

**BEFORE THE MISSISSIPPI STATE
BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF MISSISSIPPI:
DENTAL HYGIENE LICENSE NO.
2009-83DH**

**SUSAN M. BORDEN
2916 OLD SHELL LANDING ROAD
OCEAN SPRINGS, MS 39564**

RESPONDENT

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RECEIVED
JUN 28 2024
MS State Board of Dental Examiners

CONSENT ORDER

WHEREAS, RESPONDENT, SUSAN M. BORDEN, has been vested with the right and privilege to practice dental hygiene in the State of Mississippi by virtue of License No. **2009-83DH**, issued by the Mississippi State Board of Dental Examiners (hereinafter referred to as "Board").

WHEREAS, RESPONDENT, SUSAN M. BORDEN, has agreed to enter into a **CONSENT ORDER** which would, upon approval and execution by the Board, avoid initiation of formal disciplinary proceedings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. **RESPONDENT** agrees that sufficient evidence exists to constitute a violation of: Miss. Code Ann. § 73-9-61 (1)(b) (West), in that **RESPONDENT** willfully violated any of the rules or regulations duly promulgated by the Board, or of any of the rules or regulations duly promulgated by the appropriate dental licensure agency of another state or jurisdiction; namely, that **RESPONDENT** violated 30 Miss. Admin. Code Pt. 2301, R. 1.41 (3) – (Board Regulation 41 – Continuing Education).

2. Pursuant to Miss. Admin. Code Pt. 2301, R. 1.41 (3), "Every licensed dental hygienist shall be required to have twenty (20) hours documented, approved continuing education. Every year thereafter, each licensed dentist shall have twenty (20) hours of continuing

education for the previous two (2) consecutive years.” Pursuant to 30 Miss. Admin. Code Pt. 2301, R. 1.41 (10), “A record of courses taken, the date, location, number of hours for such course, and certificates of attendance/successful course completion shall be kept by the dentist or hygienist for a minimum of three (3) years from the date of attendance and shall be made available for review at any time by any member of the Board or by any designated agent of the Board.”

3. In or around May 2024, the Board conducted a random compliance audit for the period January 1, 2022, through December 31, 2023, to ensure compliance with 30 Miss. Admin. Code Pt. 2301, R. 1.41 – (Board Regulation No. 41 – Continuing Education). **RESPONDENT** was randomly selected to participate in the audit. In response to the Board’s audit, **RESPONDENT** failed and/or refused to produce satisfactory records evidencing completion of twenty (20) hours of approved continuing education for the two-year period January 01st, 2022, to December 31st, 2023, in violation of 30 Miss. Admin. Code Pt. 2301, R. 1.41 (3).

4. Pursuant to Miss. Code Ann. § 73-9-61 (1) (West), upon satisfactory proof, and in accordance with statutory provisions elsewhere set out for such hearings and protecting the rights of the accused as well as the public, the State Board of Dental Examiners may deny the issuance or renewal of a license or may revoke or suspend the license of any licensed dentist or dental hygienist practicing in the State of Mississippi, or take any other action in relation to the license as the Board may deem proper under the circumstances, for:

(b) Willful violation of any of the rules or regulations duly promulgated by the Board, or of any of the rules or regulations duly promulgated by the appropriate dental licensure agency of another state or jurisdiction.

IT IS, THEREFORE, STIPULATED AS FOLLOWS:

1. That this **CONSENT ORDER** is entered into freely, willingly and voluntarily by all the parties without threats or promises, and further, such **CONSENT ORDER** is entered into

in lieu of having a full administrative hearing before the Mississippi State Board of Dental Examiners.

2. That **RESPONDENT** hereby voluntarily, willingly, and freely waives all **RESPONDENT'S** due process rights, including but not limited to, the right to a hearing whereby **RESPONDENT** could:
 - a. Appear either personally or by counsel or both,
 - b. Cross-examine any witnesses who may testify against **RESPONDENT**,
 - c. Present testimony, evidence, and witnesses on **RESPONDENT'S** behalf, and
 - d. Have subpoenas issued by the Board on **RESPONDENT'S** behalf.
3. The Mississippi State Board of Dental Examiners is established pursuant to Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of dentistry and dental hygiene in the State of Mississippi. The **RESPONDENT** is the holder and/or applicant of a license issued by the Board and is, therefore, subject to Miss. Code Ann. § 73-9-1, et seq.
4. Pursuant to Miss. Code Ann. § 73-9-61 (1), upon satisfactory proof of the violation(s) enumerated herein, and in accordance with statutory provisions elsewhere set out for such hearings and protecting the rights of the accused as well as the public, the Board may deny the issuance or renewal of a license, may revoke or suspend the license of any licensee practicing in the State of Mississippi, or take any other action in relation to the license as the Board may deem proper under the circumstances.
5. That it is understood and agreed that the purpose of this **CONSENT ORDER** is to avoid formal disciplinary proceeding, including a full administrative hearing before the Board. As such, **RESPONDENT** authorizes the Board to review and examine any documentary evidence or information concerning **RESPONDENT** prior to or in conjunction with its consideration of the **CONSENT ORDER**.

6. That this **CONSENT ORDER** shall be subject to approval by the Board. If the Board fails to approve the **CONSENT ORDER**, it shall have no force or effect on the parties.
7. That should this **CONSENT ORDER** not be approved by the Board, it is agreed that the presentation and consideration of the **CONSENT ORDER**, including any documentary evidence and information related thereto, shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding **RESPONDENT**.
8. **PENALTIES.** That upon approval and execution of this **CONSENT ORDER** by the Board, **RESPONDENT** agrees to the following penalties which are authorized by Miss Code Ann. § 73-9-61 (West).
 - a. **FINE.** **RESPONDENT** shall pay a **FINE** in the amount of **\$500.00**, which must be received in the Board's office within *thirty (30) calendar days* from the date the Board approves and executes this **CONSENT ORDER**. Certified checks for payment of the FINE should be made payable to the "Mississippi State Treasury."
 - b. **COSTS.** Pursuant to Miss. Code Ann. § 73-9-61 (4)(d), **RESPONDENT** shall pay the reasonable costs of these proceedings in the amount of **\$150.00**, which must be received in the Board's office within *thirty (30) calendar days* from the date the Board approves and executes this **CONSENT ORDER**. Certified checks for payment of the COSTS should be made payable to the "Mississippi State Board of Dental Examiners."
 - c. **CONTINUING EDUCATION.** Within sixty (60) days from the date the Board approves and executes this **CONSENT ORDER**, **RESPONDENT** shall ensure verifiable documentation is received in the Board's office evidencing completion of a minimum of two (2) hours of Board-approved continuing dental education. The continuing education hours obtained in satisfaction of this requirement may not be utilized towards satisfaction of the continuation education requirements in

Board Regulation 41 – Continuing Education (30 Miss. Admin. Code Pt. 2301, R. 1.41).

- d. **JURISPRUDENCE EXAM.** Within thirty (30) days from the date the Board approves and executes this **CONSENT ORDER, RESPONDENT** shall successfully complete the MISSISSIPPI JURISPRUDENCE EXAMINATION. **RESPONDENT** is responsible for requesting access to the examination from Board Staff.
- e. **COMPLIANCE. RESPONDENT** shall comply with all terms and conditions of this **CONSENT ORDER**.
- i. **RESPONDENT** shall comply with Miss. Code Ann. § 73-9-1 et seq., 30 Miss. Admin. Code Pt. 2301 et seq., and all laws and regulations related to the practice of dentistry in Mississippi.
 - ii. **RESPONDENT** shall fully comply with all future Board audits for continuing education in which **RESPONDENT** is selected. Subsequent violation of 30 Miss. Admin. Code Pt. 2301, R. 1.41 – (Board Regulation 41 – Continuing Education), shall be considered a second (2nd) offense.
 - iii. **RESPONDENT** is responsible for ensuring the Board receives verifiable evidence of compliance with all terms of conditions of this **CONSENT ORDER** within the time frame(s) prescribed herein.
- f. **SUSPENSION FOR NON-COMPLIANCE.** In the event that **RESPONDENT** fails to comply with any terms or conditions of this **CONSENT ORDER**, **RESPONDENT'S** license shall be **SUSPENDED IMMEDIATELY** for a period of no less than (7) days.
- i. During such time that **RESPONDENT'S** license is **SUSPENDED**, **RESPONDENT** shall NOT practice dental hygiene in the state of Mississippi.

- ii. During such time that **RESPONDENT'S** license is **SUSPENDED**, **RESPONDENT'S** license status with the Board, including for purposes of license verification by the public, shall indicate “**SUSPENDED.**”
 - iii. After expiration of a minimum of seven (7) days **SUSPENSION**, **RESPONDENT** may be eligible for lifting of the **SUSPENSION**. Only upon the Board's verification that **RESPONDENT** is compliant with all terms and conditions of this **CONSENT ORDER**, shall the Board lift the **SUSPENSION** from **RESPONDENT'S** license and update **RESPONDENT'S** license status to reflect lifting of the **SUSPENSION**.
9. That **RESPONDENT** accepts the above penalties and acknowledges that **RESPONDENT'S** license is conditioned on full compliance with these terms. Failure to adhere to any of the terms of this **CONSENT ORDER** may result in further disciplinary action against **RESPONDENT'S** license.
10. That the **RESPONDENT** does hereby fully, completely and finally release the Board, its agents, servants or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and nature which the **RESPONDENT** may now or hereafter have related to this **CONSENT ORDER** between the **RESPONDENT** and the Board. The Mississippi State Board of Dental Examiners admits no liability in any way related to this **CONSENT ORDER**.
11. That this document is a public record and will be entered as a **FINAL ORDER** of the Board. This discipline will be reported to the American Association of Dental Boards (AADB) and to all federally mandated data banks.

AGREED TO, this the 17th day of June, 2024.



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MS State Board of Dental Examiners

SUSAN M. BORDEN

Approved as to Form & Substance:



W. Westley Mutziger
Board Counsel, MSBDE

SO APPROVED & ORDERED, on this day, July 26, 2024.

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS



MARK D. WILLIAMS, D.M.D.
PRESIDENT