure should not be rescinded, and her dental hygiene license should not be suspended indefinitely. 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 4th day of March, 2021.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS



BY: _____


Dr. Millard W. Wester, III
President, North Carolina State Board
of Dental Examiners

STATEMENT OF CONSENT

I, JESSICA LEIGH KURTH, 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. 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. 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 28 day of Jan., 2021.


Jessica Leigh Kurth, R.D.H.