

**MINUTES  
TENNESSEE BOARD OF DENTISTRY**

**Date:** **JANUARY 28-29, 2010**

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

**Members Present:** Michael P. Tabor, D.D.S., President  
Ruth E. Bailey, D.D.S, Vice-President  
John M. Douglass, D.D.S., Secretary/Treasurer  
Jeffrey M. Clark, D.D.S.  
Katherine H. Cherry, R.D.H.  
Betty Gail Fox, R.D.A.  
Isaac Fordjour, D.D.S.  
Marlene S. Fullilove, R.D.H.  
Lawrence Hsia, D.M.D.  
James L. Smith, D.D.S.

**Staff Present:** Dea Smith, Executive Director  
Sue Kerley, Board Administrator  
Shiva Bozarth, Deputy General Counsel

Dr. Michael Tabor, President, called the meeting to order at 9:12 a.m. Dr. Tabor determined that a quorum was present in order to conduct Board business with all members present.

**Minutes** Dr. Douglass made a motion to accept the Minutes from the September 9-10, 2009 Board meeting and the Minutes from the Rulemaking Hearing by teleconference on October 2, 2009. Second was given by Dr. Clark. Motion carried.

**Applicant Interviews**

**Annie Yvette Guerrero, D.A.** Ms. Guerrero applied for registration as a dental assistant. Ms. Guerrero is currently on court ordered probation until February 17, 2010. Dr. Bailey made a motion to grant the registration and place on probation to run concurrent with the court ordered probation. Second was given by Dr. Clark. Ms. Guerrero will not have to reappear to obtain an Order of Compliance.

**Kayla Marie Hughes, D.A.** Ms. Hughes applied for registration as a dental assistant. Ms. Hughes is currently on court ordered probation until June 4, 2010. Dr. Clark made a motion to grant the registration and place on probation to run concurrent with the court

ordered probation. Second was given by Dr. Bailey. Motion carried. Ms. Hughes will not have to appear to obtain an Order of Compliance.

**Daniel Ripps, D.D.S.** Dr. Ripps applied for licensure as a dentist. Dr. Ripps failed to appear for a second time to address a civil action and three disciplinary actions by other states. Dr. Clark made a motion to close the file. Second was given by Dr. Bailey. Motion carried.

**James Whitehead, D.D.S.** Dr. Whitehead applied for reinstatement of his revoked dental license #6826. His license was revoked by the Board September 12, 2008. Dr. Bailey made a motion to grant reinstatement and place the license on probation for two (2) years with monitoring by the Concerned Dental Professionals Committee (CDPC) during the probation period. Second was given by Dr. Hsia. Dr. Bailey amended the motion to include a provision in the order that failure by Dr. Whitehead to maintain advocacy with the CDPC would result in imminent threat of harm to the public health, safety and welfare such that a summary suspension would be appropriate. Dr. Clark seconded the amended motion. Motion carried.

**Robert M. Block, D.D.S.** The license of Dr. Block was placed in retirement in 1997, and revoked by the Board May 16, 2008, based on disciplinary action taken by the Virginia Board of Dentistry against his license to practice dentistry in Virginia. Dr. Block's Virginia license has been reactivated and Dr. Block requested the Tennessee Board reinstate his license. Dr. Douglass made a motion to reinstate with no restrictions. Second was given by Dr. Clark. Motion carried with Dr. Smith voting no.

**David Wayne Moates D.D.S.** (by teleconference) Dr. Moates requested reinstatement of his dental license #4252. Dr. Moates disclosed two malpractice claims. Ms. Cherry made a motion to approve. Second was given by Dr. Clark. Motion carried.

**Faye M. Frey, D.D.S.** Dr. Frey requested reinstatement of her dental license #3382 which expired in 2002. Dr. Frey has not practiced dentistry since approximately 1994. After discussion with Dr. Hottel, Dean, University of Tennessee Memphis School of Dentistry, concerning available options, Ms. Fox made a motion to grant reinstatement upon completion of a remediation program. Second was given by Dr. Smith. Motion carried.

**Hygienists performing dental screenings** The Board discussed whether a dental hygienist is allowed to perform free dental screenings when no dentist is present. Dr. Bailey made a motion that dental hygienists are allowed to perform dental screenings when no dentist is present, provided that no remuneration is given by the organized group to any hygienist or the hygienist's employer for participating in these activities. Second was given by Ms. Fullilove. Motion carried.

**Restorative and Prosthetic Courses** Dr. Timothy Hottel, Dean, University of Tennessee Memphis Dental School, advised the Board he is working with Meharry Medical College to make the restorative and prosthetic courses available in Nashville.

**Presentation** Mr. Elvin Carrero presented the Board with information on cone beam dental radiology and 3D imaging. Mr. Carrero plans to purchase a cone beam volumetric imaging system for use in a mobile van.

**Legislation** Shiva Bozarth, Deputy General Counsel reviewed with the Board proposed legislation filed as of January 25, 2010, including House Bill 2634, Senate Bill 2668, and House Bill 2679.

After discussion on **House Bill 2634**, Dr. Clark made a motion opposing the bill. Second was given by Dr. Bailey. Motion carried. Dr. Clark made a motion to send a letter to the Legislators stating it is the position of the Board of Dentistry that issues of appropriate continuing education for all dental professions is best left to the Tennessee Board of Dentistry and that a letter also be sent to the Tennessee Dental Hygiene Association referencing the letter to the Legislators and asking them to withdraw the bill. Second was given by Dr. Bailey. Motion carried.

After discussion on **House Bill 2679**, Dr. Douglass made a motion opposing the bill on the basis of the wording designating a dental hygienist as a “primary” healthcare professional. Second was given by Dr. Bailey. Motion carried.

Dr. Douglass made a motion opposing House Bill 2679 on the basis the matter(s) contained in the bill are already covered under existing statutes and rules. Second was given by Dr. Clark. Motion carried.

**Correspondence from Associations** The Board reviewed correspondence received from dental associations. The Academy of General Dentistry asked for clarification on out-of-state dentists being allowed to perform dental procedures on a pro bono basis during their annual meeting to be held in Tennessee in 2013. It was the consensus of the Board to respond and refer them to the Voluntary Healthcare Services Act and to the exemption to licensure under T.C.A. §63-5-109(3).

Dr. Bailey made a motion to not send a Board Member to the American Association of Dental Boards (AADB) mid-year meeting in April 2010. Second was given by Dr. Douglass. Motion carried. Ms. Fox made a motion to send a member of the Office of General Counsel to the meeting. Second was given by Ms. Cherry. Motion carried. Dr. Fordjour made a motion to send Dea Smith, Executive Director, to the meeting. Second was given by Ms. Fullilove. Motion carried.

**Correspondence from Testing Agencies** The Board reviewed correspondence received from testing agencies. In particular, the Joint Commission on National Dental Examinations requested input from the Board regarding making National Board Scores available to the states through a secure website in place of mailing. It was the consensus of the Board to accept National Board scores transmitted electronically through a secure website.

**Budget Status Report** Christy Allen, Deputy Commissioner, reported that the Board has a surplus for FY09 and that final reports would be sent to the board members as soon as the remaining information was made available.

**Report from the Office of Investigations** Denise Moran, Director of Investigations, gave the Board a report from the Office of Investigations regarding the number of complaints received and reviewed. Juanita Stone, Disciplinary Coordinator, gave a disciplinary report to the Board on the practitioners being monitored and the amount of fines and costs collected.

**Report from the Office of General Counsel** Shiva Bozarth discussed with the Board that there are currently 56 open cases and asked the Board for clarification on having one or more past or current Board Members review the cases and provide input. Dr. Clark volunteered to act as a consultant and review cases with the Office of General Counsel. Dr. Bailey made a motion that contested cases that will take more than two (2) days should be tried by an Administrative Law Judge (ALJ) without the board being present. Second was given by Dr. Douglass. Motion carried.

**Orders of Compliance:**

**Kathleen Conaghan, R.D.H.** A determination was made that Kathleen Conaghan was in compliance with the terms and conditions of a Letter of Conditional Licensure entered by the Board on August 6, 2009. Dr. Douglass made a motion to approve and restore the license to unencumbered status. Second was given by Dr. Bailey. Motion carried.

**Laterra Logue, R.D.A.** A determination was made that Laterra Logue, R.D.A., was in compliance with the terms and conditions set forth in a Letter of Conditional Licensure entered by the Board on October 14, 2008. Ms. Fullilove made a motion to approve and restore the license to unencumbered status. Second was given by Ms. Cherry. Motion carried.

**Ashley Buckner, R.D.A.** A request was made that the disciplinary file for Ashley Buckner, R.D.A. be closed and that she be found in compliance with the terms and conditions set forth in a Letter of Conditional Licensure entered by the Board on May 15, 2008. However, Ms. Buckner failed to appear as required by the Letter of Conditional Licensure. Dr. Hsia made a motion to defer action until the next meeting of the Board. Second was given by Dr. Smith. Motion carried.

**Karl Jobst, D.D.S.** A request was made that the disciplinary file for Karl Jobst be closed and that he be found in compliance with the terms and conditions of a Consent Order entered by the Board on January 11, 2008. However, Dr. Jobst failed to appear as required by the Consent Order. Dr. Clark made a motion to defer action until the next meeting of the Board. Second was given by Ms. Cherry. Motion carried.

**Cleon Flowers, D.D.S.** A determination was made that Cleon Flowers D.D.S., was in compliance with the terms and conditions set forth in a Consent Order entered by the Board on February 1, 1995, which suspended his license and a subsequent Order of

Compliance dated January 11, 2007. Dr. Clark made a motion to approve and restore the license to unencumbered status. Second was given by Dr. Bailey. Motion carried.

**Phillip Hutcheson, D.D.S.** A determination was made that Philip Hutcheson, D.D.S. was in compliance with the terms and conditions set forth in a Consent Order entered by the Board on May 26, 2006. Dr. Clark made a motion to approve and restore the license to unencumbered status. Second was given by Ms. Cherry. Motion carried.

**Concerned Dental Professionals Committee (CDPC)** Dr. Wayne McElhiney, Director of the CDPC, provided the Board with a report concerning the activities of the committee for the last quarter. Dr. McElhiney requested the Board renew the contract with CDPC. Dr. Clark made a motion to renew the contract. Second was given by Dr. Smith. Motion carried.

**Certification Courses** Dr. Smith made a motion to approve the certification courses as listed below. Second was given by Ms. Young. Motion carried:

**Administration and Monitoring of Nitrous Oxide**

Chattanooga State Community College  
Dentedonline  
Interfaith Dental Clinic  
Southeastern Oral & Maxillofacial Surgery  
University of Tennessee-Memphis

**Dental Radiology**

Dentedonline  
E.W. Professional Career Training Center  
Nashville Dental Society  
Tennessee Academy of General Dentistry  
Tennessee Technology Center at Knoxville  
University of Tennessee, College of Dentistry  
Washington County Skill Center

**Monitoring of Nitrous Oxide**

Chattanooga State Technical Community College  
Dental Learning Center  
Dentedonline  
E.W. Professional Career Training Center  
Interfaith Dental Clinic  
Northeast State Technical Community College  
Second District Dental Assistants Society  
Southeastern Oral & Maxillofacial Surgery  
Tennessee Academy of General Dentistry  
Tennessee Technology Center at Knoxville  
University of Tennessee, College of Dentistry  
Volunteer State Community College

**Sealant Application**

Chattanooga State Technical Community College  
Dentedonline  
E.W. Professional Career Training Center  
Northeast State Technical Community College  
Tennessee Technology Center at Knoxville  
University of Tennessee, College of Dentistry

**Coronal Polishing**

Dentedonline  
E.W. Professional Career Training Center  
Tennessee Technology Center at Knoxville  
University of Tennessee-Memphis

**Local Anesthesia**

Dentedonline  
University of Tennessee-Memphis

**Restorative Function**

University of Tennessee-Memphis

**Prosthetic Function**

University of Tennessee-Memphis

**Report from the Clinical Issues Committee** Ms. Fox gave a report to the Board on the recommendations made by the Clinical Issues Committee concerning proposed rules for the coronal polishing certification. Dr. Bailey made a motion to approve the recommendations. Second was given by Ms. Cherry. Motion carried. After considering the economic impact and regulatory flexibility analysis, Dr. Bailey made a motion to initiate a rulemaking process incorporating the recommendations. Second was given by Ms. Fox. Motion carried.

Dr. Tabor appointed Roy Thompson as Chair of the Clinical Issues Committee.

**Report from the Controlled Substance Databank Committee** Dr. Douglass reviewed with the Board the report given to the General Assembly from the Controlled Substance Databank.

**Executive Director Report** Dea Smith gave a report to the Board which included a continuing education audit report, a report from the American Association of Dental Examiners meeting and a report from the American Association of Dental Administrators meeting.

**Specialty Liaisons** The following accepted positions as the Board of Dentistry Specialty Liaisons: Dr. Douglass-Endodontics; Dr. Fordjour-Oral & Maxillofacial Surgery; Dr. Bailey, Oral Pathology, Oral and Maxillofacial Radiology and Prosthodontics; Dr. Smith, Orthodontics; Dr. Tabor, Pedodontics; and Dr. Hsia, Periodontics.

The meeting adjourned at 4:45

## **JANUARY 29, 2010**

The meeting of the Board of Dentistry reconvened at 9:05 a.m. with all members present except Ms. Agnes Young and Ms. Katherine Cherry.

The first order of business was to consider rescheduling of the coronal polishing exam due to inclement weather. Dr. Douglass made a motion to postpone the coronal polishing exam to May 22, 2010. Second was given by Ms. Fox. Motion carried. It was later determined that Meharry Medical College, would not be available to host the exam on May 22, 2010. The Board, by consensus, moved the scheduled May 20-21, 2010 Board meeting to June 10-11, 2010, with the coronal polishing exam following on June 12, 2010.

### **Consent / Agreed Orders**

The following Consent Orders were presented to the Board for approval:

**Christopher M. Simmons D.D.S.** Dr. Simmons signed a Consent Order in which he stipulated to violating an agreement with the CDPC. Dr. Simmons agreed to a suspension of his Tennessee Dental License for a period of not less than ninety (90) days, probation for five (5) years, maintain advocacy of the CDPC, pay a civil penalty in the amount of \$1,000.00 and costs. Dr. Hsia made a motion to approve the Consent Order as presented. Second was given by Dr. Douglass. Motion carried.

**Carlos Rodriguez D.D.S.** Dr. Rodriguez signed a Consent Order in which he stipulated to allowing dental assistant(s) to perform activities outside their scope of practice. He agreed to the reprimand of his Tennessee Dental License and payment of a civil penalty in the amount of \$1,000.00 plus costs.

**Cecibel A. Contreras, R.D.A.** Ms. Contreras signed an Agreed Order wherein she stipulated to submitting false information to the Board in response to a continuing education audit. Ms. Contreras agreed to the payment of a civil penalty in the amount of \$1,000.00 plus costs.

**Daryl Charles Byrd, D.D.S.** Dr. Byrd signed a Consent Order wherein he stipulated to having been disciplined by the Louisiana State Board of Dentistry in 2007. He agreed to his license being placed on probation for a period of not less than three (3) years. Dr. Clark made a motion to approve with the correction of "medical" license to "dental" license. Second was given by Dr. Bailey. Motion carried.

**James O. Rountree D.D.S.** Dr. Rountree signed a Consent Order in which he stipulated to failing to maintain adequate dental records for the treatment of a patient. Dr. Rountree agreed to his license being placed on probation for a period of not less

than three (3) years, complete a course in record keeping and submit to quarterly review by the consultant and pay the costs of the matter. Dr. Bailey made a motion to approve with the correction of “medical” license to “dental” license. Second was given by Dr. Hsia. Motion carried.

**Ulysses Walls D.D.S.** Dr. Walls signed a Consent Order in which he stipulated to having an unsanitary office. Dr. Walls agreed to a suspension of his license for a period of not less than six (6) months, probation for a period of not less than 5 years and pay a civil penalty in the amount of \$1,000.00 plus costs. Dr. Clark made a motion to approve with correction of “medical” license to “dental” license. Second was given by Dr. Bailey. Motion carried.

**Adam Diasti, D.D.S.** Dr. Diasti entered into a Consent Order in which he stipulated to having been disciplined by the Georgia Board of Dentistry for failure to adequately maintain patient records. Dr. Diasti agreed to have his license reprimanded and pay a civil penalty in the amount of \$500 plus costs. Dr. Clark made a motion to approve. Second was given by Dr. Bailey. Motion carried.

**John G. Reddick, D.D.S.** Dr. Bailey made a motion to refer the allegations in this matter to Dr. John Werther, a member of the Sedation Committee, for further review.

**Nancy Burks R.D.A.** Ms. Burks entered into an Agreed Order in which she stipulated to failing to comply with the terms of her conditional licensure, in particular, advocacy of the CDPC. Ms. Burks agreed to the revocation of her registration. Dr. Clark made a motion to approve. Second was given by Ms. Fullilove. Motion carried.

**Correspondence received from licensees and others** The Board reviewed information received from Facial Rejuvenation Injection Training Seminars, LLC concerning a workshop to train dentists to utilize botox and dermal fillers in their dental practice. Dr. Bailey made a motion that it was within the scope of practice for a dentist who is licensed in another state to demonstrate procedures in Tennessee within the confines of a continuing education course, provided the out-of-state dentist also holds a certification in the subject procedure in another state, and said certification is also a recognized certification in Tennessee.

Also reviewed was a letter from B. Wayne Dudley, D.D.S., in which Dr. Dudley asked for the Board’s position on (1) dentists being able to refer patients for sleep studies and to treat such conditions with orthodic appliances and (2) a position statement on dermal fillers. In response to question 1, Dr. Bailey made a motion that it was permissible under the scope of practice for a dentist; and in response to question 2, the matter should be referred to proposed rules currently in process. Second was given by Ms. Fox. Motion carried.

The Board reviewed a letter from Linda Norman, R.D.H., asking for the Board to consider granting continuing education credit to dental professionals who donate their time to volunteer endeavors. By consensus, the Board declined to grant continuing education credit for volunteer work.

The Board reviewed correspondence from Beth Casey concerning the quality of continuing education taken online. It was the consensus of the Board to refer the matter to the Education Committee. Dr. Tabor appointed Dr. Douglass, Ms. Fullilove, Ms. Fox, Dr. Smith, and Diane Saylor from the Dental Hygiene Association to serve on the Committee. Dr. Douglass will serve as Chair of the Committee.

Dr. Fordjour left the meeting.

**Ratifications** Dr. Bailey made a motion to approve and ratify the lists of newly licensed **dentists, licensed hygienists, registered dental assistants**, 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, together with a waiver of competency testing for **John Harvey, D.D.S., James William Parham, D.D.S., Jeffrey M. Moore, D.D.S., Thad L. Brown III D.D.S, Cynthia L. Thomason R.D.H., Shelley M. Waters R.D.H.**, a waiver of penalty fee for **Michael E. Noblit D.D.S.**, a waiver for 2007/2008 continuing education for **Melody Ryon Gentry** and a denial of a continuing education waiver for 2007/2008 for **Tisha T. Holloway R.D.H.** initially approved by the Board Consultant. Second was given by Dr. Clark. Motion carried.

**Course Equivalency** Dr. Clark made a motion to approve and/or deny as equivalent the courses as listed below. Second was given by Ms Fox. Motion carried.

**Administration and monitoring of nitrous oxide courses:**

Western Kentucky University approved for **Callie Cline, Leslie Locke, Kellye Tenpenny, and Candace Yates**

Sacramento City College approved for **Sally Roff**

Herzing University approved for **Nichole Henry**

**Administration of local anesthesia courses**

Sacramento City College approved for **Donna K. Sise**

University of Arkansas-Fort Smith approved for **Gina B. Sharp**

Sacramento City College approved for **Sally Roff**

Johnson Co. Community College / Wichita St. Univ. denied for **Neva Lenz**

West Liberty College denied for **Kimberly Lilly**

**Dental radiology courses**

Advanced Career Training approved for **Melinda Eldridge**

Penn Foster Career School approved for **Rachel D. Gunnels**

Careers Unlimited Dental Assisting School approved for **Tanya J. Jensen**

Medix School approved for **LaChanda R. Rollins**

Kee Business College approved for **Tineka C. Stewart**

The Bryman School approved for **Paula Bryant**

Ross Medical Education Center approved for **Amanda L. Shaffer**

Savannah Technical College approved for **Tonya L. Cherry**

Penn Foster Career School approved for **Whitney L. Teague**

The Training Academy for Dental Assistants approved for **April Scoggins**

High Tech Institute (NV) approved for **Janice Baker**  
Hennepin Technical College approved for **Larisa Zubkova**  
Thomas Nelson Community College denied for **Aimee E. Starr**

### **Nitrous Oxide Monitoring Courses**

Careers Unlimited Dental Assisting School approved for **Tanya J. Jensen**  
Nichols Career Center approved for **Fara Taylor**  
Univ. of Tenn. Health Science Center (2002) denied for **Lynn Turri**  
Greenville Technical College denied for **Hillary Newton**

### **Sealant Courses**

Careers Unlimited Dental Assisting School approved for **Tanya J. Jensen**

**Ratification of Agreed Citations** Dr. Bailey made a motion to approve the ratification of Agreed Citations for Continuing Education/CPR and Lapse Licenses as listed below. Second was given by Ms. Fullilove. Motion carried.

### **Continuing Education/CPR**

Katrina Cox, R.D.H.  
Teri Lynette Hulka, R.D.A.  
Nancy Ellen Kistler, R.D.H.  
Donna H. Millican, R.D.A.  
Jennifer Calabrace Myers, R.D.H.  
Michael McConnell Perry, D.M.D.  
Erin Michelle Acre Pewitt, R.D.H.  
Dina D. Stewart, R.D.A.  
Rhonda Brown Watson, R.D.H.  
Emily Leona Wilmoth, R.D.A.  
Rhonda L. Hiatt, R.D.A.

### **Lapse Licenses**

Melissa A. Epley, R.D.A.  
Trina C. Wilson, R.D.H.

**Recommendations of Anesthesia Committee** Ms. Fox made a motion to approve the recommendations of the Anesthesia Committee on the issue of insertion of IV's by dental auxiliaries as outlined below. Second was given by Ms. Fullilove. Motion carried.

The Committee is of the opinion that current statutes and rules do not permit initiation of IV access by a registered dental assistant or practical dental assistant. Only a licensed registered nurse or licensed practical nurse with IV training, under the supervision of a licensed dentist with appropriate permit, may do so under current law. If appropriate educational standards are promulgated and implemented, it may be possible in the future to certify a registered dental assistant, licensed dental hygienist or related health care provider to establish IV access while functioning as a dental auxiliary.

Ms. Fox made a motion to approve the recommendations of the Anesthesia Committee as outlined below on the response to the Private Letter Ruling request asking for clarification on whether a dentist holding a comprehensive conscious sedation permit may have more than one patient within the same dental clinic under conscious sedation and/or recovering from conscious sedation simultaneously. Second was given by Dr. Clark. Motion carried.

It is the opinion of the Committee that the specific scenarios presented in the letter of inquiry are not in compliance with law. The first patient under conscious sedation must be recovered to the point where the dentist can safely transfer the care of the patient to properly trained staff. The rules specifically require that “during conscious sedation at least one person **in addition to the operating dentist**, must be present (Emphasis added)

**Election of Officers** Dr. Tabor expressed his appreciation for being allowed to serve as President of the Board over the past year. Dr. Clark nominated Dr. Bailey to serve as President, Dr. Smith to serve as Vice-President, and Dr. Douglass to serve as Secretary/Treasurer. Second was given by Dr. Hsia. Motion carried.

Dr. Tabor turned the meeting over to Dr. Bailey.

Dr. Clark made a motion to adjourn at 11:45. Second was given by Dr. Hsia.