

2. The specific allegations are affixed hereto as Attachment 1.

CONCLUSIONS OF LAW

1. Respondent has stipulated that such allegations, if proven, are legally sufficient to support findings and conclusions that he 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.

¶ ¶ ¶ ¶

IT IS, THEREFORE, ORDERED AS FOLLOWS:

1. License number 5555 issued to Respondent for the practice of dentistry in North Carolina is hereby suspended indefinitely. Respondent shall surrender his license and current renewal certificate to the Board at its offices on or before September 15, 2003.

2. With Respondent's consent, his license to practice dentistry shall be conditionally restored, with no active suspension, provided that he adhere 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) Respondent shall immediately, upon signing this Order, enter into a contract with the North Carolina Caring Dental Professionals (CDP). The terms of the contract are at the sole discretion of the CDP. Respondent must comply with all provisions of that contract. Respondent shall sign a release with the Caring Dental Professionals permitting them to submit monthly reports to the Board regarding his progress in the program;
- (e) Respondent shall abide by all conditions of his contract with the North Carolina Caring Dental Professionals including, but not limited to:
 - (1) Respondent shall submit to random urine and/or blood tests upon request by the CDP or its authorized agent. Respondent shall pay the costs of any such tests within thirty (30) days after receiving written notification of such costs;
 - (2) Respondent shall not possess or use any controlled substances, alcohol or any other mood altering substance

unless prescribed for him in the usual course of professional treatment;

- (3) Respondent shall abide by any restrictions placed on his dental equipment and/or office stock of drugs as required by the CDP;
- (4) Respondent shall sign the required releases to have all treating physicians submit reports to the CDP and/or the Board upon request by either of these two agencies;
- (5) Respondent shall abide by all conditions of his aftercare contract with the North Carolina Caring Dental Professionals. Respondent shall renew his aftercare contract in sufficient time prior to its expiration in order to provide continuous coverage. Respondent agrees that if at any time an assessment and/or inpatient treatment is recommended, he will abide by such recommendation and will not function as a dentist until released by the CDP to do so;
- (f) Respondent shall, within thirty (30) days from the date of this Order, reimburse the Board for the costs associated with this investigation and settlement conference in the amount of \$965.00.

3. If Respondent fails to comply with any provision of this Order or breaches any term or condition thereof, 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. 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 15 day of September, 2003.

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.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, that there is a factual basis for the allegations set forth therein, that these factual allegations, if proven, are legally sufficient to support findings and conclusions that I have violated §G.S. Section 90-41(a)(2) and (6), and I will not contest the factual allegations therein 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 15 day of September, 2003.



SCOTT M. JENSEN, D.D.S. DMD

ATTACHMENT 1
FINDINGS OF FACT

1. Respondent is licensed to practice dentistry in North Carolina and is the holder of License Number 5555, originally issued by the Board on September 3, 1986 and duly renewed through the current year.

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

3. On December 27, 2002, Respondent notified the Caring Dental Professionals that he had experienced a relapse in his recovery from substance abuse. The respondent reported that he had obtained the combination to the narcotics safe in his dental office and had procured Fentanyl for his personal use, a violation of §G.S. 90-41(2).

4. At the CDP's recommendation, Respondent entered Metro Atlanta Recovery Residences (MARR) for a two week evaluation. Respondent elected not to follow the recommendations of MARR's assessment team and entered a non-professionals program at Father Martin, Ashley. Following an eleven day stay at Father Martin's, Respondent met with the CDP and agreed to enter Forrest General Hospital's treatment program in Mississippi. On April 11, 2003, Respondent was discharged from Forrest General Hospital.

5. On June 6, 2003, the CDP received a letter from Respondent informing the Program that he had forgotten to appear for his scheduled drug screen and had,

instead, presented to a lab of his choosing and requested to be tested only for Fentanyl. The CDP guidelines require that a participant call the CDP immediately upon missing a drug screen. Respondent's continued failure to comply with his CDP contract placed him in violation of §G.S. 90-41(a)(6).

6. On June 10, 2003, the CDP referred Respondent's case to the Board for its consideration.