

**MINUTES  
TENNESSEE BOARD OF DENTISTRY**

**Date:** JUNE 10-11, 2010

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

**Members Present:** Ruth E. Bailey, D.D.S., President  
James L. Smith, Vice-President  
John M. Douglass, D.D.S., Secretary/Treasurer  
Charles E. Holt, Jr., 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.  
Agnes S. Young

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

Dr. Ruth Bailey, President, called the meeting to order at 9:03 a.m. Dr. Bailey determined that a quorum was present in order to conduct Board business with all members present except Dr. Michael Tabor. Dr. Bailey welcomed the new Member, Charles E. Holt, Jr. to the Board.

Roy Thompson, Tennessee Dental Association, introduced James R. Hight, Jr. as the new President of the Tennessee Dental Association.

**Minutes** Dr. John Douglass made a motion to accept the Minutes from the January 28-29, 2010 meeting. Second was by Dr. James Smith. Motion carried.

## **APPLICANT INTERVIEWS**

**JENNY DAVENPORT** Dr. Davenport appeared before the Board requesting approval of her application to practice dentistry in Tennessee. Dr. Davenport addressed past discipline by the Florida Board of Dentistry in 2007. Ms. Betty Fox made a motion to approve. Second was by Ms. Agnes Young. The motion carried.

**KELLY DODD** Ms. Dodd appeared before the Board requesting approval of her application for registration as a dental assistant. Ms. Dodd had indicated in her application that she had performed certain duties as a dental assistant prior to becoming registered and certified to do so. After questioning and discussion, Dr. Douglass made a motion to approve. Second was by Dr. Smith. Motion carried.

**TONYA FLETCHER** Ms. Fletcher appeared before the Board requesting approval of her application for registration as a dental assistant. Ms. Fletcher had indicated in her application that she had performed certain duties as a dental assistant prior to becoming registered and certified to do so. After questioning and discussion, Dr. Smith made a motion to approve. Second was by Dr. Lawrence Hsia. Motion carried.

**MEGAN JOHNSON** Ms. Johnson appeared before the Board requesting approval of her application for registration as a dental assistant. Ms. Johnson had indicated in her application that she had performed certain duties as a dental assistant prior to becoming registered and certified to do so. After questioning and discussion, Ms. Betty Fox made a motion to approve. Second was by Dr. Smith. Motion carried.

**RACHEL JOHNSON** Ms. Johnson appeared before the Board requesting approval of her application for registration as a dental assistant. Ms. Johnson responded to questions from the Board concerning a 2009 conviction for felony possession and a 2004 conviction of felony theft of property. After questioning and discussion, Dr. Douglass made a motion to approve. Second was by Ms. Katherine Cherry. Motion carried.

**CARRIE LANTRIP** Ms. Lantrip appeared before the Board requesting approval of her application for registration as a dental assistant. Ms. Lantrip had indicated in her application that she had performed certain duties as a dental assistant prior to becoming registered and certified to do so. After questioning and discussion, Ms. Fox made a motion to approve. Second was by Ms. Cherry. Motion carried.

**LACRETIA LEMONS** Ms. Lemons appeared before the Board requesting approval of her application for licensure as a dental hygienist. Ms. Lemons entered into an Agreed Order acknowledging she had practiced for approximately 15 years as a dental assistant without being registered to do so. After questioning and discussion, Ms. Fox made a motion to approve the application and Agreed Order with a civil penalty in the amount of \$1,500. Second was by Ms. Cherry. Motion carried.

**REGINA BERTRAM** Ms. Bertram had indicated in her application for registration as a dental assistant that she had performed certain duties prior to becoming registered or certified to do so. After discussion with the Board by telephone conferencing, Ms. Fox made a motion to approve. Second was by Dr. Smith. Motion carried.

**JENNA MORRISON** Ms. Morrison requested approval of her application for registration as a dental assistant. After discussion with the Board by telephone conferencing, Ms. Morrison entered into an Agreed Order acknowledging that she had performed certain duties prior to becoming registered or certified to do so. Ms. Fox made a motion to approve the application and the Agreed Order with a civil penalty in the amount of \$1,000 to be paid in installments over a 12 month period. The motion was amended to include that Ms. Morrison must take the radiology course if she wants the radiology certification. Second was by Dr. Smith. Motion carried.

**SHANNON MOSES** Ms. Moses applied for registration as a dental assistant. She had several convictions and is on probation until 2012. After questioning and discussion, Ms. Fox made a motion to accept; second was by Dr. Fordjour. Ms. Fox amended the motion to place Ms. Moses' license on probation to run concurrent with the court ordered probation. Amendment seconded by Ms. Marlene Fullilove; The motion carried.

**TARA MURPHY** Ms. Murphy applied for registration as a dental assistant. Ms. Murphy was on probation for two different convictions. After questioning and discussion, Dr. Hsia made a motion to approve the registration conditional upon receipt of final documentation that the probation was completed. Second was by Ms. Fullilove. Motion carried.

**CHRISTOPHER ORR** Dr. Orr appeared before the Board requesting approval of his application to practice dentistry. Dr. Orr disclosed convictions stemming from the misuse of controlled substances. Dr. Douglass recused himself from the vote. Ms. Fox made a motion to approve the application conditional upon Dr. Orr maintaining advocacy with the Concerned Dental Professional Committee (CDPC) for a minimum of ten (10) years. Second was by Dr. Smith. The motion carried.

**PAMELA HINKEL** Ms. Hinkel appeared before the Board requesting approval of her application for reinstatement of her dental hygiene license. Ms. Hinkel's license expired in 1992 and she had not practiced dental hygiene since that time. Ms. Fox made a motion to approve conditioned upon receipt of proof of completion of a remediation program. Second was by Dr. Fordjour. Motion carried.

**BRITTANY POPE** Ms. Pope appeared before the Board requesting approval of her application for dental assistant. Ms. Pope disclosed multiple convictions. After questioning and discussion, Ms. Cherry made a motion to approve. Second was by Ms. Fullilove.

**DANIEL RIPPS** Dr. Ripps applied for licensure as a dentist. He was requested to appear before the Board to address a civil lawsuit and three disciplinary actions by other states. Dr. Ripps failed to appear. A motion was made by Ms. Fullilove to deny the application. Second was by Dr. Smith. Motion carried.

**AMANDA ROATEN** Ms. Roaten indicated on her application for registration as a dental assistant that she had exposed x-rays from May 200 to January 2004 without being registered to do so. After explanation by Ms. Roaten, the Board voted to approve the application upon motion by Dr. Douglass. Second was by Dr. Smith. Motion carried.

**CRYSTAL ROCHEBLAVE** Ms. Rocheblave indicated on her application that she had exposed x-rays and performed coronal polishing from September 2005 to December 2007 without being registered or certified to do so. After explanation by Ms. Rocheblave, motion was made by Ms. Fox to approve the application with the assessment of a \$500 civil penalty. Second was by Dr. Douglass. Motion carried.

**CANDICE SMITH** Ms. Smith applied for registration as a dental assistant and indicated on her application that she had exposed x-rays from August 07 to the present without being registered or certified to do so. After explanation to the Board from Ms. Smith, motion was made by Dr. Douglass to approve the application. Second was by Dr. Smith. Motion carried.

**BROOKE PROCTOR** Ms. Proctor applied for registration as a dental assistant and indicated on her application that she had exposed x-rays, monitored nitrous oxide and did coronal polishing from March 2010 to present without being registered or certified to do so. After explanation to the Board from Ms. Proctor, motion was made by Ms. Cherry to approve the application. Second was by Dr. Charles Holt. Motion carried.

**MICHELLE MAY** Ms. May applied for registration as a dental assistant and indicated on her application that she had exposed x-rays and monitored nitrous oxide from 2008-2010 without being registered or certified to do so. After questioning and discussion, Dr. Smith made a motion to approve. Second was by Dr. Holt. The motion failed. Dr. Fordjour made a motion to approve with the assessment of a \$500 civil penalty. Second was by Ms. Fox. Motion carried.

**AMANDA DELAY** Ms. Delay applied for registration as a dental assistant and indicated on her application that she had exposed x-rays from August 2008 to January 2009 without being registered or certified to do so. Ms. Delay also disclosed several convictions. After discussion with Ms. Delay, motion was made by Dr. Smith to approve the application. Second was by Ms. Cherry. Motion carried.

**LARRY WELLS** Dr. Wells appeared before the Board requesting approval of his application for licensure as a dentist by criteria based on two years of experience and successful completion of the North East Regional Board of Dental Examiners (NERB) exam. Dr. Wells is currently enrolled in an endodontic residency. Motion was made by Ms. Fox to approve. Second was by Dr. Hsia. Motion carried by roll call vote.

**JULIE HENGEGHOLD** Dr. Hengehold applied for licensure as a dentist by criteria based on two years of experience and successful completion of the NERB exam. Ms. Hengehold is currently in the Navy. Ms. Fox made a motion to approve. Second was by Ms. Cherry. Motion carried by roll call vote.

**CHERYL COGGINS** Dr. Coggins appeared before the Board requesting approval of her application for reinstatement. Dr. Coggins' license expired in 1997, she was previously disciplined in Tennessee and Georgia, and she has not practiced as a dentist since 2003. She is currently enrolled in a General Practice Residency. Dr. Douglass made a motion to approve. Second was by Dr. Fordjour. Motion carried.

**DANA SWIFT** Ms. Swift requested reinstatement of her dental assistant registration. Her registration expired August 31, 2009 but she had continued practicing and performed duties without being registered or certified to do so. After questioning and discussion, Dr. Douglass made a motion to approve the application and assess a civil penalty of \$250 for practicing on a lapsed license. Second was by Dr. Smith. The motion carried.

**ROSHEENA WEST** Ms. West requested reinstatement of her dental assistant registration. Her registration expired January 31, 2010, and she had indicated on her application that she had continued to monitor nitrous without the certification to do so. After questioning and discussion, Dr. Douglass made a motion to approve the application and assess a civil penalty in the amount of \$50 for practicing on a lapsed license. Second was by Dr. Smith. Motion carried.

**BILLY JONES** Dr. Jones requested approval of his application for conscious sedation permit. Dr. Jones indicated on his application that he had performed 50 sedations in the last year. Because what he had been performing was not equivalent to conscious sedation, Ms. Cherry made a motion to approve. Second was by Ms. Fox. Motion carried.

## **ORDERS OF COMPLIANCE/MODIFICATIONS**

**DAVID MICHAEL KIMLER DDS.** Dr. Kimler appeared before the Board May 24, 2007, to explain discipline by the State of Maine on two separate occasions. His dental license in Maine was placed on probation for five years. As a result, this Board had ordered that the Tennessee dental license of Dr. Kimler be on probation, conditioned upon his abiding by the terms of the Maine Order and probation to run concurrent with the probation in Maine. A determination was made that Dr. Kimler was in compliance

with the terms and conditions of his probation. Dr. Douglass made a motion to approve the Order of Compliance. Second was by Ms. Fullilove. Motion carried.

**NICHELLE DENIECE WOODRUFF** Ms. Woodruff was granted a Tennessee dental assistant registration at the Board's January 8, 2009 meeting, on probation, conditioned upon her abiding by all the terms and conditions of her court ordered probation stemming from a conviction on DUI related charges. A determination was made that Ms. Woodruff was in compliance with the terms and conditions previously imposed by the Board. Dr. Smith made a motion to approve the Order of Compliance. Second was by Ms. Fullilove. Motion carried.

**STEPHANIE JULIET BRADY** Ms. Brady was granted a Tennessee dental assistant registration at the Board's September 11, 2008 meeting, on probation, conditioned upon her abiding by the terms and conditions of her court ordered probation stemming from a conviction on assault related charges. A determination was made that Ms. Brady was in compliance with the terms and conditions previously imposed by the Board. Dr. Smith made a motion to approve the Order of Compliance. Second was by Dr. Hsia. Motion carried.

**RENE CARMELL RUFUS** Ms. Rufus was granted a Tennessee dental assistant registration at the Board's May 15, 2008 meeting, on probation, conditioned upon her abiding by the terms and conditions of her court ordered probation until approximately February 2010, stemming from a conviction on facilitation of felony related charges. A determination was made that the disciplinary file for Ms. Rufus was closed and that she was in compliance with the terms and conditions previously entered by the Board. Ms. Fullilove made a motion to approve. Second was by Ms. Young. Motion carried.

**ASHLEY BUCKNER** Ms. Buckner was granted a Tennessee dental assistant registration at the Board's May 15, 2008 meeting, conditioned upon her abiding by the terms of the court ordered probation stemming from a conviction for possession of drug paraphernalia. A determination was made that Ms. Buckner was in compliance with the terms and conditions previously imposed by the Board. Dr. Smith made a motion to approve the Order of Compliance. Second was by Dr. Holt. Motion carried.

**KARL ROBERT JOBST** Dr. Jobst requested modification of the Agreed Order entered by the Board on January 11, 2008. Dr. Jobst was required to appear before the Board by the Agreed Order. Since Dr. Jobst currently lives out of state and his Tennessee dental license expired in 2008, he requested modification of the order to waive his appearance. Dr. Smith made a motion to approve. Second was by Dr. Fordjour. Motion carried. A determination was made that Dr. Jobst was in compliance with the terms and conditions previously imposed by the Board. Ms. Fullilove made a motion to approve the Order of Compliance. Second was by Dr. Hsia. Motion carried.

**OFFICE OF INVESTIGATIONS REPORT** Juanita Stone, Disciplinary Coordinator, provided the Board with a report showing 98 complaints currently open in Investigations pertaining to dentists, one complaint currently open pertaining to hygienists and four pertaining to dental assistants.

**BOTOX** A discussion was had by the Board regarding the use of Botox as pain management. The Board requested that Dea Smith, Executive Director, to research what other states who currently allow general practitioners to administer Botox require in terms of education and training. Dr. Smith made a motion to refer the matter to the Clinical Issues Committee. Second was by Ms. Fox. The Chair appointed Dr. Roy Thompson, Dr. Cheryl Scott and Dr. Clifton Simmons to the Committee with Dr. Hsia and Dr. Fordjour for purposes of this discussion.

**Timothy Hottel**, Dean, University of Tennessee Health Science Center, Memphis, informed the Board that the University will be sponsoring a restorative/prosthetic course at Meharry Medical College in August. Dr. Hottel also requested permission for Dr. Faye Frey to participate in clinical remediation as a student.

**COUNCIL OF INTERSTATE TESTING AGENCIES (CITA)** Dr. W. Stan Hardesty, President of CITA Board of Directors, along with Dr. Delma H. Kinlaw, gave a powerpoint presentation and discussed the CITA examination and its validity evidence with the Board.

**CORRESPONDENCE** Hartly Varnell, Chattanooga State Community College, asked the Board for clarification on **dental hygiene students being allowed to perform dental procedures**, including administering local anesthesia under the supervision of instructors in settings such as Remote Area Medical (RAM) events. Dr. Hsia made a motion that the Board draft a policy to allow dental hygienists enrolled in an ADA accredited course to administer dental hygiene services, including local anesthesia, under direct supervision in volunteer settings. Second was by Dr. Holt. Motion carried.

Ms. Fox made a motion to recess until June 11, 2010. Second was by Dr. Holt. Motion carried.

## **JUNE 11, 2010**

The meeting of the Board of Dentistry reconvened at 9:06 a.m. with all members present except Dr. Tabor.

The first order of business was a **Rulemaking Hearing** on Coronal Polishing. The Amendment as proposed (copy inserted) was approved by roll call vote.

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Substance of Proposed Rules

Amendments

Chapter 0460-01  
General Rules

Chapter 0460-04  
Rules Governing the Practice of Dental Assistants

Chapter 0460-05  
General Rules Governing Schools, Programs and Courses  
For Dentists, Dental Hygienists, and Registered Dental Assistants

Rule 0460-01-.02, Fees, is amended by deleting paragraph (3), subparagraph (f) in its entirety and substituting the following language, so that as amended, the new paragraph (3), subparagraph (f) shall read:

- (3) Dental Assistants
  - (f) Coronal Polishing Certification Fee – To be paid to the Board's Administrative Office. \$15.00

Authority: §§ 63-1-108, 63-1-112, and 63-5-105(7).

Rule 0460-04-.04, Coronal Polishing Certification, is amended by deleting paragraph (2) in its entirety and substituting the following language, so that as amended, the new paragraph (2) shall read:

- (2) Qualifications – An applicant for a coronal polishing certification must be registered as a dental assistant in Tennessee prior to applying for admission to an education course in coronal polishing. The sequence of the certification process is as follows:
  - (a) An applicant must apply for and successfully complete an educational course, as provided in this rule, as a prerequisite for certification; or
  - (b) An applicant who has successfully completed a coronal polishing course in another state which was approved by the board in the other state, which the Board consultant has determined as equivalent to the Board-approved course in Tennessee, is eligible to apply directly to the Board for certification. If a certification or permit was issued by the other state, verification of the certificate or permit must be received directly from that state. The information regarding content of the course and proof of completion must be sent directly from the course provider to the Board's administrative office; or
  - (c) Applicants who have successfully completed an ADA accredited dental assisting program which included coronal polishing in the curriculum are eligible to apply for the certification upon completion of the program. Within thirty (30) days of an applicant completing the program, the program director/instructor must submit a letter to the Board administrator verifying that coronal polishing was included in the curriculum and a written and clinical examination was passed by the applicant. Upon receipt of the letter from the program director/instructor and the application and fees, the certification for coronal polishing will be issued.

Authority: T.C.A §§ 63-5-108 and 63-5-111.

Rule 0460-04-.04, Coronal Polishing Certification, is amended by deleting paragraph (4) in its entirety and substituting the following language, so that as amended, the new paragraph (4) shall read:

- (4) Examination - The certification course must contain a written and clinical examination that covers the curriculum in Rule 0460-05-.03(c)4(i). The passing grade for the course is set at seventy-five percent (75%). A student who fails the examination may retake the examination two (2) additional times before having to repeat the course in order to retake the examination.

Authority: T.C.A §§ 63-5-105, 63-5-108, and 63-5-111.

Rule 0460-04-.04, Coronal Polishing Certification, is amended by deleting paragraph (5) in its entirety.

Authority: T.C.A §§ 63-5-105, 63-5-108, and 63-5-111.

Rule 0460-05-.03, Schools, Programs and Courses for the Registered Dental Assistant, is amended by deleting paragraph (2) in its entirety and substituting the following language, so that as amended, the new paragraph (2) shall read:

- (2) Certification Course in Coronal-Polishing
- (a) Application for Board Approval – The owner and/or director of a certification course in coronal polishing shall make application for approval to operate that course of study on forms to be provided by the Board. The completed application must be received by the Board's office at least thirty (30) days prior to the next regularly scheduled meeting of the Board in order for the Board to review the application. The owner and/or director of the certification course will be notified in writing of the Board's action(s). This section shall also apply to ADA accredited dental assisting programs.
- (b) Retention of Approval.
1. In order to obtain and/or retain Board approval, the certification course shall maintain strict compliance with all minimum standards for admissions, facilities, instructor(s), equipment, and curriculum as set forth in the Board's rules.
  2. The certification course shall be subject to on-site inspections by representatives of the Board and required to complete such paper surveys, as requested.
  3. The Board shall be notified immediately of any changes made in the operation of the certification course, such as change of location, directorship, and/or instructors. A new certificate of approval will be issued in the event of change in either ownership or directorship of the course.
  4. Certificates of approval shall be issued for two (2) years and shall expire on December 31st.
  5. At least thirty (30) days prior to the commencement of the course, the approved course shall submit the name(s) of the Tennessee dentist(s) who will be directing the course, the date of the course, and the location of the course to the Board's Administrative Office.
- (c) Minimum Standards for Admissions, Facilities, Instructor(s), Equipment, and Curriculum.
1. The course shall be taught at an educational institution, defined as a school of dentistry, dental hygiene, or dental assisting, or a clinical facility approved by the Board which provides for proper patient care, including access to medication and equipment for the management of emergencies.

2. The course shall be directed in its entirety by a dentist who is licensed in good standing by the Tennessee Board of Dentistry. The dentist/clinical instructor may employ and/or utilize licensed dental hygienists or registered and certified dental assistants with a coronal polishing certification to teach and/or assist during the clinical portion of the course.
3. The clinical instructor-to-student ratio must be no less than one instructor to six students (1:6) for the clinical portion of the course.
4. The certification course shall consist of fourteen (14) hours of study over a two (2) day period. The course syllabus must be approved by the Board and meet the following requirements:
  - (i) Didactic - The didactic portion of the course shall include instruction in all of the following subject matters:
    - (I) Principles of plaque and stain formation;
    - (II) The clinical appearance of plaque, intrinsic and extrinsic stains and calculus (removal of calculus and scaleable stains shall be accomplished only by a dentist or licensed dental hygienist);
    - (III) The clinical appearance of clean and polished teeth;
    - (IV) Tooth morphology and the anatomy of the oral cavity as they relate to the retention of plaque, stain and polishing techniques;
    - (V) Principles of selecting abrasives and polishing agents and their effect on tooth structure and restorative materials;
    - (VI) Principles of polishing, including the selection and care of the armamentarium, instrumentation techniques and precautions, including the care of the mouth with fixed or removable prostheses and/or orthodontic appliances;
    - (VII) Principles of aseptic technique, including the sterilization of instruments, sanitation of equipment, and control of disease transmission;
    - (VIII) Principles of selecting and applying disclosing agents, including armamentarium, technique and precautions;
    - (IX) Principles of the preparation of teeth and the oral cavity for fluoride application;
    - (X) The reaction of fluorides with tooth structure;
    - (XI) Available fluoride agents;
    - (XII) Principles of the preparation and storage of fluoride agents; and
    - (XIII) Principles of application techniques, including the selection and care of armamentarium, the isolation of teeth, adaptation of trays, techniques and precautions.
  - (ii) Clinical - The course provider shall conduct clinical experience of at least two (2) hours duration, which shall include at least a one-half (½) hour demonstration by an instructor. The clinical portion shall include all significant parts of the didactic portion and hands-on experience in the following:

- (I) Identifying calculus, plaque, and intrinsic and extrinsic stains;
  - (II) Polishing exposed surfaces of teeth;
  - (III) Applying disclosing agents to the exposed surfaces of teeth;
  - (IV) Evaluating the extent of plaque and stain removal;
  - (V) Maintaining the polishing armamentarium;
  - (VI) Maintaining aseptic techniques;
  - (VII) Applying various fluoride agents; and
  - (VIII) Applying various desensitizing agents.
- (iii) The course shall include jurisprudence aspects, as follows:
- (I) Limitations of the practice of dental assisting in accordance with the statutes and rules of the Board;
  - (II) Limitations on dental assistant services;
  - (III) Penalties for violation of the Dental Practice Act or Rules of the Board of Dentistry; and
  - (IV) Mechanisms by which a person can report violations of statutes and/or rules of the Board of Dentistry.
- (d) The clinical instructor shall provide a copy of the syllabus to the student before or at the beginning of each course. The syllabus shall set forth the materials to be presented in the course and the evaluation criteria to be utilized by the clinical instructor to determine successful completion of the certification course.
- (e) Upon completion of the course, students shall be evaluated by written and clinical examinations. The written examination shall cover the didactic portion of the course. The passing grade for the course is set at seventy-five percent (75%). A student who fails the examination may retake the examination two (2) additional times before having to repeat the course in order to retake the examination. The written and clinical examination required in this subpart of the rule meets the examination requirement of the T.C.A. § 63-5-108(d).
- (f) A letter, attesting to successful completion of the course and test score(s) for each student, must be sent to the Board's Administrative Office within thirty (30) days of completion of the certification course.
- (g) The school offering the coronal polishing certification course will issue continuing education credit hours for the course.
- (h) Failure to adhere to the rules governing the certification course or to provide access to inspection, pursuant to Rule 0460-05-.03 (2) (b), may subject the course provider and students to invalidation of course results and withdrawal of course approval by the Board.
- (i) The clinical examination required in subpart (e) of this rule meets the requirement for the clinical examination under T.C.A. § 63-5-108(d).

Authority: T.C.A. §§ 63-5-107, 63-5-108, 63-5-115, and 63-5-116.

## ORDERS

- **Lauren Bell, RDA 13633** Ms. Bell signed an Agreed Order for a conviction of driving under the influence. Ms. Bell agreed to a reprimand and to pay all costs associated with this action. Ms. Fox made a motion to approve. Second was by Dr. Smith. Motion carried
- **John G. Reddick, DDS 2962** Dr. Reddick signed a Consent Order for advertising sedation dentistry services without a permit to administer conscious sedation. Dr. Reddick agreed to a reprimand of his license, to cease and desist advertising the services, and to pay a civil penalty of Five Hundred Dollars (\$500.00) plus costs. Dr. Hsia made a motion to approve. Second was by Ms. Cherry. Motion carried.
- **Robert Foster, DDS 3519** Dr. Foster signed a Consent Order for inappropriately prescribing narcotics to a patient in amounts and/or for reasons that were not justified or not documented. Dr. Foster agreed to probation for three (3) years; to enroll in and successfully complete a three (3) day medical course; to complete twenty (20) in person education (CE) hours in Endodontics in addition to the bi-ennial forty (40) hour CE requirement; to enroll in and complete a three-day medical course on prescribing controlled drugs; to pay Nine Thousand Dollars (\$9,000.00) in civil penalties plus costs. Dr. Douglass made a motion to approve. Second was by Dr. Holt. Motion carried.
- **Rebecca Oliver RDA 3144** Ms. Oliver signed a Consent Order for falsifying proof of two continuing education courses. Ms. Oliver agreed a reprimand and to pay a civil penalty in the amount of Two Thousand Dollars (\$2,000.00) plus costs. Motion was made to approve by Dr. Smith. Second was by Dr. Douglass. Motion carried.

## OTHER BUSINESS

Dr. Douglass made a motion to send Dea Smith, Executive Director, to the American Association of Dental Administrators (AADA) and American Association of Dental Board (AADB) meetings in Orlando, Florida in October. Second was by Ms. Fox. Motion carried.

Ms. Fullilove made a motion to send Dr. Holt, Dr. Douglass and Maryam Kassae, Assistant General Counsel, to the American Association of Dental Boards (AADB) meeting in Orlando, Florida in October. Second was by Ms. Cherry. Motion carried.

The Board reviewed a letter from Sherry A. Gates, DDS regarding offering a tangible reward for referrals. It was the consensus of the Board that offering something tangible to encourage patients to refer other patients is merely internal marketing and not a violation of the Board Rules.

The Board reviewed the budget status report showing the actual revenue and expenditures as of June 30, 2009. As of June 30, 2009, the total expenses were \$436,840 and the total revenue was \$1,528,265 and the balance was \$600,902.

Shiva Bozarth discussed with the Board Tennessee Code Annotated §63-1-141 dealing with default on student loans by members of the healing arts profession. The Board is to take appropriate disciplinary action against any person who has defaulted on a repayment or service obligation under any federal family education loan program.

Maryam Kassaei, Office of General Counsel, requested clarification on whether or not dermal fillers were neuro toxins. It was the consensus of the Board that dermal fillers are not considered neuro toxins, but should only be used by dentists in the oral and maxillofacial area only.

Ms. Kassaei also discussed newly enacted legislation with the Board regarding renewal of the Board, the changes to the continuing education requirements for dental hygienists and patient records.

Phillip Mark Nunley addressed the Board asking for a pre-indication of approval of licensure before completing a dental hygiene program. Mr. Nunley had been incarcerated for a number of years and was interested in becoming a dental hygienist. The Board informed Mr. Nunley they could not give prior approval of licensure, but should he choose to go forward with the program, his application would be due consideration at time of filing.

**CONCERNED DENTAL PROFESSIONALS COMMITTEE (CDPC)** Dr. McElhiney presented the Board with a Quarterly Report of Activities for the period January 2010 to March 2010. His report was as follows:

Concerned Dental Professionals Committee  
Tennessee Dental Association  
Quarterly Report  
Jan 1st - March 31" 2010

Our Committee was able to assist four dental professionals this quarter, and one RDA. One dentist was planning to relocate from Atlanta, Ga., and we received information from the Professionals Committee of Georgia in an attempt to assist him. However, his license to practice had been suspended in Georgia, we explained that our Committee could not advocate for him to practice in Tennessee, although he had a license, until his license in Georgia was restored. He decided not to proceed with his plans in Tennessee, and returned to the Atlanta area.

Of interest, the three other dentists that were directed to our Committee, only one was determined to be chemically dependent. He was evaluated medically and entered a long term inpatient treatment facility. Two other dentists were evaluated and determined

not to be chemically dependent, although alcohol or drugs were responsible for reports to our Committee. We continue to monitor their suggested treatment.

Unfortunately, one dentist under Board order for advocacy violated his aftercare contract and the information in the form of an affidavit was hand delivered to the Office of General Counsel by our Committee's attorney. His violation was reported to our Committee by National Toxicology Specialists March 10<sup>th</sup>, 2010 and Office of General Counsel (OGC) was informed April 5<sup>th</sup>, 2010.

Our Committee met with a RDA under contract after a reported positive urine drug screen. Her step-mother also met with us, and we reviewed her aftercare contract, and her compliance to all requirements of her contract. Our client agreed to be re-evaluated and was admitted to out-patient treatment. She successfully completed treatment March 8<sup>th</sup>, 2010.

I traveled to Murfreesboro, TN on the 13<sup>th</sup> of March to visit Caduceus, and sign an aftercare contract with a dentist who had completed an in-patient treatment program.

We met with a dental professional on the 14<sup>th</sup> of March as a result of information our Committee had received. After discussion this information with our colleague, he agreed to go for an extensive medical evaluation.

I attended a pharmacology workshop on March 15<sup>th</sup> sponsored by the Tenn Association of Alcohol, Drug & Other Addictions Services (TAADAS).

I attended the Board of Dentistry meetings on the 28<sup>th</sup> and 29<sup>th</sup> of January. I had received a Subpoena to testify in a matter scheduled to appear before the Board on the 29<sup>th</sup>, however, the case was dropped by the office of General Counsel. Our Committee strongly objected to that decision.

Our Committee met with a dental professional on the 3<sup>rd</sup> of Feb., who was required to be monitored by the Board of Dentistry (BOD). This individual's dental license was re-instated on a probationary status after a suspension. He signed a two year contract as required by the Board.

Our Committee held its winter meeting on Feb 6<sup>th</sup> and had two very interesting and informative speakers. First, Ms. Olivia Wann spoke on HIPPA laws and regulations, then Mr. Shiva Bozarth, Deputy General Counsel State of Tennessee spoke on the legal concerns of both our committee and the state.

I had a very informative meeting on Feb. 11<sup>th</sup> with Ms. Diane Smithson, former director of the Health Related Boards. Ms. Smithson presented the CE course on chemical dependency at the TDA meeting in Knoxville, last May.

I presented a 2 hour continuing education course on Chemical Dependency to the Pinnacle Study Club on February 16<sup>th</sup>, at the Marriott Hotel in Cool Springs.

I attended the Southeastern Conference of Addictive Disorders (SECAD) at the Gaylord Hotel from the 22<sup>nd</sup> to the 24<sup>th</sup> of February. It was an excellent conference with speakers who are nationally recognized for their expertise in the field of addiction.

On February 25<sup>th</sup>, I met with a client along with Dr. David Sain, at Dr. Sain's office in Murfreesboro. Our colleague agreed to go for an assessment.

I had the pleasure of meeting Dr. Roland Gray, of the Tennessee Medical Foundation for lunch on March 9<sup>th</sup> to discuss mutual concerns of our programs. Dr. Gray and the TMF have been an excellent support mechanism for the physicians of our state, and our Committee. We did agree to meet every 4 to 6 weeks to discuss our mutual concerns.

Our Committee received a positive urine drug screen on a RDA who was being monitored as a result of BOD order. The positive screen was a violation to the Board order, and information was immediately forwarded to the compliance director, office of investigations.

I had a meeting on the 19<sup>th</sup> of March with a client to discuss the results of a medical assessment. This individual was diagnosed as not being chemical dependent, although the use of a mood altering substance was a concern. A therapeutic counseling program was recommended as treatment.

I participated in a meeting on the 24<sup>th</sup> of March at the Tenn Medical Foundation office, including Dr. Reid Finlayson, Medical Director, Vanderbilt Comprehensive Assessment Program, Mr. Ron Neufeld, LADAC, program director, Dr. Roland Gray, director Tenn Medical Foundation and Mr. Mike Todd, attorney Tenn Medical Foundation. We were able to discuss some concerns that both medicine and dentistry face in diagnosing addiction, communication concerns, and legal issues of concern.

I traveled to Memphis March 30<sup>th</sup> to meet with two other committee members with a dentist who violated their aftercare contract. All agreed that the dentist should revisit psychological therapeutic sessions, as indicated by the treating facility. The dentist understood that any future compliance issues must be disclosed.

I worked a total of 423 hours for the 1<sup>st</sup> quarter.

Wayne McElhiney, DDS  
Director, CDPC/TDA

**EXECUTIVE DIRECTOR'S REPORT** Dea Smith presented an Administrative Report to the Board showing the number of applications received and licenses issued. Also presented was the 2009 Continuing Education Audit Report along with a report from the American Association of Dental Boards (AADB) Mid-Year

Meeting held April 11-12, 2010 in Chicago and the American Association of Dental Administrators (AADA)

January 1, 2010 through May 31, 2010

	Dentists	Hygienists	Assistants
New Applications Received	68	75	417
Total New Licenses Issued (includes reinstatements)	51	58	338
Total Certifications/Permits Issued	27	126	526
Total Number of Renewals Processed (includes online)	649	636	1050
Total Number of On-Line Renewals	251	279	380
Total Number Failed to Renew	13	22	181
Total Number of Retired Licenses	33	25	36
Total Number of Reinstatements Applications Received	8	10	43

Total number of active licensees is as of:

May 31, 2010:

Dentists	3,515
Hygienists	3,899
<u>Assistants</u>	<u>7,067</u>
Total	14,481

2009 Continuing Education Audit Report  
Board of Dentistry  
As of May 17, 2010

Verification & Audit Period January 2009 thru December 2009

**Dentists**

Profession Code: 1201

Licenses Audited: 43                      40      Licenses Compliant = 93%

3      Licenses Non-Compliant = 7%

Non-Compliant Breakdown:

3      Licenses Deficient in the Required Number of C.E. Hours

0      Licenses who Failed to Contact Compliance Unit after receiving "Second Notice of Audit Letter" via Certified Mail

**Dental Hygienists**

Profession Code: 1202

Licenses Audited: 41                      33      Licenses Compliant = 80%

8 Licensees Non-Compliant = 20%

Non-Compliant Breakdown:

- 8 Licensees Deficient in the Required Number of C.E. Hours
- 0 Licensees who Failed to Contact Compliance Unit after receiving "Second Notice of Audit Letter" via Certified Mail

**Dental Assistants**

Profession Code: 1222

Licensees Audited: 58

42 Licensees Compliant = 72%

16 Licensees Non-Compliant = 28%

Non-Compliant Breakdown:

- 15 Licensees Deficient in the Required Number of C.E. Hours
- 1 Licensees who Failed to Contact Compliance Unit after receiving "Second Notice of Audit Letter" via Certified Mail

**CONTINUING EDUCATION COMMITTEE RECOMMENDATIONS:** Dr. Douglass, Ms. Fullilove, Ms. Fox, Dr. Smith, and Diane Saylor from the Dental Hygiene Association were the Committee members. Dr. Douglass was the Chair of the Committee. Dr. Douglass reported to the Board the CE Committee recommendations as follows:

- Change the dental hygiene section of 0460-01-05(1)(b) to match the language in the statute. The Board accepted this recommendation by roll call vote.
- Add definition of web based or online courses to 0460-01-05(3)(c) and change correspondence to home study. Hybrid courses that contain both web-based, online and other formats of presentation, will not be considered a web-based or online course if less than 50% of the course is web-based or online. The Board denied this recommendation by roll call vote. It was the consensus of the Board that the on-line hours of hybrid courses will count, hour for hour, toward the 50% on-line limit with any remaining hours counted as classroom.
- Change the wording in 0460-01-05(4)(c) to "a period of four (4) years" instead of three (3) years for CPR documentation to be retained. The Board accepted this recommendation by roll call vote.
- Change the wording in 0460-01-05(6) to include "or reinstating a failed to renew" after reactivation of retired in entire section. The board accepted this recommendation by roll call vote.

**ANESTHESIA COMMITTEE RECOMMENDATIONS:** Ms. Smith presented the Board with recommendations of the Anesthesia Committee which met on April 21, 2010. The committee members are Dr. George Adams, Dr. Billy Akin, Dr. J. David Johnson, Dr. H.

Clifton Simmons and Dr. John Werther. Dr. Michael Tabor was also in attendance at the committee meeting. Dr. Douglass made a motion to approve the recommendations of the Anesthesia Committee which included 1) approve the course submitted by the Medical College of Georgia as a comprehensive sedation course for the administration of sedation to adults only; and 2) deny the course submitted by Duquesne University due to insufficient information. Second was by Ms. Fullilove. Motion carried.

#### **CERTIFICATION COURSE APPROVAL**

- Dr. Douglass made a motion to **approve** the **Dental Radiology Course** submitted by **Anderson County Dental Assisting**. Second was by Dr. Holt. Motion carried.
- Dr. Douglass made a motion to **approve** the **Monitoring Nitrous Oxide Courses** submitted by Tennessee Technology Center at Murfreesboro and the First District Dental Society; the **Sealant Course** submitted by the Tennessee Technology Center at Murfreesboro; the **Coronal Polishing Course** submitted by Chattanooga State Community College; the **Administration of Local Anesthesia Courses** submitted by Roane State Community College and the University of Missouri-Kansas City School of Dentistry. Second was by Dr. Hsia. Motion carried.
- Ms. Fullilove made a motion to **approve** as equivalent the following **administration and monitoring of nitrous oxide courses**: Western Kentucky University approved for Michelle Bacalan, Brandi Brainard, Bethany Oldham, Alicia Russell, Courtney Smith, Kimberly Moss Krynski, Laura Payne, Erin Bertone, and Ashlee Boyd. Second was by Dr. Holt. Motion carried.
- Dr. Holt made a motion to deny as equivalent the **administration and monitoring of nitrous oxide course** from Kirkwood Community College for Sandy Gaul. Second was by Dr. Hsia. Motion carried.
- Ms. Fullilove made a motion to **approve** as equivalent the following **administration of local anesthesia courses**: 1) Old Dominion University approved for Lisa Bostic, Candace Maggard and Melanie Wilder; 2) Wytheville Community College approved for Amie Rose; and to deny as equivalent the course from Hudson Valley Community College for Tanisha Whitlow. Second was by Ms. Cherry. Motion carried.
- Ms. Fullilove made a motion to **approve** as equivalent the following **dental radiology courses**: 1) Grossmont Health Occupations Center **approved** for Mellisa Combs, 2) Pima Medical Institute approved for Fernita Dailey, 3) Dental Careers Inc., approved for Sherry Grech, 4) U.S. Army Medical Department Center and School approved for John Griffey, 5) Asheville-Buncombe Technical College approved for Carol Grimes, 6) University of Hawaii-Leeward Community College approved for Rocherre Morgan, 7) Calhoun Community College approved for Kayla Shepherd; 8) Central County Occupational Center approved for Maria Torres; 9) UT Memphis-Mississippi Course approved for Debra Weems; 10) Academy of Dental Assisting approved for Tonya Fletcher; to **deny** as equivalent the following **dental radiology** courses: 1) Tennessee Technical Center of Shelbyville

- Ms. Fullilove made a motion to **approve** as equivalent the following **nitrous oxide monitoring courses**: 1) Hennepin Technical College approved for Larisa Zubkove, 2) High-Tech Institute (FL) approved for Tamika Shelton; and to **deny** as equivalent the following **nitrous oxide monitoring courses**: Dentedonline (2004) for Carla McCardell. Second was by Dr. Holt. Motion carried.
- Ms. Fullilove made a motion to **approve** as equivalent the following **sealant course**: Hennepin Technical College approved for Larisa Zubkova; and to **approve** as equivalent the following **coronal polishing course**: Hennepin Technical College approved for Larisa Zubkova. Second was by Dr. Holt. Motion carried.
- Ms. Fullilove made a motion to **approve** as equivalent the **dental radiology, nitrous oxide monitoring, sealant, coronal polishing courses** and to **deny** as equivalent the **restorative and prosthetic functions** from Washtenaw Community College for Shannon Emery. Second was by Dr. Holt. Motion carried.
- Ms. Fullilove made a motion to deny as equivalent the **dental radiology and nitrous oxide monitoring course** from Tennessee Technology Center at Knoxville (2001) for Gloria McElhane. Second was by Ms. Cherry. Motion carried.
- Ms. Fullilove made a motion to **deny** the course from Henderson Community College for Valli Smith and Sarah Bryant for **administering and monitoring of nitrous oxide** but to **approve** the course for **monitoring of nitrous oxide only**. Second was by Ms. Cherry. Motion Carried.
- Ms. Fullilove made a motion to ratify the initial **approvals** made and actions taken by the Board Consultant for dentists, including the comprehensive conscious sedation permit application for Michael Murray. Second was by Dr. Holt. Motion carried.
- Ms. Fullilove made a motion to ratify the initial **approval** made by the Board Consultant for Jenny Krahl. Second was by Dr. Smith. Motion carried
- Dr. Douglass made a motion to ratify the initial determinations made and actions taken by the Board Consultant for dental hygienists, including the local anesthesia applications for Inez Waddell, Gail Scherer and Susan Moulder. Second was by Dr. Smith. Motion carried.
- Dr. Holt made a motion to ratify the initial **approval** made by the Board Consultant for a waiver of competency testing for Sherrel Heng, Lydia Palmer and Janis Thomas. Second was by Ms. Cherry. Motion carried.
- Ms. Fox made a motion to ratify the initial **denial** of a request for waiver of back fees necessary for Sherrie Hires to reinstate her license. Second was by Ms. Cherry. Motion carried.

- Dr. Holt made a motion to ratify the initial **approvals** made by the Board Consultant for dental assistants. Second was by Dr. Smith. Motion carried.
- Dr. Fordjour made a motion to revoke the license of Bryan Brown, RDA 13778 due to failing to make good an insufficient fee payment. Second was by Ms. Fox. Motion carried.
- Ms. Cherry made a motion to ratify the following initial **approvals** made by the Board Consultant:

Chemical Dependency and Substance Abuse; Dental Office-Preventing Medical Errors; Pain Management for the Dental Professional; Domestic Violence Education in the Health Care Setting; Guidelines for Hand Hygiene in Health Care Settings; Guidelines for Infection Control in Dental Healthcare Settings; Facing the Future NIDCR Researchers Offer their Vision of the 21<sup>st</sup> Century; Practical Oral Care for People with Developmental Disabilities; Oral Diseases, Infections and Craniofacial Disorders; Oral Health and Oral Pharyngeal Cancers and Dentists Role Caring for the Patient with Cardiovascular Disease sponsored by Elite Continuing Education. The Four T's of Orthodontics: Timing, Technology, Treatment, Philosophy and Treatment Results sponsored by Kemp Orthodontics. Types of Occlusions sponsored by Green Orthodontics. Who Needs Orthodontics sponsored by Dr. Shane Witherow.

Second was by Dr. Smith. Motion carried.

### **AGREED CITATIONS**

Dr. Holt made a motion to approve the Agreed Citations for continuing education/CPR deficiencies for the following:

Gary D. Fox, D.D.S. Juanita Greer, R.D.A., M. Rhesale Gilbert, R.D.H., Katherine Vaporis Herron, R.D.H., Tisha Thomas Holloway, R.D.H., Julie LaForlette, R.D.A., Jo Ann Millsap, R.D.H., Mendy Renea Pearce, R.D.A., Mary H. Page, R.D.H., Amanda Lynne Peden, R.D.A., Holly B. Reagan, R.D.H., and Lisa Jones Smith, R.D.H.

Second was by Dr. Smith. Motion Carried.

Dr. Holt made a motion to approve the Agreed Citations issued for working on a lapsed license for the following:

Rhonda J. Ashmore, R.D.A., Robin Suzanne Deeds, R.D.A. Travonya L. Gilbert, R.D.A., Angela Gugger, R.D.A., Tina D. Haney, R.D.A., Cynthia Ann Simpson, R.D.A., Kristy Stanley, R.D.H., Lisa Nicole Stevens, R.D.H., Tammy L. Watson, R.D.A., Lisa Wilson, R.D.A., and Gwendolyn D. Moore, R.D.A.

Second was by Ms. Cherry. Motion Carried.

**PRIVATE LETTER RULING** Todd D. Siroky, Attorney, requested a private letter ruling from the Board regarding the Board's interpretation of the regulations governing the scope of practice of a dentist who utilizes a comprehensive conscious sedation permit to administer agents to induce conscious sedation

pursuant to Rule 0460-02-.07. Ms. Fox made a motion to refer the request to the Anesthesia Committee for a recommendation.

### **LAPTOPS**

Dr. Douglass made a motion requesting the State purchase laptops for each member to use during meetings. Second was by Ms. Fox. Motion Carried.

**TEETH WHITENING** Maryam Kassaee presented the Board an opinion from the Attorney General's Office regarding the Board's policy on teeth whitening.

### **2011 and 2012 MEETING DATES**

January 27-28, 2011

June 2-3, 2011

September 8-9, 2011

January 26-27, 2012

May 17-18, 2012

September 20-21, 2012

There being no further business before the Board, the meeting adjourned at 3:25 p.m.