

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

SHANNON W. WHITE, D.D.S.
(License No. 6736)

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CONSENT ORDER

THIS MATTER came on to be heard and was heard before the North Carolina State Board of Dental Examiners (Board) pursuant to N.C. Gen. Stat. § 90-41(b), for consideration of a Consent Order in lieu of a formal administrative hearing. A settlement conference was held before the full Board on June 18, 2010. Shannon W. White, D.D.S. was represented by Nick Fountain. Carolin Bakewell represented the Investigative Panel.

While Respondent does not admit for any purposes, other than this disciplinary hearing and any other disciplinary or licensure proceeding before this Board or any other dental licensing Board, the allegations contained in this Consent Order, in order to terminate further controversy and avoid additional proceedings, the Respondent agrees not to contest the allegations set forth within this Consent Order and does furthermore agree to the provisions and sanctions contained herein. Respondent further agrees that any breach or violation of this Consent Order shall constitute an admission of the Findings of Fact and Conclusions of Law as it pertains to the allegations contained herein.

Based upon the consent of the parties hereto, 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 Practice Act and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. Respondent was licensed to practice dentistry in North Carolina on June 20, 1997 and holds license number 6736.

3. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Board's rules and regulations promulgated thereunder.

4. Prior to March 31, 2010, the Respondent held an active license to practice dentistry in North Carolina. She formerly worked as a general dentist in Cornelius, North Carolina.

5. Respondent has suffered from anorexia off and on since at least her high school years.

6. Beginning in 2007, Respondent began cutting herself in response to conflicts with her family of origin.

7. Beginning in approximately November 2008, Respondent began to consume alcohol on a daily basis.

8. By September 2009, Respondent was drinking a bottle of wine or several vodka drinks each day.

9. On September 26, 2009, Respondent was involved in a minor automobile accident and was charged with Driving under the Influence. She was later convicted of DWI. Respondent's blood alcohol level at the time of her arrest was .17.

10. Respondent continued to drink alcohol following her DWI arrest.

11. On October 6, 2009, Respondent's husband took her to Mercy Detox Center in Charlotte, North Carolina.

12. Following detoxification, Respondent reluctantly agreed to undergo in-patient treatment at Pavillon in western North Carolina.

13. Respondent's cutting behavior and anorexia continued during her stay at Pavillon.

14. Respondent was diagnosed with alcohol dependence, anorexia nervosa and depressive disorder while at Pavillon.

15. On October 28, 2009, while still in treatment at Pavillon, Respondent entered into a contract with the North Carolina Caring Dental Professionals Program.

16. On November 25, 2009, Respondent left Pavillon before being discharged and against her doctors' advice.

17. According to the Discharge Summary report of Pavillon's Medical Director, Respondent will not be considered safe to practice dentistry until she satisfactorily 1) completes extended residential care treatment as recommended by Pavillon and verifies ongoing recovery status and compliance with CDP or 2) demonstrates that she has had no symptoms of an active eating disorder, self-injurious behavior and abstinence from alcohol for one year through out-patient providers and complies with monitoring of her recovery by a standard professionals program such as CDP.

18. Margie Graves, then CDP's Executive Director, contacted Respondent and advised her that if she did not return to treatment, CDP would be required to report the matter to the Dental Board.

19. Respondent declined to return to treatment.

20. Respondent violated her CDP contract by leaving Pavillon prior to discharge and against her doctors' advice.

21. Respondent violated her CDP contract by failing to attend a professionals' support group (Caduceus) at least twice per month and submitting reports of her attendance to the CDP by the tenth of each month.

22. Respondent violated her CDP contract by consuming alcohol on at least one occasion after leaving Pavillon.

23. Respondent violated her CDP contract by failing to submit to random urine tests on a schedule determined by CDP following her departure from Pavillon.

24. Respondent violated her CDP contract by failing to meet with her peer assistant on a monthly basis following her departure from Pavillon.

25. Respondent reported that she has attended approximately 4 AA meetings per week beginning in December 2009, but did not provide affidavits or copies of meeting sign in sheets to verify her attendance.

26. Respondent also indicated that she sees her addictionologist approximately once each month, sees her therapist once a week and her eating disorder therapist twice a week. Respondent produced letters from her addictionologist and her therapist, but did not produce any medical records.

27. Although Respondent must breathe into a device that measures her blood alcohol level before she can legally drive her personal vehicle, she did not produce any records relating to the use of the device and has not participated in any reliable, random alcohol testing since her departure from Pavillon.

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

CONCLUSIONS OF LAW

1. The North Carolina State Board of Dental Examiners has jurisdiction over the subject matter of this action and over the person of the Respondent.

2. Respondent has stipulated that such allegations, if proven, are legally sufficient to support Findings and Conclusions that she has violated G.S. 90-41 as specified in the Findings of Fact. Furthermore, Respondent has stipulated that, solely for the purposes recited herein, Respondent will not contest the allegations set forth in this Order, which allegations are previously incorporated in this Order, as if fully set forth herein, as Findings of Fact.

3. By violating her CDP contract, Respondent engaged in unprofessional conduct and thereby violated 21 NCAC 16V .0101(13) and G.S. 90-41(a)(26).

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

ORDER OF DISCIPLINE

1. Respondent must apply for the reinstatement of her North Carolina dental license and meet all conditions of that process before resuming the practice of dentistry.

2. Upon reinstatement, license number 6736 issued to Respondent for the practice of dentistry in North Carolina will be suspended for a period of one (1) year.

3. With the Respondent's consent, her license to practice dentistry shall be immediately reinstated, with no period of active suspension, provided that for five (5) years from the date of this Order, she adheres to the following probationary terms and conditions:

- (a) Respondent shall violate no provisions of the Dental Practice Act or the Board's Rules and Regulations;
- (b) Respondent shall neither permit nor direct any of her employees to violate any provision of the Dental Practice Act or the Board's Rules and regulations;
- (c) Respondent shall permit the Board and its agents to inspect and observe her office and patient records and interview employers, employees and co-workers at any time during normal office hours;
- (d) Respondent shall, upon entry of this Order, enter into a Board approved monitoring contract with the North Carolina Caring Dental Professionals program (CDP). Respondent shall comply with all terms of that contract. Respondent shall sign a release with the 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 the 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;

- (f) Respondent shall participate in the Board's drug screening program by submitting to random urine, blood and/or hair tests upon request by the Board or its authorized agent. Respondent shall pay the costs of any such tests upon notification in writing of such costs. Upon notification of a positive drug or alcohol screen, Respondent shall immediately cease practicing dentistry. For the Board's purposes, a missed screen constitutes a positive screen. **Respondent's participation in the CDP's drug screening program shall satisfy this provision provided that copies of all drug tests are submitted directly to the Board in addition to the CDP;**
- (g) If Respondent fails a drug or alcohol screen, consumes alcohol or is charged with an alcohol or drug related offense, the Board may require Respondent to undergo, at her expense, additional assessments, treatment or monitoring. In such case, Respondent will not function as a dentist until released by the Board to do so. For the Board's purposes, a missed screen constitutes a positive screen;
- (h) Within thirty (30) days of the date of this Consent Order, Respondent shall provide the Board's Deputy Operations Officer with a list, including names, addresses and telephone numbers, of

all treating physicians and counselors. Respondent shall sign a written release permitting the Board's Deputy Operations Officer to obtain records from all health care providers treating her for anorexia nervosa, depression or alcohol dependence or any other mental or physical condition that might affect her ability to practice dentistry safely. Respondent shall not revoke the release during the term of this Consent Order;

- (i) Respondent is currently receiving treatment from Dr. Thomas M. Fitzgerald for substance abuse and Kimberly B. Krueger for an eating disorder. Respondent shall remain under treatment with Dr. Fitzgerald and Ms. Krueger until released by them. The Board shall be notified in writing prior to the discontinuation of treatment. Respondent shall direct the person(s) treating her to provide written reports to the Board stating Respondent's progress in treatment and whether Respondent is following recommendations given her. The reports shall give a detailed description of the Respondent's medical, psychological and psychiatric condition and her progress relative to her substance addiction, anorexia, depression and any other physical or mental condition that may affect her ability to practice dentistry safely. These reports shall be submitted to the Board by the fifteenth (15th) day of each month. Respondent shall bear the expense of treatment and reporting. The Board is to be

notified *immediately* if Respondent misses a scheduled appointment or discontinues treatment without prior approval;

- (j) Respondent shall maintain a written log of all AA meetings, caduceus's meetings, medical appointments and counseling sessions that she attends and shall provide a copy of the log to the Board's Deputy Operations Officer no later than the 15th day of each month. The log shall indicate the nature of the meeting/appointment and the date on which it occurred. Respondent shall provide the Board with the name and contact information of one individual who would be willing to verify her attendance at AA and caduceus meetings;
- (k) Within thirty (30) days of the date of this Order, Respondent shall reimburse the Board for the costs associated with its investigation of this matter in the amount of \$200.00.

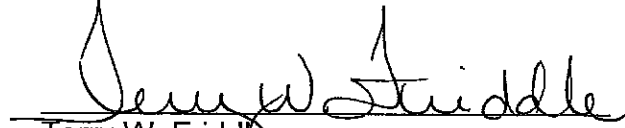
3. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause Hearing to permit Respondent to show cause why her dental license should not be suspended. If, as a result of the Show Cause hearing, the 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 one (1) year. 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 Practice Act or the Board's Rules.

This the 1 day of October, 2010.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By:



Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

I, SHANNON W. WHITE, D.D.S., do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before this Board or any other Dental Licensing Board, that there is a factual basis for the Findings of Fact set forth therein, that the Findings of Fact, if proven, support the Conclusions of Law, that I will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that I assent to the terms and conditions set forth therein. By signing this Statement of Consent I hereby express my understanding that the Board will report the contents of this Consent Order to the National Practitioner Data Bank and that this Consent Order shall become a part of the permanent public record of the Board.

This the 20 day of September, 2010.



SHANNON W. WHITE, D.D.S.