

**MINUTES  
TENNESSEE BOARD OF DENTISTRY**

**Date:** MAY 7- 8, 2009

**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.  
Beth A. Casey, R.D.H.  
Katherine H. Cherry, R.D.H.  
Betty Gail Fox, R.D.A.  
Lawrence Hsia, D.M.D.  
James L. Smith, D.D.S.  
Agnes S. Young, Consumer Member (present on 5-08-09 only)

**Staff Present:** Dea Smith, Executive Director  
Sue Kerley, Board Administrator  
Thomas Miller, Assistant 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. Dr. Tabor reminded the Board members about the conflict of interest statement.

Dr. John Douglass recognized the outstanding services rendered to the dental profession by Dr. Bill Malone, past President of the Board and an active member of the Southern Regional Testing Agency (SRTA) who had recently passed away. A poem was read and a moment of silence observed in his memory.

**MINUTES**

Ms. Beth Casey made a motion to accept the minutes from the January 8-9, 2009 meeting. Second was given by Dr. Lawrence Hsia. The motion carried.

**APPLICANT INTERVIEWS**

**Kristen Frank DA.** Ms. Frank applied for registration as a dental assistant disclosing a conviction in 2008, with court costs still outstanding. Dr. Ruth Bailey made a motion to approve. Second was given by Dr. James Smith. After discussion, Dr. Bailey amended the motion to approve and place on probation until the fines are paid with a one (1) year maximum time period for payment. The amendment was seconded by Dr. Smith. The motion as amended carried.

**Brijesh M. Patel, D.D.S.** Dr. Patel requested the Board accept his application for licensure as a dentist. Dr. Patel's license to practice dentistry in Ohio is on probation until July, 2009. Dr. Douglass made a motion to grant the license and place on probation to run concurrent with Ohio. Second was given by Dr. Smith. The motion carried.

**Kathleen Conaghan R.D.H.** Ms. Conaghan requested licensure as a dental hygienist. Ms. Conaghan's license to practice dental hygiene in Alabama is on probation until November, 2009, and she must have a contract with a wellness program in Alabama. Dr. Douglass made a motion to approve the application but place the license on probation to run concurrent with the Alabama probation and require Ms. Conaghan to enter into a contract with the Concerned Dental Professionals Committee in Tennessee. Second was given by Dr. Jeffrey Clark. The motion carried.

**Lisa Belitz, R.D.H.** Ms. Belitz requested reinstatement of her dental hygiene license #3615. Ms. Belitz has not practiced dental hygiene in the last ten (10) years. Ms. Casey made a motion to approve. Second was given by Ms. Katherine Cherry. The motion carried.

**CONCERNED DENTAL PROFESSIONALS COMMITTEE (CDPC)** The Board received a report from the Concerned Dental Professionals Committee which included a request for renewal of the contract. Ms. Betty Fox made a motion to renew the contract with the CDPC. Second was given by Dr. Bailey. The motion carried.

#### **APPLICANT INTERVIEWS CONTINUED**

**Charles Randolph D.D.S** Dr. Randolph requested approval of his application to practice dentistry in Tennessee. Dr. Randolph was interviewed by phone by the Board concerning disciplinary action taken against his New York dental license in 1982 and 1996. Dr. Clark made a motion to approve. Second was given by Ms. Cherry. The motion carried by majority vote.

**ORDERS OF COMPLIANCE** Juanita Stone, Disciplinary Coordinator, reviewed with the Board the number of cases opened and closed since the last meeting and presented the following Orders of Compliance to the Board for approval:

- **Heidie J. Fleming, R.D.A.** Registration No. 2663 Determination was made that the disciplinary file for Heidie J. Fleming was complete and that she was in compliance with the terms and conditions of the Consent Order dated January 27, 2006. Ms. Fox made a motion to approve and restore the license to unencumbered status. Second was given by Dr. Clark. The motion carried.
- **John S. Paffrath, D.D.S.** License #4216 Determination was made that the disciplinary file for John S. Paffrath was complete and that he was in compliance with the terms and conditions of the Consent Order dated January 27, 2006. Ms. Fox made a motion to approve. Second was given by Ms. Casey. The motion carried by majority vote.
- **Chelsea Parks, R.D.A.** Registration #13218 Determination was made that the disciplinary file for Chelsea Parks was complete and the she was in compliance with the terms and conditions of the Letter of Agreement dated October 11, 2008. Dr. Douglass made a motion to approve. Second was given by Dr. Clark. The motion carried.

**CORRESPONDENCE FROM ASSOCIATIONS** The Board discussed membership in the American Association of Dental Examiners (AADE). Dr. Clark made a motion to retain membership for the Board as a whole, but no longer pay for membership for the individual board members. Second was given by Dr. Hsia. The motion carried.

**CORONAL POLISHING EXAM** The Board solicited comments from Dr. Roy Thompson, Tennessee Dental Association, regarding the status of legislation to remove the requirement that the Board administer the coronal polishing and instead place the responsibility on the course provider. Dr. Thompson advised the Board that the proposed legislation, Senate Bill 1179 and House Bill 1172, had not been sent to Committee because the Tennessee Dental Hygienists' Association did not support the bill as written. After discussion Dr. Smith made a motion to continue with the coronal polishing exam as scheduled. Second was given by Ms. Fox. The motion carried. Dr. Clark made a motion to recommend amending the verbiage of the bill to indicate that the passage of a clinical and didactic examination could be administered by the board, or its designee and that the bill be returned to Committee this session if possible. Second was given by Dr. Bailey. The motion carried.

**PRESENTATION BY VINCENT DICIANNI, AFFILIATED MONITORS (AMI)** Mr. DiCianni advised the Board of the resources and remedial tools offered by Affiliated Monitors to track oversight and compliance of regulated professionals pursuant to Board Orders, competency cases, etc. Mr. DiCianni provided the Board with sample documents and reports for the Board to review.

**CORRESPONDENCE FROM TESTING AGENCIES** The Board discussed attendance at the Southern Regional Testing Agency (SRTA) annual meeting to be held in Biloxi, Mississippi August 5-9, 2009. The Board requested authorization be requested for Ms. Casey, Ms Cherry, Dr. Douglass, Dr. Tabor and Dr. Bailey to attend. Replacement nominations to the SRTA Committees and Board of Directors were solicited. Dr. Smith made a motion to nominate Dr. Douglass to the Board of Directors, the Dental Exam Committee and the Nominating Committee. Second was given by Dr. Bailey. The motion carried. It was the consensus of the Board to nominate Dr. Bailey to the Examiner Review Committee and the By-Laws Committee; and nominated Ms. Cherry to the Finance Committee.

### **CORRESPONDENCE FROM LICENSEES AND OTHERS**

The letter from **Dr. Elisha Richardson** requesting the Board administer a comprehensive examination to any person certifying as a specialist in orthodontics and dentofacial orthopedics in Tennessee was discussed. It was the consensus of the Board that an additional exam is not in the best interest of the Tennessee Board of Dentistry as the application and documentation of successful completion of the specialty program is currently reviewed before approval. The Board directed Executive Director Dea Smith to respond.

The letter from **Diana Friedman**, Vice President of Marketing, Novalar Pharmaceuticals, Inc., requesting clarification that registered dental hygienists who are certified to administer injections are allowed to administer OraVerse™, a local anesthetic reversal agent. Ms. Casey made a motion that a policy statement be drafted allowing any hygienist certified to administer local anesthesia pursuant to Rule 0460-3-.12 be allowed to use any FDA approved pharmaceutical designed to reverse the effects of the local anesthesia. Second was given by Dr. Clark. The motion carried by

majority vote. The Board will conduct a final vote on the policy statement at the September meeting of the Board.

The letter from **Elaine C. Stegman**, R.D.H. regarding laser use by hygienist in nonsurgical laser periodontal treatment was reviewed by the Board. It was the consensus of the Board that Executive Director Smith refer Ms. Stegman to the rules proposed at the Rulemaking Hearing on January 16, 2009 regarding use of lasers.

The letter from **Mary Roberson** requesting clarification on whether a hygienist can see a new patient for prophylaxis in the absence of the dentist was reviewed. It was the consensus of the Board that the patient "must be a patient of record", meaning the dentist must have examined the patient previously.

**WESTERN REGIONAL EXAM BOARD (WREB)** The Board discussed the 2009 Dental Candidate Guide submitted by WREB in response to a request by the Board for additional information concerning their change from compensatory scoring to conjunctive scoring. After discussion, Ms. Casey made a motion to remove WREB as an acceptable exam for licensing. Second was given by Ms. Fox. The motion failed by majority vote.

**TAMPER RESISTANT COMMITTEE REPORT** Allison Cleaves, Deputy General Counsel and Dr. Douglass, committee member, gave a review of the meeting to the Board. Ms. Cleaves provided the Board with proposed rules regarding use of tamper resistant prescription pads by the dental profession. Dr. Clark made a motion to approve the rules as proposed. Second was given by Ms. Cherry. The motion carried. The Board set a rule making hearing for Friday, July 31, 2009, at 1:00 p.m. CDT.

**LOCAL ANESTHESIA SURVEY** Dr. Bill Johnson, instructor of the local anesthesia course from Dentedonline, submitted a report to the Board detailing the results of a survey conducted by Dentedonline in which hygienists who had attended his course were surveyed about the local anesthesia course and its effectiveness. The Board reviewed the report with Dr. Johnson.

The Board reviewed the **Report on the American Association of Dental Examiners Mid-Year Meeting and the National Board Advisory Forum.**

The Board reviewed the report of the **Executive Director**. It was the consensus of the Board to take no action regarding applications approved based on the criminal background check being done on a name only basis since it was not discovered until after they were licensed that the search was done by name only.

**OFFICE OF GENERAL COUNSEL REPORT** The Board reviewed the report submitted by Thomas M. Miller, Assistant General Counsel, concerning the status of proposed rules and the number of open disciplinary cases.

**CLINICAL ISSUES COMMITTEE** Ms. Fox made a motion to approve the recommendations of the Clinical Issues Committee regarding changes to the sealants rules and begin the rulemaking process to incorporate those recommendations. Second was given by Dr. Clark. The motion carried.

## **RATIFICATIONS**

Ms. Casey 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. Also included in the motion was approval and ratification of the lists of newly licensed **dental hygienists**, certifications, reinstatements, reactivations, retirements and administrative revocations, including the request for waiver of competency testing for **Stephani Mathews**, waiver of reinstatement and lapsed license penalties for **Vickie Ashburn**, and waiver of full-time practice three out of the last five years for **Stephanie Harris**. Also included in the motion was approval and ratification of the lists of newly registered **dental assistants**, certifications, modifiers, reinstatements and reactivations, retirements, and administrative revocations. Second was given by Ms. Cherry. The motion carried with Dr. Bailey recusing herself.

Ms. Casey made a motion to ratify the **continuing education courses** previously given initial approval by Dr. Douglass (**Practical Orthodontics, Oral Radiology & Oral Medicine Dilemmas for the General Practitioner, Joining Forces to Improve Hygiene for the Orthodontic Patient, An Overview of Dental Office Knoxville, and Insurance – Form and Function**). Second was given by Ms. Cherry. The motion carried.

Ms. Casey made a motion to ratify the initial denial by Dr. Douglass of the continuing education course, **“Using Information Technology” taken by Dr. Jose Fernando Ocha**. Second was given by Ms. Cherry. The motion carried.

Ms. Casey made a motion to approve and ratify the **Administration and Monitoring of Nitrous Oxide** certification courses submitted by Chattanooga State Technical Community College. Second was given by Dr. Douglass. The motion carried.

Dr. Bailey made a motion to approve and ratify the **Dental Radiology** certification courses submitted by Tennessee Technology Center at Livingston and Washington County Skill Center; and to approve the **Sealant** certification course submitted by Dentedonline. Second was given by Dr. Smith. The motion carried.

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

Dr. Bailey made a motion to approve and ratify the out-of-state courses for administration and monitoring of nitrous oxide by West LA College approved for **Helen Whysong**; Missouri Southern State University approved for **Wendy Tharpe**; University of Colorado Denver approved for **Kathryn Linn**; Western Kentucky University approved for **Bambi McDonald, Katie Crandall, and Angela Hatcher**. Second was given by Ms. Casey. The motion carried.

Ms. Casey made a motion to ratify the denial of the administration of nitrous oxide course from the University of Michigan for **Frank Licht** and grant only monitoring of nitrous oxide certification. Second was given by Dr. Clark. The motion carried.

### Equivalency of Local Anesthesia Courses

Ms. Casey made a motion to approve as equivalent the Local Anesthesia courses from the Oklahoma Dental Foundation for Research and Education for **Jamie Martin** and Johnson County Community College for **Kimberly Wheeler**. Second was given by Dr. Bailey. The motion carried.

Dr. Clark made a motion to ratify the Board Consultant's denial of equivalency for local anesthesia courses taken at the Medical University of South Carolina by **Janet Hodge** and the University of Detroit Mercy by **Nicole Peters**. Second was given by Dr. Bailey. The motion carried.

### Equivalency of Radiology Courses

Dr. Bailey made a motion to **approve as equivalent** the radiology courses initially deemed equivalent by the Board Consultant as follows: Concorde Career College in California approved for **Jenny Cuadra**; University of North Carolina, Mountain AHEC approved for **Rhonda Cutshaw**; Indiana School of Dentistry, Northwest approved for **Jennifer DeYoung**; Penn Foster approved for **Ashley Hughes**; University of Florida approved for **Deborah Lemons**; Cambridge College approved for **Tina Mansfield**; Asheville Buncombe Technical Community College approved for **Rebecca McMahan**; Cincinnati Dental Society approved for **Erica Meyer**; Bryman School and Butte Sierra Dental Society approved for **Christina Newman**; Dental Auxiliary Educators approved for **Angela Tomczak**; and Western Career College approved for **Sharai Phelps**. Second was given by Dr. Clark. The motion carried.

Ms. Casey made a motion to ratify the initial **denial** as equivalent the following courses: Concorde Career College in Tennessee (2006) denied for **Charla Johnson**; Chattanooga Dental Society (2005) denied for **Saythong Phavorabouth**; Remington College (2005) denied for **Tracey Porter**; Memphis Area Vocational (1981) denied for **Virginia Hicks**; Tufts University denied for Irina Dzhuga; High-Tech Institute (2006) denied for **Amanda Bartlett**; University of Florida denied for **Linda Dion**; Remington College (2007) denied for **Donna Thompson**; Draughons Junior College (2007) denied for **Alisha Aile**; and the Department of the Army denied for **Carmen York**. Second was given by Ms. Cherry. The motion carried.

### Ratification of Agreed Citations

Dr. Bailey made a motion to approve the Agreed Citations for **deficiencies in continuing education/CPR** for Amber J. Behles, RDA, Johnnie H. Breaux DDS, Lori Ames Bruce RDH, Althea Holland RDH, Abigail P. King RDH, Sarah S. Scott RDH, Heather M. Shipley RDA, Anessia Dawn Stapleton RDA, Susan M. Walls RDA, Jeanna S. Wood RDH, Jacqueline K. Wynn RDA, Robert J. Pasco DDS and George A. Hall DDS; and approve the Agreed Citations for **working on a lapse license** for Robyn Baldwin RDA, Amy M. Conatser RDA, Marshea W. Crum RDA, Leslie D. Helton RDA, Destiny Michelle Loepke RDA, Deborah F. Loveday RDA, Sandy J. Mathes RDA, Jeanne O'Quinn RDA, Chasity N. Pryor RDA, Donna Richardson RDA, Jennifer M. Webster RDA and Florine Williamson RDA. Second was given by Ms. Casey. The motion carried.

The meeting adjourned at 4:10 p.m.

**MAY 8, 2009**

The meeting of the Board of Dentistry reconvened at 9:09 a.m. with all members present.

### **CONTESTED CASE HEARINGS**

In the matter of **JAMES W. GAMBLE, D.M.D.**, Respondent Case #17.12-099929A and **GLENDA M. COX**, Respondent, Case #17.12-09928A. Shiva Bozarth, Deputy General Counsel represented the State. The Respondents were present and represented by Charles Grant, Esq. The Honorable Mattielyn Williams, Administrative Law Judge presided. By agreement of the parties, the testimony of the parties and the proof presented would be considered in both cases as a whole, with Findings of Facts, Conclusions of Law, and Order of Judgment to be determined separately. Dr. Clark recused himself from the hearing. Judge Williams found that a quorum was present to conduct the hearing.

The Board found that **Respondent Cox** performed the services of a registered dental assistant from approximately July 2001 through at least March 2007, while in the employ of James W. Gamble D.M.D., despite the fact that the Board had never issued Respondent Cox a Tennessee registration to lawfully practice as a dental assistant in the State of Tennessee, and that said actions constituted grounds for disciplinary action. Pursuant to that finding, Ms. Fox made a motion to assess six (6) type A civil penalties in the amount of \$500 each plus court costs. Second was given by Dr. Douglass. The motion was amended to delete the court costs. The motion as amended carried by roll call vote by majority.

Ms. Cherry made a motion to approve the Policy Statement read by Chairman Tabor that the Tennessee Board of Dentistry takes this action in order to protect the health, safety and welfare of persons living in, working in, or visiting the State of Tennessee. Second was given by Ms. Fox. The motion carried

At the request of Mr. Grant, a motion was made by Ms. Casey to append Collective Exhibit 1 to the Final Order. Second was given by Ms. Cherry. The motion carried by majority vote.

The Board found that **Respondent Gamble** permitted Respondent Cox, an unlicensed individual, to perform the duties of a registered dental assistant between approximately July 2001 through at least March 2007, and that said action(s) constituted grounds for disciplinary action. Ms. Cherry made a motion to assess six (6) type A civil penalties in the amount of \$1,000 each plus court costs not to exceed \$10,000. Second was given by Ms. Fox. The motion carried by roll call vote by majority.

Dr. Douglass made a motion to issue a Letter of Reprimand to Respondent Gamble. Second was given by Dr. Smith. The motion carried by roll call vote by majority.

The hearing concluded.

### **DISCIPLINARY ORDERS / LETTERS OF REPRIMAND**

Thomas Miller presented the Board with Agreed Orders signed by **JOY PARTON, R.D.A., ANGELA TABOR, R.D.A., LISA G. HUELSMAN, R.D.A., AND ANJANETTE**

**E. JENNINGS, R.D.A.** wherein each party stipulated to the allegation he/she may have practiced outside the scope of their practice by inserting intravenous catheters for the administration of fluids and medication. The parties agreed to not engage in the initiation or establishment of any intravenous access until such time as the matter is clarified or allowed by rule or order of the Board. Dr. Bailey made a motion to accept the Agreed Orders as presented. Second was given by Ms. Cherry. The motion carried.

Thomas Miller presented the Board with a Letter of Reprimand signed by **JOHN W. PAYONK, D.D.S.** Dr. Payonk agreed to pay a civil penalty in the amount of Four Thousand Dollars (\$4,000.00), plus costs, for permitting unregistered practice and allowing assistants to perform nondelegable duties. Dr. Clark made a motion to approve the Letter of Reprimand. Second was given by Ms. Cherry. The motion carried. Dr. Hsia recused himself.

Thomas Miller presented the Board with a Consent Order signed by **PATRICIA SETTLES R.D.A.** wherein Ms. Settles stipulated to the allegation(s) that she “called-in” prescriptions for controlled substances without authorization to do so. Ms. Settles agreed to have her registration #3473 to practice as a registered dental assistant in the State of Tennessee placed on probation for a period of no less than five (5) years. Ms. Casey made a motion to approve the Consent Order as presented. Second was given by Dr. Clark. The motion carried.

### **MISCELLANEOUS**

Ms. Fox made a motion to nominate Dr. Hsia to serve as Editor for the Newsletter. Second was give by Ms. Cherry. The motion carried.

There being no further business, the meeting adjourned at 2:20 p.m.

**These minutes were ratified by the Board of Dentistry at the September 11, 2009, meeting.**