

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS  
IN THE MATTER OF:

MARCIA L. REMENTER, D.D.S.  
(License Number 5456)

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**CONSENT ORDER**

THIS MATTER is before the North Carolina State Board of Dental Examiners (the Board) pursuant to G.S. §90-41.1(b) and with the consent of Dr. Marcia L. Rementer (Respondent), for the consideration of an entry of a Consent Order in lieu of an administrative hearing. A settlement conference was held before the full Board on February 12, 2016. Dudley Witt represented Respondent. Douglas J. Brocker represented the Board's Investigative Panel (IP).

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 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 August 26, 1985 and holds license number 5456.
3. At all times relevant hereto, Respondent was subject to the Dental Practice Act and the Dental Board's Rules and Regulations.
4. Prior to February 23, 2016, Respondent held an active license to practice dentistry in North Carolina.

5. On February 23, 2016, the Dental Board found that the public health, safety, and welfare required emergency action and entered an order summarily suspending Respondent's license. Respondent consented to entry of the Summary Suspension Order, which she and her counsel signed on February 19.

6. The Summary Suspension Order was entered based in part on Respondent's statements, responses, and behavior, as well as other documents and information presented at a February 12, 2016 settlement conference before the Board.

7. The settlement conference originally related to a complaint filed by a former patient of Dr. Rementer's Durham practice location, OL, concerning his treatment, the refusal of the practice to complete his treatment without further payment, and the failure of the practice to return fees both for services provided and not provided.

8. Respondent's statements at the February 12 conference indicated that she:

- a. is the sole owner of four dental practices in Durham, Greensboro, Siler City, and Burlington;
- b. had not been actively practicing dentistry for a couple of years;
- c. was permitting her husband and office manager(s), who are not licensed dentists, to operate, manage, supervise, control, and conduct her dental practices with little, if any, involvement from her, in apparent violation of N.C. Gen. Stat. 90-29(b) (11), 90-41(a)(6), (9) and (26), and 21 NCAC 16V .0101(11);
- d. was unaware of essential aspects of the operation, management and supervision of her dental practices;

- e. was unable to answer simple questions about her practice and locations, such as being able to recall routine office procedures for billing or to identify the current associate dentist(s) in her practice;
- f. did not have sufficient knowledge or understanding to respond personally and could not address basic questions at the settlement conference about the circumstances surrounding the patient's complaint and his dismissal from her practice in apparent violation of 21 NCAC 16V. 0101(21); and
- g. was unaware that her practice owed the dismissed patient approximately \$500.00 that he paid for future treatment that was never provided, which funds still had not been refunded at the conference, almost a year after his dismissal.

9. Additionally, Respondent's conduct, general appearance, statements, and responses raised concerns about whether she was mentally, emotionally or physically fit to practice dentistry, including adequately operating, managing, supervising, controlling, and conducting her four different dental practices locations.

10. The Summary Suspension Order required that Respondent immediately cease the practice of dentistry in North Carolina. It also required that all four of Respondent's practice locations close immediately unless and until she provided the Board adequate evidence and assurances that one or more dentists actively licensed in North Carolina was operating, managing, supervising, controlling, conducting and fully responsible for each practice location.

11. At the requests of Respondent and her counsel, the Board entered several Orders Modifying the Summary Suspension Order on March 9 and 30, June 30 and September 12, 2016.

12. These Modified Orders allowed Respondent's practice locations in Durham, Greensboro, and Burlington to reopen and resume treating patients based on sworn verifications of other actively-licensed dentists submitted to the Board agreeing to supervise and be responsible for operating, managing, supervising, controlling and conducting those respective practice locations.

13. After several requests from the IP, Respondent ultimately issued a refund for all fees paid by patient OL to Respondent's Durham practice for the services in question in the complaint in the amount of \$ 1,288 on or about August 31, 2016.

14. Because Respondent was not operating, managing, supervising, controlling, and conducting her dental practice locations and was not able or fit to do so at the time, her Durham practice withheld or refused to complete treatment on patient OL and failed to return the unearned portion of the fees paid to her office until requested to do so by the Board.

15. At the request of the Board, Respondent also agreed to seek an evaluation through the Caring Dental Professionals (CDP) Program. She executed releases for information concerning her evaluation and treatment for both CDP and the Board in connection with this matter.

16. Through the CDP, Respondent submitted to an in-patient evaluation at Pavillon in Mill Spring, N.C. on May 16-19, 2016. Pavillon provided a twenty-three-page Evaluation Summary for Dr. Rementer.

17. Pavillon concluded that Respondent was not safe to practice at the time and that any return to practice timeline be determined by her treatment team, in conjunction with the CDP, based on her progress and recommended treatment, as well as compliance with the monitoring requirements.

18. Pavillon's Evaluation Summary included, among others, recommendations that Respondent:

- a. complete a residential chemical dependency treatment program approved by the CDP with a minimum length of stay of 12 weeks and follow all continuing care recommendations from that program;
- b. undergo neuropsychological testing to determine her safety to practice relative to potential cognitive impairments; and
- c. enter into an agreement to be monitored and comply with the CDP for a minimum of 5 years, including random toxicology screens.

19. Respondent entered treatment at Cornerstone of Recovery in Louisville, TN on June 3, 2016. She was discharged from Cornerstone's extended care program on August 29, 2016.

20. Cornerstone issued a detailed Discharge Summary of its treatment and care of Respondent, which included the following among other information:

- a. Primary diagnoses including alcohol dependence, social anxiety disorder, and several medical conditions;
- b. A prognosis for recovery of fair, provided Respondent follow all recommendations; and

- c. Recommendations for an aftercare plan, including:
  - i. Comply with all CDP recommendations; and
  - ii. Follow up with individual therapy, an addictionologist, a psychological/neurological assessment, and other providers approved by the CDP;

21. Respondent entered into a Participation Agreement with the CDP for Substance Abuse/Dependence and an Addendum dated September 1, 2016.

22. Respondent obtained a psychiatric and cognitive assessment on September 6, 2016 from Dr. Phillip Hillsman upon referral from the CDP. Dr. Hillsman diagnosed Respondent with severe alcohol use disorder and with probable corresponding cognitive decline or impairment. He recommended that Respondent be tested again for cognitive function in three or four months for possible improvement and comparison with past results.

23. Based on the above, Respondent currently is not fit to practice dentistry, and needs further care, treatment, and testing or evaluation before potentially being permitted to resume practicing dentistry.

24. Respondent has been fully cooperative with the Board and with the CDP to date.

25. Respondent through her counsel has taken steps to reopen her practices with the assistance of supervising, responsible dentists, which the Board has allowed primarily so that patients of these practices can complete and receive necessary dental care and treatment.

Based upon the foregoing Findings of Fact and with the consent of the parties hereto, the Board reaches 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 Respondent.

2. Respondent's chronic or persistent use of alcohol or other intoxicants and her corresponding cognitive decline or impairment has impaired her abilities and she is not currently fit to practice dentistry in violation of G.S. 90-41(a)(2) and (a)(7).

3. Dental practices must be owned, managed, supervised, controlled and conducted by one or more dentist(s) who are actively licensed in North Carolina and competent, able, and fit to practice dentistry, pursuant to N.C. Gen. Stat. 90-29(a) and (b) (11).

4. From at least 2014 through early 2016, Respondent was permitting her husband and office manager, who are not licensed dentists, to operate, manage, supervise, control, and conduct her dental practices without her adequate oversight, supervision or involvement, in violation of N.C. Gen. Stat. 90-29(b) (11), 90-41(a)(6), (9) and (26), and 21 NCAC 16V .0101(11).

5. The documents referenced in this Consent Order, including Pavillon's Evaluation Summary, Cornerstone's Discharge Summary, Dr. Hillsman's Psychiatric Evaluation, and any agreements between Respondent and CDP have not been admitted into evidence in any hearing and, consequently, are not public records and shall remain part of the Board's confidential investigatory materials pursuant to N.C. Gen. Stat. 90-41(g), absent further proceedings or hearings before the Board in this matter.

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's License Number 5456 to practice of dentistry in North Carolina is suspended indefinitely effective upon the date the Board enters this Consent Order. The Board shall retain possession of Respondent's license and current renewal certificate absent a future Order reinstating her license.

2. Respondent may apply for the reinstatement of her North Carolina dental license following the entry of this Order, provided that any such application include written verification that:

- a) Respondent has fully complied, for a minimum of six months, with all terms of her Participation Agreement with the CDP entered into on September 1, 2016, and all addenda thereto, including full compliance with all required and necessary treatment and care by providers approved by CDP, in addition to all other requirements and provisions;
- b) Respondent is competent and fit to resume practicing dentistry and to operate, manage, supervise, control, and conduct any dental practices she owns at that time, as certified by one or more qualified professionals approved by the CDP; and
- c) The CDP advocates for the reinstatement of her license and her return to the active practice of dentistry.

Respondent has the burden of establishing all the above conditions for her North Carolina dental license to be reinstated to active status.

3. Respondent's dental practices that the Board has authorized to operate under the supervision of a responsible dentist approved by the Board may continue to do so for up to a year after entry of this Order and the indefinite suspension of Respondent's license. If Respondent's license is not reinstated within one (1) year after entry of this Order, all practices owned by her must close and cannot reopen unless either: (a) Respondent's license is subsequently reinstated, or (b) she has sold all her ownership interest in that practice to one or more dentist(s) actively licensed in North Carolina.

4. If the Dental Board reinstates Respondent's license, it may impose probationary terms and conditions of reinstatement as deemed necessary for the protection of the public, including but not limited to the following requirements for a period of time to be determined at reinstatement:

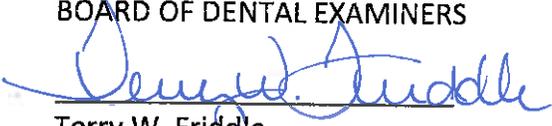
- a) Respondent shall violate no provision of the Dental Practice Act or the Board's rules and regulations;
- b) Respondent shall remain in the CDP and abide by all terms and conditions of her Participation Agreement with the CDP and all addenda thereto and any succeeding Agreement with CDP;
- c) Respondent shall neither direct nor permit any employee to violate any provision of the Dental Practice Act or the Board's rules and regulations; and

d) Respondent shall allow the Board or its authorized agents to inspect and observe her office, conduct random patient chart reviews and interview her employees and co-workers at any time during regular office hours.

5. The Board shall retain jurisdiction of this matter and Respondent to enforce the provisions herein or enter orders as necessary in the future.

This the 7<sup>th</sup> day of October, 2016.

THE NORTH CAROLINA STATE  
BOARD OF DENTAL EXAMINERS

By: 

Terry W. Friddle  
Deputy Operations Officer

STATEMENT OF CONSENT

By signing this Statement of Consent I, MARCIA L. REMENTER, D.D.S., do hereby certify that I have read in its entirety the foregoing Consent Order **INDEFINITELY SUSPENDING** my dental license and I assent to its terms and conditions set out herein. 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 discipline if further disciplinary action is warranted in this matter or another matter before the Board. I knowingly waive any potential right to appeal this matter by signing this Consent Order. I understand and agree that the NC 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 **have consulted with my counsel before signing this Consent Order.**

This the 6<sup>th</sup> day of October, 2016.

Marcia L. Rementer  
Marcia L. Rementer, D.D.S.

Dudley A. Witt  
Dudley A. Witt  
Counsel for Dr. Rementer