

**MINUTES  
TENNESSEE BOARD OF DENTISTRY**

**Date:** January 10-11, 2008

**Location:** Tennessee Department of Health  
227 French Landing, Poplar Room  
Heritage Place Metro Center  
Nashville TN 37243

**Members Present:** Jeffrey M. Clark, D.D.S., President  
Michael P. Tabor, D.D.S., Vice-President  
John M. Douglass, D.D.S., Secretary/Treasurer  
Ruth E. Bailey, D.D.S.  
Beth A. Casey, R.D.H.  
Katherine H. Cherry, R.D.H.  
Betty Gail Fox, R.D.A.  
Lawrence Hsia, D.M.D.  
Randall P. Prince, D.D.S.  
James L. Smith, D.D.S.  
Agnes S. Young, Consumer Member

**Staff Present:** Dea Smith, Executive Director  
Sue Kerley, Board Administrator  
Matthew Scanlan, Deputy General Counsel  
Andrea Huddleston, Assistant General Counsel

Dr. Jeffrey Clark, President, called the meeting to order at 9:12 a.m. Dr. Clark determined that a quorum was present in order to conduct Board business.

Matthew Scanlan introduced Al Partee as the new General Counsel for Health Related Boards. Mr. Partee addressed the Board explaining various changes in the Office of General Counsel, in particular, the one attorney system. There will now be one attorney serving in both an advisory capacity and contested case litigation.

**Minutes**

Ms. Casey made a motion to accept the minutes from the September 13-14, 2007 meeting as presented. A typographical error on page 8 was noted for correction. Dr. Prince seconded the motion. The motion carried.

**Conflict of Interest**

Ms. Smith reminded the Board members about the conflict of interest statement they have all signed. Later in the meeting, Dr. Clark reminded the Board that if there is a conflict with any of the cases presented to the Board, they must acknowledge it and then decide if it would in any way cause them to not be able to make an unbiased decision concerning the case.

## **Applicant Interviews**

**Amanda Gholston** - Ms. Gholston is applying for registration as a dental assistant by completing a Board-approved dental assisting course. Ms. Gholston had undergone in-patient treatment and she was discharged from treatment in September of 2005. After discussion Dr. Bailey made a motion to approve. Dr. Prince seconded the motion. The motion carried.

**Kimberly McCabe** - Ms. McCabe is applying for registration as a dental assistant by completing an educational course equivalent to the Tennessee Board-approved course. The Board interviewed Ms. McCabe concerning her multiple convictions. After discussion, Dr. Prince made a motion to approve. Second was given by Ms. Casey. The motion carried.

**Hicham K. Riba, D.D.S.** - Dr. Riba submitted an application for a Limited License. The Illinois dental license of Dr. Riba was disciplined after the death of a child under sedation as follows: Dental license suspended September 29, 2006, for a minimum of 18 months; specialty license indefinitely suspended for a minimum of 3 years; Controlled Substances License indefinitely suspended for a minimum of 5 years and Conscious Sedation Permit revoked. After discussion, Ms. Casey made a motion to approve. Second was given by Dr. Prince. The motion carried by roll-call vote 6-5 with Dr. Douglass, Dr. Tabor, Dr. Smith, Ms. Fox and Ms. Young voting no and all others voting yes.

**Lacomma Simmons** - Ms. Simmons is applying for registration as a dental assistant based on completion of a Board-approved course. The Board interviewed Ms. Simmons regarding her criminal conviction(s). After discussion, Dr. Douglass made a motion to approve. Second was given by Dr. Bailey. The motion carried with Dr. Prince recusing himself.

## **Ratifications**

Dr. Douglass made a motion to approve and ratify the lists of newly licensed dentists, educational licenses, limited licenses, specialty certifications and permits for limited and comprehensive conscious sedation and deep sedation/general anesthesia, reinstatements, reactivations, administrative revocations and retirements. The motion also included approval of the waiver of competency for Terri Colquitt, D.D.S. Second was given by Ms. Fox. The motion carried with Dr. Hsai recusing himself.

Ms. Casey made a motion to accept the lists of newly licensed dental hygienists, certifications, reinstatements, reactivations, retirements and administrative revocations. The motion also included approval of the reinstatement application of Rhonda Claiborne without requiring competency testing, which had been recommended by the board's consultant, after discussion. Second was given by Dr. Bailey. The motion carried.

Wanda Botte, R.D.H. requested a waiver of competency testing for reactivation of her retired license. Ms. Casey made a motion to waive competency testing. Second was given by Ms. Cherry. Motion carried.

### **Committee to Address Clinical Competency**

Dr. Clark appointed a Committee to review the competency testing rules for reinstatement/reactivation and make a recommendation to the Board as to what constitutes competency testing. The Committee as appointed is comprised of Dr. Prince, Ms. Casey, Dr. Bailey, and Ms. Smith, Executive Director, with Dr. Douglass acting as Chair.

### **Ratifications continued**

Ms. Fox made a motion to accept the lists of newly licensed dental assistants, certifications, reinstatements, reactivations, retirements and administrative revocations. Second was given by Ms. Casey. The motion carried.

### **Recommendations for Dental Assistants**

The Board discussed how the implementation of the new rules affected the processing of the dental assistant applications that were in various stages of completion at the time of the effective date of the rule change (December 26, 2007). The Board heard comments from the audience. Dr. Douglass presented the Board with recommendations for disposition noting that the radiology certification fee should apply in each scenario as follows:

- All complete files that either passed or failed radiology, or never took the registration exam—approve for registration with radiology certification, fee required
- Out of state applicants that consultant approved transcripts as equivalent prior to 12-26-07—approve for registration with radiology certification, fee required
- New applications received after 12-26-07 but graduated in 2007—approve for registration with radiology certification, fee required
- Incomplete pending applications, graduated in 2007, may or may not have taken exam—approve upon completion of application file for registration with radiology certification, fee required
- Applications in excess of 1 year since graduation and did not pass radiology exam—must complete radiology certification course and pay certification fee upon re-application for registration
- Applications in excess of 1 year since graduation and passed radiology exam—approve for registration (upon re-application for registration) with radiology certification, fee required

Dr. Prince made a motion to approve the recommendations as submitted and apply the same standards to all 2007 graduates. Second was given by Dr. Douglass. Motion carried.

### **Approval of Conscious Sedation Education Courses**

Ms. Casey made a motion to approve the courses entitled “Anxiolysis and Moderate Sedation: Enteral Modalities” offered by the American Dental Society of Anesthesiology and “Parenteral Conscious Sedation” offered by the American Society for the Advancement of Anesthesia and Sedation in Dentistry. Second was given by Ms. Cherry. The motion carried.

### **Approval of Continuing Education Courses**

Ms. Casey made a motion to approve the continuing education courses entitled “Implant Retained Overdentures and Attachments”, “Overdenture Reconstruction of the Atrophic Maxilla”, and “Overdenture Reconstruction of the Atrophic Mandible”. Second was given by Dr. Douglass. The motion carried.

### **Approval of Administration and Monitoring Nitrous Oxide Courses**

Ms. Fox made a motion to approve the courses submitted from Dentedonline, Interfaith Dental Clinic and the University of Tennessee-Memphis. Second was given by Dr. Smith. The motion carried.

### **Approval of Monitoring of Nitrous Oxide Courses**

Dr. Prince made a motion to approve the courses submitted by Dentedonline, E.W. Professional Career Training Center, Interfaith Dental Clinic, Second District Dental Assistants Society, University of Tennessee-Memphis, and Volunteer State Community College. Second was given by Dr. Bailey. The motion carried.

Northeast State Technical Community College was deferred pending receipt of clarifying information. This information was received and provided to the Board later in the meeting. Dr. Prince made a motion to approve Northeast State Technical Community College. Second was given by Dr. Smith. The motion carried. It was the consensus of the Board to require Northeast State Technical Community College to resubmit the syllabus making sure to include the additional information requested in a neater format.

### **Approval of Certification Courses in Coronal Polishing**

Ms. Casey made a motion to approve the courses submitted by Dentedonline, E.W. Professional Career Training Center, Tennessee Technology Center at Knoxville and University of Tennessee-Memphis. Second was given by Dr. Douglass. The motion carried.

### **Approval of Courses for Sealant Application**

Ms. Casey made a motion to approve the courses submitted by Dentedonline and Tennessee Technology Center at Knoxville and approve E.W. Professional Career Training Center pending receipt of clarifying information. Second was given by Ms. Cherry. The motion carried. Later in the meeting the requested information was received and Dr. Prince made a motion to approve E.W. Professional Career Training Center. Second was given by Dr. Bailey. The motion carried.

### **Approval of Courses in Restorative and Prosthetic Function**

Ms. Casey made a motion to approve the two courses submitted by the University of Tennessee-Memphis for both Restorative Function and Prosthetic Function, pending clarification of the number of hours in each certification course. Second was given by Ms. Fox. The motion carried. The requested information was received later in the meeting and Dr. Bailey made a motion to approve. Second was given by Dr. Prince. The motion carried.

### **Certification Course approval by Board Consultant**

Ms. Casey made a motion to allow the Board Consultant to review and determine approval on any certification course applications submitted after this meeting and prior to the May meeting. Ms. Cherry seconded the motion and the motion carried.

### **Approval of Courses in Dental Radiology**

The Board invited members of the audience to participate in the discussion concerning interpretation of the new rules and if the rules applied to ADA accredited and Board-approved dental assisting programs. Dr. Douglass made a motion that all stand alone radiology courses must use a dentist as the instructor and the ADA accredited and/or Board-approved dental assisting programs are to remain the same. Second was given by Dr. Bailey. The motion carried. The Board stated that it was not their intention that the rules regarding dental radiology certification course apply to ADA accredited and Board-approved dental assisting programs unless those programs offered the certification course as a stand alone course. Dr. Bailey made a clarifying motion that all ADA or Board-approved dental assisting courses are approved courses in radiology based on the above motion. Second was given by Dr. Smith. The motion carried.

After review by the Board of the listed courses, Dr. Prince made a motion to allow Dr. Douglass to review each course and report to the Board on Friday. Second was given by Dr. Bailey. The motion carried.

At the January 11, 2008 meeting, Dr. Douglass made a motion that the following stand along radiology courses be approved: 8<sup>th</sup> District Dental Society, Anderson County Dental Society, Chattanooga College Medical, Dental & Technical Careers, Dental Learning Center, Dentedonline/Chattanooga Area Dental Society, E.W. Professional Career Training Center/Chattanooga Area Dental Society, Nashville Dental Society,

Remington College-Nashville Campus, Tennessee Technology Center at Livingston, and Walters State Community College. Second was given by Dr. Hsia. The motion carried.

Dr. Douglass made a motion that the following stand along radiology courses be approved pending submission of the name of the dentist teaching the course: Tennessee Technology Center at Knoxville, Tennessee Technology Center at Memphis, Draughons Junior College-Murfreesboro, Draughons Junior College-Clarksville, and Draughons Junior College-Nashville. Second was given by Dr. Smith. The motion carried.

### **Report from the Anesthesia Consultants and TDA Anesthesia Committee**

S.C. Roddy, Jr., Chairman of the Board of Dentistry Anesthesia Committee addressed the Board concerning the Guidelines for Anesthesia adopted October 7, 2007 by the ADA House of Delegates and presented the Board with the following recommended changes:

- **0460-2-.07(4)d**—change from **25%** to **30%**
- **0460-2-.07(5)a**—the second sentence should read - The drugs used should carry a margin of safety wide enough **never** to render unintended **loss of consciousness**. Add—**“When the intent is antianxiety, the appropriate initial dosing of a single enteral drug is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for non-monitored home use. The co-administration of nitrous oxide is allowed. If the MRD is exceeded then a limited conscious sedation permit is required.”**
- **0460-2-.07(6)a(1)(ii)**—Completion of a continuing education course which consists of a minimum of **twenty four (24)** hours of didactic instruction plus **ten (10)** clinically-oriented experiences which provide competency in enteral and/or combination inhalation-enteral conscious sedation. **These ten cases must include at least three (3) live clinical dental experiences managed by participants in groups no larger than five (5). The remaining cases may include simulations and/or video presentation, but must include one experience in returning (rescuing) a patient from deep to conscious sedation.** The course content must be consistent with that described for an approved continuing education program in these techniques in the **ADA Guidelines for Teaching the Pain Control and Sedation to Dentists and Dental Students, October 2007 edition, or its successor publication.**
- **0460-2-.07(6)(b)(5)(vi)**—add—**If a patient enters a deeper level of sedation than the dentist is qualified to provide, the dentist must stop the dental procedure until the patient returns to the intended level of sedation.**

Ms. Casey made a motion to approve the recommendations as outlined. Second was given by Dr. Prince. The motion carried.

A report was submitted to the Board from the Tennessee Dental Association (TDA) Anesthesia Committee which met November 10, 2007, concerning the possibility of having office anesthesia evaluations for anesthesia permitted dentists. The consensus of the Committee was that there is little evidence based medicine to have this done. The committee recommended **“that the anesthesia permitted dentists obtain a minimal of four (4) hours of focused anesthesia continuing education (CE) every two (2) years as part of the forty (40) hours of required CE for dental licensure”**. Ms. Casey made a motion to approve the recommendation as stated. Second was given by Dr. Douglass. The motion carried. Dr. Prince made a motion to not include ACLS certification as part of the required four (4) hours. Second was given by Ms. Fox. The motion carried.

### **Approval of Local Anesthesia Courses**

Ms. Casey made a motion to approve the courses submitted by Dentedonline/Chattanooga State and Roane State Community College and to allow Dr. Douglass to initially approve any other certification course submitted prior to the May meeting. Second was given by Dr. Tabor. The motion carried.

During the January 11, 2008 meeting, Dr. Prince made a motion to allow Dr. Douglass to review all out-of-state local anesthesia courses for initial approval under the same guidelines as if they were Tennessee courses. Second was given by Ms. Cherry. The motion carried.

During the January 11, 2008 meeting, Dr. Bailey made a motion to allow Dr. Douglass to review for initial approval the certification course applications submitted for local anesthesia before the next Board meeting. Second was given by Dr. Hsia. The motion carried.

### **Pima Community College Equivalency Request (Administering and Monitoring of Nitrous Oxide)**

Motion was made by Ms. Casey to approve as equivalent. Second was given by Ms. Fox. The motion carried.

### **Approval of Local Anesthesia Course from LSU**

Dr. Douglass made a motion to take out of order and review the application of Susan Kormylo to administer local anesthesia. Second was given by Ms. Fox. The motion carried. After review, Dr. Douglass made a motion to accept the 2003 course entitled “Local Anesthesia for Dental Hygienist” from LSU Health Sciences Center as equivalent to Tennessee requirements. Second was given by Dr. Prince. The motion carried. Dr. Douglass made a motion to approve the application of Susan Kormylo. Second was given by Ms. Cherry. The motion carried.

## **Correspondence From Associations, Testing Agencies, Licensees**

Dr. Prince made a motion to have Beth Casey and Dea Smith represent the Board at the American Association of Dental Administrators (AADA) meeting in Chicago, Illinois on March 9-10, 2008. Second was given by Dr. Hsia. The motion carried.

Ms. Casey made a motion that the Executive Director, all the staff and all board members attend the AADA meeting in San Antonio, Texas October 15-16, 2008. Second was given by Ms. Fox. The motion carried. Discussion ensued concerning the probability of getting approval for all staff and all board members and determination was made to request approval for Dr. Prince, Dr. Hsia and Ms. Fox as board member representatives.

Letters from Dr. Ben C. Spaulding were reviewed by the Board. It was the consensus of the Board that Dr. Prince will write an article on ethics for the newsletter and Dr. Roy Thompson will acknowledge receipt of the letters by the Board to Dr. Spaulding.

The October 26, 2007 letter from Michael E. Edenfield was reviewed. Dr. Douglass made a motion to deny Mr. Edenfield's request to change Rule 0460-2-.07(6) to allow Certified Registered Nurse Anesthetists (CRNA) to sedate with no permitted dentist available. Second was given by Dr. Smith. The motion carried.

## **Concerned Dental Professionals Committee (CDPC)**

Dr. Wayne McElhiney, Director of the CDPC, provided the Board with the Quarterly Report for July-September, 2007. A program expense report was also provided to the Board. Dr. McElhiney requested a 10% increase in the budget for CDPC. After discussion, Dr. Douglass made a motion to approve a 10% increase in grant funds. Second was given by Dr. Tabor. The motion carried. The Board expressed concern about the amount of money expended for out-of-state travel. It was strongly recommended to Dr. McElhiney by the Board that out-of-state travel be reduced appreciably.

## **American Association Dental Examiners Meeting Report**

Ms. Casey reported to the Board on the annual meeting of the American Association of Dental Examiners held in San Francisco September 26-27, 2007.

**Controlled Substance Database Committee Report** was provided to the board by Dr. Douglass

**Reports/Requests From Office of Health Licensure Including Budget Status Report** were provided to the Board by Dr. Douglass.

## **Reports/Requests From the Executive Director**

Ms. Smith reported to the Board on the American Association of Dental Administrators meeting that she attended in San Francisco September 24-25, 2007. A report was also

given regarding statistical information for dentists, dental hygienists and dental assistants who applied, were licensed, reinstated, renewed or issued permits or certifications since the last meeting of the board.

**Reports/Requests From the Office of General Counsel** were provided to the Board by Matthew Scanlan. There are 81 open cases and several rules in the Attorney General's Office for review.

### **Rulemaking Hearing Rules**

Mr. Scanlan acknowledged receipt of letters of support/comments on the rulemaking hearing rules pertaining to adding language regarding licenses issued in error, enacting provisions of Public Chapter 340 of the Public Acts of 2007, conditions imposed on disciplined licensees, criminal background checks for volunteers and deleting the words full-time from the practice requirement for hygienists to apply by criteria. He also noted that the economic impact statement was already in place. The Chairman called for a roll call vote to accept. The vote was unanimous.

### **Clarification of practical assistant / registered assistant**

Carolyn Roach, attendee, requested clarification on the scope of practice for a practical assistant versus a registered assistant. The Board responded that a practical assistant can do procedures listed in Rule 0460-4-.08(3). Ms. Roach also ask if there is still a requirement for students in board approved dental assisting programs to have two months experience as a practical dental assistant and if the students were required to be employed. The Board responded that students are no longer required to have two months experience and they are not required to be employed in order to attend a board approved dental assisting program.

The meeting stood in recess at 4:30 p.m.

## JANUARY 11, 2008

The meeting of the Board of Dentistry reconvened at 9:15 a.m. with all members present except Beth Casey.

### Report from the Office of Investigations

Juanita Stone reviewed with the Board the number of cases carried over from 2006, the number received in 2007, and the number currently open in investigations. The Board asked Ms. Stone about the number and status of complaints concerning teeth whitening. It was the consensus of the Board that any teeth whitening product must contain less than 14% peroxide to be considered "over the counter". The Board suggested Ms. Stone use this guideline in reviewing the complaints concerning possible unlicensed activity.

The Board emphasized the need to receive timely information when there has been an egregious violation of a contract a licensee may have with the CDPC. It was suggested by the Board that Dr. McElhiney contact Al Partee, General Counsel, in instances where the Board needs immediate notification.

### Contested Cases

The contested case scheduled in regards to **Vincent Tiller, D.D.S.** was continued and the **Kenneth L. Brunson, D.D.S.** case was non-suited.

### Agreed Orders

Ms. Schean Belton, Office of General Counsel, presented the following Agreed Orders for approval:

- **Rudy W. Young, D.D.S.** Dr. Young had signed an Agreed Order to lift the suspension of his license and placing his license on probation for a period of no less than ten years. He is required to gain and maintain advocacy of the Concerned Dental Professionals Committee (CDPC) throughout the ten year probationary period, monthly evaluation reports must be submitted by either Dr. Young or the CDPC, he may not practice dentistry as a sole practitioner and he must surrender his DEA license and may not reapply for a DEA license for no less than five years and must appear before the Board to obtain approval for reapplication for his DEA license. Dr. Young also had agreed to pay \$2000 in civil penalties and case costs. Dr. McElhiney gave the Board an update on Mr. Young's progress with the CDPC. After review, the Board determined that Dr. Young was cognitively able to practice dentistry. Dr. Tabor made a motion to approve. Second was given by Ms. Cherry. The motion carried by roll call vote with Dr. Douglass and Ms. Fox voting in the negative. Dr. Prince recused himself.
- **Carlos Alexander, D.D.S.** Dr. Alexander had signed an Agreed Order reprimanding his license and assessing him civil penalties in the amount of \$3,000 and case costs for allowing two unregistered dental assistants to perform

the duties of a registered dental assistant, including exposure of radiographs. After review, Dr. Tabor made a motion to approve. Second was given by Dr. Hsia. The motion carried.

- **Jackie Henderson, R.D.A.** Ms. Henderson had signed an Agreed Order reprimanding her registration and assessing her civil penalties in the amount of \$2,000 and case costs for practicing as a registered dental assistant from December 30, 1991 to July, 2006 on an expired registration. After review, Dr. Prince made a motion to approve. Second was given by Ms. Cherry. The motion carried.

### **Order of Compliance**

**Richard B. Carlin, D.D.S.** appeared before the Board pursuant to a petition for an Order of Compliance. It was shown to the satisfaction of the Board that Dr. Carlin had complied with all the provisions of the disciplinary order previously issued. Dr. Douglass made a motion to restore Dr. Carlin's license to unencumbered status. Second was given by Dr. Bailey. Motion carried.

### **Consent Orders**

The following Consent Orders were presented for review:

- **Tina M. Bolin, R.D.H.** Ms. Bolin had signed a Consent Order to revoke her license to practice as a dental hygienist for violating a previous order of the board. She must also pay case costs. After review, Ms. Cherry made a motion to approve the Consent Order signed by Ms. Bolin. Second was given by Dr. Douglass. The motion carried.
- **Karl R. Jobst, D.D.S.** Dr. Jobst had signed a Consent Order to place his license on probation for a period of three years to run concurrently with the Oklahoma Board of Dentistry Agreed Order and pay case costs. After review, Dr. Bailey made a motion to approve the Consent Order signed by Dr. Jobst. Second was given by Dr. Prince. The motion carried with Ms. Cherry voting in the negative.
- **Robert M. Clear, D.M.D.** Dr. Clear had signed a Consent Order to indefinitely suspend his license in Tennessee after entering into a Consent Order in the state of Kentucky to indefinitely suspend his license in that state. After review, Dr. Tabor made a motion to approve the Consent Order signed by Dr. Clear. Second was given by Dr. Hsia. The motion carried.

### **Letters of Reprimand**

- **Malcom Shabo, D.D.S.** Dr. Shabo had accepted a Letter of Reprimand for an advertising violation. He had also agreed to complete a continuing education course on ethics, pay \$500 in civil penalties and case costs. After review, Dr. Bailey made a motion to approve. Second was given by Ms. Young. The motion carried.

- **Angela McAbee, R.D.A.** Ms. McAbee had accepted a Letter of Reprimand for practicing outside of the scope of practice for a registered dental assistant. The procedure performed was performed without the knowledge of the supervising dentist. She had also agreed to pay \$500 in civil penalties and case costs. After review, Dr. Douglass made a motion to approve. Second was given by Dr. Tabor. The motion carried.

### **Meeting Dates 09**

The Board scheduled meeting dates for January 8-10, 2009; May 7-8, 2009, and September 10-12, 2009.

### **Election of Officers**

Dr. Douglass voiced his appreciation to Dr. Clark for his service to the Board as Chair.

Dr. Douglass nominated Dr. Tabor as President. Second was given by Dr. Hsia. The motion carried.

Dr. Smith made a motion to nominate Dr. Bailey as Vice-Chair. Second was given by Ms. Cherry. The motion carried.

Dr. Smith nominated Dr. Douglass as Secretary/Treasurer. Second was given by Dr. Clark. The motion carried.

The meeting was adjourned at 11:30 a.m.