

acknowledged the conduct underlying her arrests, including obtaining and use of controlled dangerous substances without a valid prescription.

The Board has considered that information and has determined that Ms. Noguera's continued licensure and practice as a registered dental hygienist is not consistent with the public health, safety, and welfare at this time. Arrests in 2007 and 2008 for passing forged prescriptions, her conviction in December 2008, and her admitted drug use cause the Board to question respondent's ability to practice and her judgment. The Board notes that she has refrained from practice since December 2008. In lieu of initiating formal disciplinary action, the Board will accept the voluntary surrender by Ms. Noguera of her license to practice dental hygiene. The Board will not consider any application for reinstatement of her license in the absence of a demonstration of a protracted period of recovery. Prior to any application for reinstatement, respondent must demonstrate to the satisfaction of the Board successful completion of a drug treatment program, continued counseling, attendance at AA/NA meetings, and a sustained history of weekly, negative urine screens.

THEREFORE, IT IS ON THIS 13th DAY OF July, 2009,

ORDERED THAT:

1. The license of Coreen Noguera, R.D.H., to practice dental hygiene is surrendered effective immediately, for a minimum period of three months. Ms. Noguera shall deliver her original license for the current renewal period to the State Board of Dentistry within seven (7) days of the entry of this order to Jonathan Eisenmenger, Executive Director, New Jersey Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101.

2. Respondent shall not practice dental hygiene in this State until further order of the Board.

3. Respondent shall abstain from the use of alcohol and controlled dangerous substances and shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of her history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Professional Assistance Program (PAP) together with patient records indicating the need for such medication. Such report shall be provided to the PAP no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

4. Pending further order of the Board, respondent shall enroll in the Professional Assistance Program (PAP) and comply with the recommendations for treatment, including but not limited to intensive treatment in a peer based addiction treatment program. At the conclusion of such intensive treatment, respondent, at a minimum, shall have face to face contact with representatives from that program as directed by the PAP, shall attend support groups, including NA or AA as directed by the PAP, and shall submit to urine monitoring as set forth in paragraph 5 below. Respondent shall provide evidence of attendance at NA/AA groups directly to the Board. If respondent discontinues participation with the PAP or attendance at any support group without obtaining approval of the Board and the PAP, she shall be deemed in violation of this Order.

5. (a) Respondent shall submit to random urine sampling a minimum of once a week at a laboratory facility as directed by the PAP. The urine testing requirement shall continue until further order of the Board expressly reducing or discontinuing testing. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the PAP. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial urine screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b.) Respondent consents to the release of all test results to the Board c/o Jonathan Eisenmenger, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c.) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the PAP. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of her inability to appear for a test within two (2) days, e.g., a physician's report attesting that he

was so ill that she was unable to provide the urine sample or appear for the test. "Impossibility" as used in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d.) In the event respondent will be out of the State for any reason, the PAP shall be so advised so that arrangements may be made at the PAP's discretion for alternate testing.

(e.) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall be deemed a confirmed positive urine test.

(f.) Respondent shall familiarize herself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(g.) The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to her license.

7. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted.

8. Prior to any restoration of her license, respondent shall:

(a.) Affirmatively demonstrate a minimum of six months of sobriety;

(b.) Request an appearance before the Board or a committee of the Board to discuss her readiness to reenter the practice of dental hygiene. At that time respondent shall be prepared to propose her plans for future practice in New Jersey;

(c.) Provide the Board with evidence that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of any CDS or other substance, whether legal or illegal, which could affect her practice;

(d.) Provide the Board with reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment in this matter during the period of time from her entry into treatment to her appearance;

(e.) Provide the Board with a report from the PAP detailing the nature and extent of her involvement with that entity and its recommendation for reinstatement of her license;

(f.) Affirmatively establish her fitness, competence and capacity to re-enter the active practice of dental hygiene within New Jersey;

(g.) Provide the Board with a full account of her conduct during the intervening period of time from her entry into treatment to her appearance pursuant to this Order; and

(h.) Provide information regarding her compliance with any order entered in criminal proceedings.

10. Entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from respondent's conduct.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Alexander Hall DMD
Alexander Hall, D.M.D.
President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

Coreen Noguera 6/3/09
Coreen Noguera, R.D.H. Date

I have read this order and consent to its entry as to form.

Kathleen Gialanella 6/22/09
Kathleen Gialanella, Esq. Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms pertaining to the PAP.

Louis E. Baxter Sr. 6/3/09
Louis E. Baxter, Sr., M.D. Date
Executive Medical Director
Professional Assistance Program