

BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF)	
)	
SCOTT M. JENSEN, D.M.D.)	CONSENT ORDER
(License No. 5555))	

THIS MATTER is before the North Carolina State Board of Dental Examiners (the Dental Board) as authorized by G.S. § 90-41.1(b) for consideration of a Consent Order in lieu of a formal administrative hearing.

A settlement conference was held on February 7, 2014 during which Scott M. Jensen, D.M.D. was represented by James Wilson. Carolin Bakewell represented the Investigative Panel. The parties hereby consent to the Findings of Fact and Conclusions of Law set out herein and to the entry of the 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 Practice Act, and the Rules and Regulations of the North Carolina State Board of Dental Examiners.

2. Scott M. Jensen, D.M.D. (Respondent), was licensed to practice dentistry in North Carolina on September 3, 1986 and holds license number 5555. He has remained licensed to practice dentistry in North Carolina and was subject to the Dental Practice Act and the Board's Rules and Regulations at all times relevant hereto.

3. At all times relevant hereto, Respondent was engaged in the practice of oral surgery in Greensboro, North Carolina.

4. Prior to December 2002, the Respondent became addicted to Fentanyl and voluntarily signed a contract with the North Carolina Caring Dental Professionals (CDP).

5. In December 2002, the Respondent relapsed and the CDP reported the relapse to the Dental Board.

6. On September 15, 2003, the Dental Board and the Respondent entered into a Consent Order which suspended the Respondent's dental license but stayed the suspension indefinitely, on the Respondent's compliance with various terms and conditions.

7. On October 24, 2003, the Dental Board summarily suspended the Respondent's dental license after learning that he had again relapsed.

8. On February 4, 2004, the Respondent signed a second Consent Order which suspended his dental license and stayed the suspension indefinitely upon the Respondent's compliance with various conditions, including compliance with his CDP contract and the Dental Practice Act.

9. In 2007, the Respondent attempted to arrange a "date" with a female employee after hours, in violation of his CDP contract.

10. On September 5, 2008, following a settlement conference regarding the 2007 violation of Respondent's CDP contract, the Respondent signed a third Consent Order, which suspended his dental license and stayed the suspension indefinitely provided that the Respondent complied with the conditions set out in the February 4, 2004 Consent Order.

11. On one occasion in 2010, the Respondent remained in his dental office alone after all staff had left for the day.

12. The February 4, 2004 Consent Order prohibited the Respondent from being in his dental office alone after hours.

13. On a number of occasions between 2010 and 2013, the Respondent permitted his dental assistants to see patients to remove sutures and/or packing while no dentist was in the office.

14. Pursuant to 21 NCAC 16H .0203, dental assistants may not remove sutures or packing except under the direct supervision of a dentist.

Based upon the foregoing Findings of Fact and with the consent of the parties hereto, the Board 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. The Respondent had notice of the settlement conference in this matter and is properly before the Hearing Panel of the North Carolina State Board of Dental Examiners assigned hereto.

3. By remaining in the office after hours alone, the Respondent violated the 2008 Consent Order and thereby engaged in unprofessional conduct in violation of 21 NCAC 16V .0101(4) and N.C. Gen. Stat. §90-41(a)(6).

4. By permitting his dental assistants to remove sutures and packing while no dentist was in the office, the Respondent violated N.C. Gen. Stat. § 90-41(a)(21) and thereby violated his 2008 Consent Order.

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

ORDER OF DISCIPLINE

1. License number 5555 issued to Respondent for the practice of dentistry in North Carolina is suspended for a period of five (5) years. Respondent shall surrender his license and current renewal certificate to the Board at its offices on March 17, 2014.

2. During the term of active suspension, the Respondent's office must be closed to the public. Respondent's staff may be present to answer the telephone and perform clerical duties only. No patient treatment may be performed by the respondent and no financial benefit may be derived from the practice of dentistry by the respondent during the period of active suspension.

3. With Respondent's consent, his license to practice dentistry shall be conditionally restored, after a fourteen (14) day active suspension, provided that for an indefinite period of time, Respondent adheres to the following probationary terms and conditions:

- (a) Respondent shall violate no provision of the Dental Practice Act or the Board's Rules;
- (b) Respondent shall neither direct nor permit any of his employees to violate any provision of the Dental Practice Act or the Board's Rules;
- (c) Respondent shall allow the Board or its authorized agent to inspect and observe his office, conduct random patient chart review, and interview his employees and co-workers at any time during regular office hours;

- (d) All of the terms and conditions of the Respondent's February 4, 2004 and September 5, 2008 Consent Orders remain binding and in effect;
- (e) Respondent shall, within one (1) year from the date of this Order, reimburse the Board for the costs associated with this investigation in the amount of \$700.00.

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 suspended per the terms of this Order. 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, the provisional restoration of his license shall be rescinded and upon written demand, Respondent shall immediately surrender his license and current renewal certificate to the Board for five (5) years. 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 17 day of March, 2014.

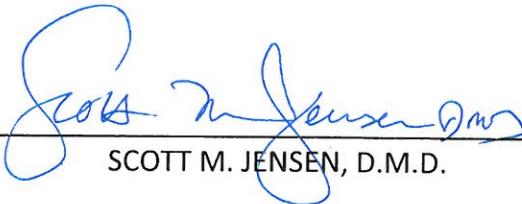
THE NORTH CAROLINA STATE
BOARD OF DENTAL EXAMINERS

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

STATEMENT OF CONSENT

I, SCOTT M. JENSEN, D.M.D., do hereby certify that I have read the foregoing Consent Order in its entirety and that I do freely and voluntarily admit that there is a factual basis for the Findings of Fact set forth therein, that the Findings of Fact 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. 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 17th day of March, 2014.



SCOTT M. JENSEN, D.M.D.