

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
<i>Singleton</i>	<i>9-11-06</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000232</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Bowling, Walters</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____
	<input type="checkbox"/> FOIA DATE DUE _____
	<input checked="" type="checkbox"/> Necessary Action

	APPROVALS <small>(Only when prepared for director's signature)</small>	APPROVE	* DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small>	COMMENT
1.				
2.				
3.				
4.				



South Carolina Department of Labor, Licensing and Regulation

Mark Sanford
Governor

Adrienne Riggins Youmans
Director

South Carolina Board of Dentistry

110 Centerview Drive
Post Office Box 11329
Columbia, SC 29211-1329
Phone: (803) 896-4599
FAX: (803) 896-4596
www.llr.state.sc.us

*For Singleten
"Noe. Action"
cc: Bowling
Wells*

RECEIVED

SEP 11 2006

Department of Health & Human Services
OFFICE OF THE DIRECTOR

TO: INTERESTED PARTIES
FROM: SOUTH CAROLINA STATE BOARD OF DENTISTRY
RE: JACOVINO, Carla M., R.D.H.
DATE: SEPTEMBER 7, 2006

Enclosed please find a copy of the public orders of the South Carolina State Board of Dentistry in the above referenced matter.

HRA/saj

Enclosures

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY**

In the Matter of:

CARLA M. JACOVINO, R.D.H.,
License No. 3701

FINAL ORDER
(Public)

OGC Case #06-0004
OIE Case #2004-1

Respondent.

This matter came before the South Carolina State Board of Dentistry (the Board) for hearing on July 21, 2006, as a result of the Notice and Formal Complaint, which was served upon the Respondent and filed with the Board. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §40-1-90 (1976), as amended, S.C. Code Ann. §40-15-185 (1976), as amended, and the provisions of the SC Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, *et seq.*, (1976), as amended, to consider the report and recommendation of the disciplinary panel that conducted the evidentiary hearing in this matter. The State was represented by Marvin G. Frierson, Esquire. The Respondent appeared and was not represented by counsel.

The Respondent was charged with violation of S.C. Code Ann. §40-15-110 (Supp. 2002).

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a dental hygienist who is duly licensed to practice in South Carolina, and was so licensed at all times relevant to the issues raised in the Formal Complaint. The Respondent's license was temporary suspended by Order of the Board dated July 28, 2005.
2. On or about November 5, 2004, the Respondent signed a Consent Agreement in which Respondent admitted that on July 20, 2004 the Department of Health and Environmental Control obtained an arrest warrant charging Respondent with obtaining a controlled substance by fraud, and that she tested positive for cocaine on August 3, 2004. The Respondent also admitted that her actions violated S.C. Code Ann. §§40-15-190(A)(3) and (19) (1976), as amended, and she consented to a Board imposed sanction that included the requirement that Respondent have a written contract with and be an active participant in the activities of the SC Recovering Professional Program (RPP).

3. During the latter part of July 2005, the Respondent tested positive for cocaine during a random drug screen, and was referred by RPP to a facility in North Carolina for inpatient treatment. RPP also notified the Board about the positive drug test, and the Respondent's license was temporarily suspended by an Order of the Board dated July 28, 2005.

4. In addition to testimony from the Respondent, the Board heard testimony from a representative of RPP who stated that the Respondent did well at the treatment facility, and has been compliant since her release. He recommended that the Board require Respondent to continue participating in RPP, and that she be required to sign a new five year agreement in light of her relapse. The Respondent acknowledged that she tested positive for cocaine, but stated that she had abstained up to that point, and is currently doing well in her rehabilitation.

5. Based upon the evidence presented, the Board finds that the Respondent has violated the laws governing the dental profession as charged in the Formal Complaint.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-15-190 (1976), as amended, has the authority to order the revocation or suspension of a license or registration to practice dentistry or dental hygiene or to perform dental technological work, publicly or privately reprimand the holder of a license or registration, or take other reasonable action short of revocation or suspension including, but not limited to, probation or requiring the person to undertake additional professional training subject to the direction and approval of the Board or imposing restraint upon the dental practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a civil penalty of up to ten thousand dollars and the costs of the disciplinary action.

2. The Respondent has violated S.C. Code Ann. §40-15-190(A)(3) (1976), as amended, in that the Respondent is unable to practice as a dental hygienist with reasonable skill and safety to patients by reason of physical illness or disability, mental illness, or the illness of alcoholism or substance abuse.

3. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified dental hygienist against the countervailing concern that society be protected from professional ineptitude and misconduct.

4. The sanction imposed is designed not to punish the Respondent, but to protect the life, health, and welfare of the people at large.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Respondent shall pay a civil penalty of **One Thousand/Five Hundred and No/100 (\$1,500.00) Dollars**. Said penalty must be paid within ninety (90) days of the date of the Board's final order and shall not be deemed paid until received by the Board.
2. The Respondent's dental hygienist license shall continue in a probationary status for a period of not less than five (5) years from the date of this final order, and shall be subject to the following terms and conditions:
 - A. The Respondent shall continue to participate in and adhere to the requirements of the SC Recovering Professional Program (RPP).
 - B. The Respondent shall sign a new contract with RPP that will expire not less than five (5) years from the date of this final order. Within fifteen (15) days of the date of this order, the Respondent must provide to the Board a letter signed by an appropriate representative of RPP verifying that the Respondent has signed a new contract and is actively participating in RPP required activities. Such contract shall include provisions for any assessment, treatment, monitoring, and aftercare activities, and other activities as RPP shall deem appropriate, including, but not limited to:

- (1) Assessment and treatment requirements of RPP;
- (2) Monitoring and aftercare activities of RPP;
- (3) Participation in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA);
- (4) Participation in professional support groups or organizations or equivalents, as approved by RPP;
- (5) Such additional therapeutic activities as deemed appropriate and necessary by RPP.

RPP shall submit regular written reports documenting the Respondent's full compliance with the terms of the contract with RPP and this order.

- C. The Respondent shall appear and report to the Board as requested by the Board.
- D. The Respondent shall promptly advise this Board in writing of any changes in address, practice, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

SC Department of Labor, Licensing & Regulation
Board of Dentistry
Post Office Box 11329
Columbia, South Carolina 29211-1329

3. The Respondent's failure to abide by any provision contained in this order within the time frames specified herein, or if it should be indicated from reliable reports submitted to the Board that the Respondent is otherwise unable to practice with reasonable skill and safety to patients, may warrant the immediate revocation of probation and the immediate temporary suspension of her license pending hearing into the matter and until further order of the Board or until such time as Respondent can demonstrate full compliance.

4. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. It is the Respondent's responsibility to demonstrate compliance with each and every provision of this final order. The Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board, in its discretion, may require the Respondent to submit further documentation regarding the Respondent's practice, and it is the Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests may be deemed a violation of this final order.

5. This final order shall take effect immediately upon service of the order upon the Respondent or Respondent's counsel.

AND IT IS SO ORDERED.

SC BOARD OF DENTISTRY

BY:

Michelle D. Beidel DMD

MICHELLE D. BEDELL, DMD

Board Chairman

July 28, 2006.