

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

APRIL KRISTEN HINESLEY, R.D.H,
(Applicant for Licensure)

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CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners [“the Board”] pursuant to N.C. Gen. Stat. § 90-231 and with the consent of April Kristen Hinesley, R.D.H. [Respondent], for the consideration of an entry of a Consent Order in lieu of an administrative hearing.

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

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 is subject to the Dental Hygiene Act and the Dental Board rules promulgated thereunder.
3. The Respondent is a May 2016 graduate from the dental hygiene program at Wake Technical Community College.

4. On May 4, 2016, the Respondent applied for a license to practice dental hygiene in North Carolina.

5. On June 3, 2016, the Respondent took and failed the CITA exam. A North Carolina dental hygiene license was erroneously issued to the Respondent by the Board on June 23, 2016. Respondent knew the license has been issued erroneously. Respondent texted pictures of the license and discussed her options with classmates and a professor of dental hygiene at Wake Technical Community College. Respondent was advised by classmates and the professor to check with CITA and/or the Board to determine if a mistake had been made. Respondent did neither and elected to keep the license.

6. The Board discovered its error on August 8, 2016, at which time the Board's Licensing Coordinator telephoned the Respondent to inform her of the error. Unable to speak with the Respondent personally, the Licensing Coordinator left a voicemail message. The Licensing Coordinator telephoned again the next day, August 9th, and spoke with the Respondent's husband. When the Respondent continued to be unresponsive, an email was sent to her on August 10th, informing her of the error and requesting that the license be returned. The Respondent was also cautioned in the email not to work as a dental hygienist until she had taken and passed the licensure exam and a valid license had been issued.

7. The Board's Director of Licensing and Administration sent the Respondent a certified/return receipt letter on August 11, 2016, again notifying her of the error and requesting that the license be returned to the Board office. The letter was never signed for and was eventually returned to the Board's office as undeliverable.

8. With still no response from the Respondent, the matter was turned over to the Investigations Section of the Board. The Board's Investigator made several attempts to contact the Respondent on August 23rd, reaching out to her and her family members. Attempts to make arrangements to pick up the license were met with comments from Respondent's husband that they were unavailable.

9. The Durham County Sheriff's Office presented to Respondent's residence on August 23, 2016 in an attempt to reclaim the license. No one answered the door even though someone appeared to be home.

10. On August 23, 2016, the Board's Chief Operations Officer and Attorney for the Board sent the Respondent a letter via Federal Express, giving her one final opportunity to return the license before legal and disciplinary action would be commenced against her.

11. Respondent finally returned the license via Federal Express. The license was received in the Board office on Monday, August 29th.

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

CONCLUSIONS OF LAW

1. The Dental Board has jurisdiction over Respondent and the subject matter of this case.

2. G.S. 90-224 requires that an applicant for licensure as a dental hygienist in North Carolina be of good moral character.

3. By refusing to cooperate with representatives of the Board and failing to return the North Carolina Dental Hygiene license which was issued to her erroneously in a timely manner, after being notified to do so, Respondent engaged in an act or acts of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license, a violation of G.S. §90-229 (a)(1).

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

ORDER OF DISCIPLINE

1. The Respondent's application for licensure as a dental hygienist in North Carolina is hereby granted. Respondent's license shall be issued, but immediately suspended for one (1) year.

2. Respondent's license shall be conditionally restored, with no active suspension, provided that for a period of three (3) years she adheres to the following probationary terms and conditions:

(a) Respondent shall violate no provision of the Dental Hygiene Act or the Board's Rules;

(b) Respondent shall submit to interviews by the Board or its authorized agent during regular office hours or at such other times as are mutually convenient. Respondent shall also promptly notify her employer and co-employees of any request from the Board or its representative to interview said individuals during regular office hours. Respondent shall respond to a

request by an on-site Board investigator or Board representative for an interview promptly after such request is made and shall fully cooperate with the Board or its agent in all interviews or investigations;

- (c) Respondent shall give written notice to the Board of the street and mailing addresses of her places of employment and residence. Respondent shall notify the Board of any changes of either address within ten (10) days of the change;
- (d) Within one year of the date of this Order, Respondent shall successfully complete a Board approved eight (8) hour course in ethics. *No course shall be accepted in satisfaction of this continuing education requirement unless the course has been approved by the Board in writing before Respondent takes it.* This requirement shall be in addition to the continuing education required by the Board for the renewal of Respondent's dental hygiene license. Respondent shall submit to the Board's Deputy Operations Officer written proof of satisfactory completion of any approved course. It is the Respondent's responsibility to find and complete all course work within the specified time;
- (e) Respondent shall, within one (1) year from the date of this Order, perform fifteen (15) hours of community dental hygiene service approved by the Board, in writing, and in advance of performed work. **Work not previously approved by the Board shall not count toward satisfaction of**

the Respondent's obligation under this paragraph. Within thirty (30) days of issuance of this Consent Order, Respondent shall submit to the Board a written plan for compliance with this condition. After a plan is approved by the Board and until such time the plan is completed, Respondent shall furnish to the Board a monthly report which should include a daily tabulation of all services performed by her under the plan during the preceding month. The report must be signed by an individual at the location who has been pre-approved by the Board. Respondent shall be responsible for all costs associated with his community service.

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 hygiene 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 10 day of April, 2017.

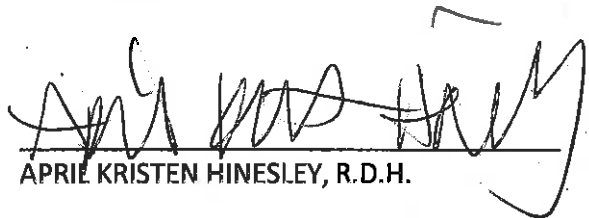
THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

By: Terry W. Friddle
Terry W. Friddle
Deputy Operations Officer

STATEMENT OF CONSENT

By signing this Statement of Consent, I, APRIL KRISTEN HINESLEY, R.D.H., do hereby certify that I have read in its entirety the foregoing Consent Order. I assent to the terms and conditions set out herein. I freely and voluntarily admit to the findings of fact, that the findings of fact support the conclusions of law, that I will not contest the findings of fact, the conclusions of law, or the order of discipline if further disciplinary action is warranted in this matter. I knowingly waive any potential right to appeal this matter or otherwise later challenge this Consent Order once entered. I understand that the North Carolina State Board of Dental Examiners 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. 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 counsel before signing this Consent Order.

This the 15th day of March, 2017.


APRIL KRISTEN HINESLEY, R.D.H.