

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

In The Matter Of:

PAMELA PROLO, R.D.H.
(License No. 7301)

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CONSENT ORDER

THIS MATTER is before the North Carolina State Board of Dental Examiners (Board) as authorized by G.S. § 90-231 for consideration of a Consent Order in lieu of a formal administrative hearing.

Following an investigation conducted by the Board's Investigative Panel and allegations arising therefrom having been presented to Pamela Prolo, R.D.H. (Respondent), at a settlement conference on September 18, 2009, Respondent enters into this Consent Order. Based upon the consent of the parties hereto, the Board enters the following:

FINDINGS OF FACT

1. The North Carolina State Board of Dental Examiners is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 90 of the North Carolina General Statutes (the Dental Practice Act).
2. At all times relevant hereto, Respondent was licensed to practice dental hygiene in North Carolina and was subject to the Dental Hygiene Act and the Board's rules promulgated thereunder.
3. A settlement conference was held in this matter on September 18, 2009 with proper notice to all parties. The Respondent voluntarily agreed to participate in the

settlement conference and waived all objections to the Board receiving a forecast of the evidence.

4. Respondent was employed with Dr. LG as a full-time dental hygienist from 2003 until December of 2008. During her initial period of employment, Respondent was compensated by commission based on the office fee schedule.

5. In 2007, Dr. LG changed the rate of compensation to the amount actually collected from the patient and/or the patient's insurance company.

6. Following this change in office policy, Respondent routinely overstated the amount of her production by continuing to use the old method of payment.

7. Between 2007 and 2008, Respondent fraudulently obtained \$15,531 from her employer's dental practice.

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

CONCLUSIONS OF LAW

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

2. G.S. §90-229(a)(6) and §90-229(a)(9) authorize the Board to discipline a licensee who:

- (6) "Has engaged in any act or practice violative of any of the provisions of this Article or violative of any of the rules and regulations promulgated and adopted by the Board, or has aided, abetted, or assisted any other person or entity in the violation of the same."



- (9) "Has committed any fraudulent or misleading acts in the practice of dental hygiene."

3. Respondent's actions as described in Findings of Facts 4 through 7 constitute violations of §90-229 (a)(6) and §90-229 (a)(9).

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, and upon the consent of the parties, the Board enters the following:

ORDER OF DISCIPLINE

1. License Number 7301 issued to Respondent for the practice of dental hygiene in North Carolina is hereby suspended for five (5) years. Respondent shall surrender her license and current renewal certificate to the Board by mail addressed to its offices on or before midnight on November 2, 2009.

2. With Respondent's consent, her dental hygiene license shall be provisionally restored on the thirty-first (31st) day following the surrender of her license, provided that for the ensuing fifty-nine (59) months she complies with 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 arrange for the Board or its agent to interview her employer and co-workers during regular office hours;

- (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 days of the change;
- (d) Respondent shall inform all employers of her probationary status and provide each employer with a copy of this Consent Order;
- (e) Respondent shall, within one (1) year from the date of this Order, perform one hundred fifty (150) hours of community service, approved by the Board, in writing, and in advance of performed work. Within thirty 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 her community service.
- (f) Within one (1) year of the date of this Order, Respondent shall successfully complete a Board-approved continuing education course in ethics, with the course being a minimum of at least three (3) hours. *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 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 courses within the specified time;

- (g) Within ninety (90) days of the date of this Order, Respondent shall take and pass the Board's online jurisprudence exam.
- (h) 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 \$ 600.00.

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 allow Respondent an opportunity to show cause as to why Respondent's license should not be immediately rescinded. If as a result of the Show Cause Hearing, the Board is satisfied that Respondent failed to comply 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 fifty-nine (59) months. 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 of the Board's Rules.

This the 3 day of November, 2009.

THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

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

STATEMENT OF CONSENT

I, PAMELA PROLO, 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. I freely and voluntarily admit, exclusively for the purposes of this disciplinary proceeding and any other disciplinary or licensure proceedings before the Dental Board, 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 discipline on appeal or if further disciplinary action is warranted in this matter. 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.

This the 30 day of October, 2009.


PAMELA PROLO, R.D.H.