

**MINUTES  
TENNESSEE BOARD OF DENTISTRY**

**Date:**                         **SEPTEMBER 9-10, 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.  
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 9:25 a.m. Dr. Tabor determined that a quorum was present in order to conduct Board business with all members present except Ms. Agnes Young. Dr. Tabor introduced two new board members, Marlene Fullilove and Isaac Fordjour and reminded the Board members about the conflict of interest statement.

Dr. Tabor expressed the Board's condolences and recognized the outstanding services rendered to the Board by Thomas Miller, past Assistant General Counsel. A moment of silence was observed in his memory.

**Minutes**

Dr. Ruth Bailey made a motion to accept the Minutes from the May 7-8, 2009, meeting and July 31, 2009 Rulemaking Hearing. Second was given by Dr. Jeffrey Clark. The motion carried.

**Office of General Counsel Report** The Board reviewed the report submitted by Shiva Bozarth, Deputy General Counsel, concerning the status of proposed rules and the number of open disciplinary cases. Mr. Bozarth introduced Maryam Kassaei to the Board. Ms. Kassaei will be working as an attorney in the Office of General Counsel.

Mr. Bozarth provided the Board with a written explanation of the role of the Office of General Counsel as it pertains to Board matters, both contested and uncontested. He also discussed the Sunshine Law.

## **Applicant Interviews**

**Derrick Cosby, D.D.S.** Mr. Cosby applied for registration as a dental assistant. Mr. Cosby still owed court costs resulting from conviction(s). Dr. John Douglass made a motion to deny approval of the application until Mr. Cosby has paid all court costs and complied with all the requirements of his sentence. Second was given by Dr. James Smith. The motion carried.

**Daniel Ripps, D.D.S.** Dr. Ripps failed to appear. By consensus, action on his application was deferred until January, 2010.

**Emily Pratt D.A.** Ms. Pratt applied for registration as a dental assistant. Ms. Pratt is currently on probation in criminal court until December 19, 2010. Dr. Douglass made a motion to approve the application and place the license on probation to run concurrent with the court probation. Second was given by Ms. Katherine Cherry. The motion carried.

**Ami C. Patel, R.D.H.** Ms. Patel failed to complete an application for licensure as a dental hygienist submitted on August 6, 2007, resulting in the application being closed. Ms. Patel began work in Tennessee in September 2007, as a hygienist but did not reapply for licensure until September 1, 2009. Ms. Betty Fox made a motion to approve. Second was given by Ms. Cherry. The motion was amended by Ms. Fox and seconded by Dr. Douglass to assess a civil penalty of \$2,400.00, to be paid before issuance of license. The motion as amended carried.

**Nicole Forrest, R.D.H.** Ms. Forrest requested approval of her application for licensure to practice as a dental hygienist. Ms. Forrest worked as a dental assistant while in school and performed duties outside the scope of a dental assistant. Dr. Bailey made a motion to approve. Second was given by Dr. Smith. The motion carried.

**Kimberly Mali, R.D.H.** Ms. Mali requested a waiver of competency testing for reactivation of her license to practice as a dental hygienist. She retired her license in 1999. Dr. Smith made a motion to approve the reactivation application after receipt of a letter from a dental hygiene school verifying Ms. Mali's clinical competency to practice as a dental hygienist. Second was made by Dr. Isaac Fordjour. The motion carried.

**Yutodika Y. Campbell, R.D.A.** Ms. Campbell applied for reinstatement of her registration as a dental assistant. Ms. Campbell indicated in her application that she administered local anesthesia to patients. Upon questioning by the Board, Ms. Campbell stated that she had misunderstood the question and did not, in fact, work outside the scope of practice for a dental assistant and had only practiced as a practical dental assistant since the expiration of her registration. Dr. Bailey made a motion to approve the application. Second was given by Dr. Douglass. The motion carried.

## **Licensure as a Dentist by NERB or CRDTS Examination**

**Thomas Paul Suranyi, D.D.S.** Dr. Suranyi requested that the 2007 exam administered by the North East Regional Board of Dental Examiners (NERB) be accepted for licensure by exam. Dr. Douglass made a motion to deny acceptance of the 2007 NERB exam for licensure. Second was given by Ms. Fox. The motion carried.

**James Richard Morris, Jr., D.D.S.** Dr. Morris appeared in person to request the 2008 exam administered by the Central Regional Dental Testing Service (CRDTS) be accepted as meeting the exam requirement for licensure by exam. Dr. Douglass made a motion to deny the request. Second was given by Dr. Smith. The motion carried.

### **Other State Examinations for Licensure by Criteria**

**Jessica Cox, D.D.S.** Dr. Cox requested that the 2008 exam administered by the Council of Interstate Testing Agencies (CITA) be accepted as meeting the exam requirement for licensure by criteria. Dr. Douglass made a motion to deny the request. Second was given by Dr. Bailey. The motion carried.

**Tyler Prentice, D.M.D.** Dr. Prentice requested that the 2007 exam administered by the Council of Interstate Testing Agencies (CITA) be accepted as meeting the exam requirement for licensure by criteria. Dr. Clark made a motion to deny the request. Second was given by Dr. Bailey. The motion carried.

### **Administration of Local Anesthesia at the SRTA Examination**

The Board discussed the administration of local anesthesia by dental hygiene students and graduates during the Southern Regional Testing Agency (SRTA) exam. Dr. Bailey made a motion to permit SRTA examinees to administer local anesthesia during the exam, provided such training was part of their dental hygiene program. Second was given by Ms. Marlene Fullilove. The motion carried.

**Correspondence from Licensees and Others** In response to a letter regarding offering a 10% discount to senior citizens, Dr. Bailey made a motion that discount fees can be given pursuant to Rule 0460-02-.10(3)(c), but this motion only speaks to advertising. Second was given by Dr. Lawrence Hsia. The motion carried.

In response to a letter requesting approval for dental assistants to perform certain functions, the Board declined to approve but directed that a response be sent referring to the scope of practice rules in Rule 0460-04-.08.

In response to a letter regarding the requirement of continuing education for retired dentists performing charity work, the Board declined to waive the requirement in Rules 0460-02-.13(1)(d)2 and (2)(c) that require dentists with special volunteer and inactive pro bono licenses to meet the continuing education requirements required for all licensed dentists.

### **Orders of Compliance**

**Tami Powell, R.D.H.** A determination was made that the disciplinary file for Tami Powell was closed and that she was in compliance with the terms and conditions of the Consent Order dated May 16, 2008. Dr. Clark made a motion to approve and restore the license to unencumbered status. Second was given by Dr. Bailey. The motion carried.

**Laurie Pitt, R.D.A.** A determination was made that the disciplinary file for Laurie Pitt was closed and that she was in compliance with the terms and conditions of the Agreement dated May 30, 2008. Dr. Clark made a motion to approve and restore the license to unencumbered status. Second was given by Dr. Bailey. The motion carried.

**Office of General Counsel** Mr. Bozarth discussed with the Board the possibility of an Administrative Law Judge (ALJ) hearing evidence in disciplinary cases for the Board with the Board having the opportunity to determine the discipline for each case. It was the consensus of the Board that this method would be of benefit in reducing the number of pending cases. Mr. Bozarth advised the Board that a member of the Board could review the cases and make a determination which ones would be heard by the ALJ and which ones needed to come before the Board in their entirety. Dr. Clark made a motion that Dr. Douglass, in his role as Consultant, be appointed as an initial screener to review the current case load and make this determination. Second was given by Dr. Bailey. The motion carried.

**American Association of Dental Examiners Meeting (AADE) and American Association of Dental Administrators (AADA)** Christy Allen, Assistant Commissioner for the Bureau of Health Licensure and Regulation appeared before the Board to discuss the approval of Dea Smith, Executive Director, to attend the AADE and AADA Meetings. After discussion, Ms. Fox made a motion to send Ms. Smith to the AADE and AADA Meetings. Second was given by Dr. Hsia. The motion carried.

**University of Tennessee Memphis (UTM)** Dr. Morris Robbins introduced the new Dean, Tim Hottel. Mr. Hottel discussed changes and renovations at UTM.

**Office of General Counsel** Shiva Bozarth reviewed the new legislation relative to controlled substances, to domestic abuse reporting, to health care liability and health care services with the Board.

**Executive Director Report** Dea Smith reviewed the statistic regarding new applications received, new licenses issued, certifications and permits issued and renewals processed with the Board.

**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.

**Default by a Dental Professional on a Student Loan or Professional Privilege Tax**  
The statutes governing defaults on student loans and professional privilege tax authorize the Board to suspend, deny or revoke the license of, or take other such appropriate disciplinary action against any person who has defaulted on a student loan or failed to pay the professional privilege tax. After discussion, Dr. Hsia made a motion to institute proceedings to suspend the license unless the default on the **student loan** is cured within ninety (90) days. Second was given by Ms. Fox. The motion carried.

After discussion, Dr. Bailey made a motion to suspend the license if the **Professional Privilege Tax** is not paid. Second was given by Dr. Hsia. The motion was amended to suspend the license if the tax was not paid within 15 days of notice. The motion as amended carried.

**Coronal Polishing Exam** Dr. Roy Thompson, Tennessee Dental Association, discussed with the Board proposed legislation to remove the requirement that the Board administer the coronal polishing exam and instead place the responsibility on the course provider.

Ms. Fox made a motion to set November 7, 2009, as an additional date for the coronal polishing exam to accommodate those candidates who have already paid and who may

qualify before that date up to ninety (90) candidates. Second was given by Ms. Fullilove. The motion was amended to limit the candidates to those who have already paid and were qualified for the September exam. The motion as amended carried.

Ms. Fox made a motion to limit the total number of examinees for the January 30, 2010 exam to 120. Second was given by Ms. Cherry. The motion carried.

Dr. Clark made a motion to defer the remaining items on the agenda until Friday, September 11, 2009. Second was given by Ms. Fullilove.

The meeting recessed at 4:50 p.m.

## **SEPTEMBER 11, 2009**

The meeting of the Board of Dentistry reconvened at 9:08 a.m. with all members present except Ms. Agnes Young. The Chair requested a moment of silence for the tragedy that befell the country on September 11, 2001.

### **Contested Case Hearings**

In the matter of **Jeffrey R. Leidy, D.D.S.**, Respondent, Case #17.12-103820A, Shiva Bozarth, Deputy General Counsel represented the State. The Respondent was present and represented by Dan Warlick, Esq. Administrative Law Judge Ann Johnson found that a quorum was present to conduct the hearing. The Board found that Respondent has been disciplined by the Virginia Board of Dentistry for violations of their practice act and that said discipline was sufficient grounds upon which to discipline the Tennessee license held by the Respondent. Ms. Fox made a motion to assess Dr. Leidy a civil penalty of one thousand dollars (\$1,000) and court costs not to exceed one thousand dollars (\$1,000). Second was given by Dr. Smith. The motion carried by role call vote. The hearing concluded.

Shiva Bozarth, Deputy General Counsel, presented the Board with a proposed settlement in the matter of **Andre Duriel Dandridge R.D.A.** Docket No 17.12-103825A. Dr. Hsia made a motion to accept the settlement in lieu of formal hearing. Second was given by Dr. Bailey. The motion carried.

**Certifications in Dental Assisting Programs** The Board was asked to determine whether to approve students in American Dental Association accredited dental assisting programs or Board approved dental assisting programs who complete the training required by the rule for certification but do not graduate from the dental assisting program. Dr. Bailey made a motion to accept the individual certifications when passed by the student (i.e., sealants, monitoring nitrous oxide, radiology) as meeting the board's requirement for certification regardless of whether the entire program is completed. Second was given by Ms. Cherry. The motion carried. It was the consensus of the Board that if a particular certification was failed when taken within a dental assisting program, the failed certification examination could be retaken per Board rules.

### **Ratifications**

Dr. Clark 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 initially

approved by the Board Consultant. Second was given by Ms. Cherry. The motion carried.

Dr. Bailey made a motion to grant a waiver of competency testing for **Dr. Gerard Creagh, Jr., D.D.S.** Second was given by Ms. Fox. The motion carried. Ms. Fox made a motion to approve the waiver of competency testing for **Dr. Buffy Storm, D.D.S.** Second was given by Ms. Cherry. The motion carried. Dr. Douglass made a motion to approve the waiver of the CPR requirement for the 07/08 CE audit period for **Benjamin Coffey, D.D.S.** Second was given by Ms. Cherry. The motion carried. Dr. Bailey made a motion to approve the licensure exemption for **Scott R. Miller, D.D.S.** Second was given by Ms. Cherry. The motion carried.

Dr. Douglass made a motion to approve and ratify the lists of newly **licensed hygienists**, certifications, educational licenses, reinstatements, reactivations, administrative revocations and retirements initially approved by the Board Consultant. Second was given by Dr. Smith. The motion carried.

Dr. Bailey made a motion to approve a waiver of competency testing for **Adela Morell, R.D.H., Bonnie Burnette, R.D.H.** and **Kelly Moon, R.D.H.** Second was given by Dr. Clark. The motion carried.

Dr. Clark made a motion to approve and ratify the lists of newly licensed **dental assistants**, certifications, reinstatements, reactivations, administrative revocations and retirements initially approved by the Board Consultant. Second was given by Ms. Cherry. The motion carried.

Dr. Clark made a motion to approve the 07/08 continuing education waiver request for **Wanda Blair, R.D.A.** due to medical reasons. Second was given by Dr. Bailey. The motion carried.

**Continuing Education Courses and/or CPR courses** Ms. Fox made a motion to deny acceptance of the **Community First Aid & Safety CPR, AED course** through the American Red Cross taken by Melissa Boulay. Second was given by Dr. Douglass. Ms. Fox rescinded the motion. After discussion, it was the consensus of the Board that Ms. Boulay be sent a letter requesting proof from the course instructor that the course was conducted in person and included a skills examination on a manikin.

Dr. Bailey made a motion to deny acceptance of the **Emergency First Response CPR/AED** course since the course provider was not approved. Second was given by Ms. Fox. The motion carried.

Dr. Clark made a motion to add the CPR policy adopted by the board on May 15, 2008, to the rules. Second was given by Dr. Bailey. The motion carried.

Dr. Clark made a motion to ratify the initial approval by the Board Consultant of the following continuing education courses: **1) Esthetics, 2) Record Keeping Basics/Self-Study Program, 3) The 2009-2010 Medical-Dental-Legal Update; and 4) Image is Everything...3 Dimensional Imaging for the Dental Patient.** Second was given by Ms. Cherry. The motion carried.

### **Continuing Education Courses Submitted by Individual Licensees**

Dr. Douglass made a motion to approve the continuing education course entitled "Access to Dental Care: Multifaceted Concern Faced by Adults with Special Needs" taken by **Dinah H. Kitchens, D.M.D.** Second was given by Ms. Cherry. The motion carried.

Dr. Douglass made a motion to approve the continuing education course entitled "Swallowing Disorders: An Interactive Overview" taken by **Dinah H. Kitchens, D.M.D.** Second was given by Dr. Clark. The motion carried.

Dr. Douglass made a motion to deny approval of the continuing education course entitled "The Alchemical Healer" taken by **Dinah H. Kitchens, D.M.D.** Second was given by Dr. Clark. The motion carried.

Dr. Tabor turned the meeting over to Dr. Bailey, the Vice-Chair, and was not present for the remainder of the meeting.

**Miscellaneous** The Board discussed whether a dental assistant or a dental hygienist could start an IV injection. Dr. Clark made a motion to send the matter to the Anesthesia Committee for review and recommendation. Second was given by Ms. Cherry. The motion carried.

Ms. Fox made a motion to have the Clinical Issues Committee address the coronal polishing rule changes. Second was given by Ms. Cherry. The motion carried. It was the consensus of the Board that the Clinical Issues Committee solicit input from the associations.

Dr. Clark made a motion that the request for a private letter ruling regarding sedation be referred to the Anesthesia Committee for review and recommendation. Second was given by Ms. Fox. The motion carried.

**Equivalency of Administration and Monitoring of Nitrous Oxide Courses** Dr. Clark made a motion to approve as equivalent the course for administration and monitoring of nitrous oxide at Western Kentucky University for **Lauren Stephens, Kimberly Barnes, Amanda Gaddes, Robyn Ledbetter-Farrell, Lana McDonald, Ellen Kington, Lisa Maynard, and Nikita Powell.** Second was given by Dr. Douglass. The motion carried.

**Equivalency of Administration of Local Anesthesia Courses** Dr. Douglass made a motion to approve as equivalent the course for administration of local anesthesia at LSU Health Science Center approved for **Charlene Scott.** Second was given by Dr. Hsia. The motion carried.

**Equivalency of Dental Radiology Courses** Dr. Smith made a motion to approve as equivalent the following courses for dental radiology: Forbes Road Career and Technology Center approved for **Angel Jackson**; Careers in Dental Assisting approved for **Brandon Dunlap**; Alamance Community College approved for **Amanda Hundley**; Huertas Junior College approved for **O'Mayra Diaz**; Midwest Technical Institute

approved for **Emily Remmers**; High Tech Institute (California) approved for **Tatyana Ivakhova**; National Institute of Technology approved for **Wendy Morland**; and Americare School of Nursing approved for **Shelley Barnett**. Second was given by Dr. Clark. The motion carried.

Dr. Clark made a motion to deny as equivalent the course for dental radiology from the North Georgia School of Dental Assisting for **Karen Lacy Rector**. Second was given by Dr. Smith. The motion carried. Dr. Douglass made a motion to deny the course from High-Tech Institute (2007) for **Renee Gunn** due to the length of time since completion. Second was given by Dr. Smith. The motion carried. Dr. Douglass made a motion to deny the course for dental radiology from Draughons Junior College (2007) for **Stephanie Cole** due to the length of time since completion. Second was given by Dr. Clark. The motion carried. Ms. Fox made a motion to deny the course from Memphis Area Vocational (1987) for **Tabitha Briscoe** due to the length of time since completion. Second was given by Dr. Clark. The motion carried. Dr. Clark made a motion to deny the course for dental radiology from Tennessee Technology Center at Memphis (2006) for **Roxanne Scott** due to the length of time since completion. Second was given by Dr. Douglass. The motion carried. Dr. Clark made a motion to deny the course for dental radiology from Tennessee Technology Center at Memphis (2005) for **Lauren Wilson** due to the length of time since completion. Second was given by Dr. Smith. The motion carried.

**Ratification of Agreed Citations (Continuing Education/CPR Deficiencies and Lapse Licenses)** Ms. Cherry made a motion to approve the Agreed Citations for continuing education/CPR deficiencies for Carrie Elizabeth Aiken, RDA, Marion D. Bailey, DMD, Jennifer Lee Clark, RDA, Lisa Renee Calhoun, RDH, Helen Kay Gilliam, RDA, Karen S. Green, RDH, Stephanie Ballard Hanger, RDA, Cary Sullivan Hollabaugh, RDH, Dwight E. Kramer, DMD, Elizabeth A. McClellan, RDH, Lucy Merrell, RDA, Rhonda Arlene Parks, RDA, Sharon D. Rawiszer, RDA, Jan Dudley Strickland, RDA, Cathy A. Vandergrift, RDA, Amy Galbraith Wylie, RDH, Stephanie S. Wells, RDA, Sherry Lynn McCaskey, RDH, Deborah Avon Woodard-Williams, DDS and Paula J. McNabb, RDA.; and Agreed Citations for practicing on a lapse license for Tansye Autry, RDA, Theandrew Clayborn, DDS, Carol L. Saffell, RDA, and Armantine S. Yow, RDA. Second was given by Dr. Douglass. The motion carried.

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

Shiva Bozarth presented to the Board an Agreed Order signed by **Angela Tabor** R.D.A., wherein Respondent agreed that she may have practiced outside the scope of her practice by inserting intravenous catheters for the administration of fluids and medication. Ms. Tabor agreed to not engage in the initiation or establishment of any intravenous access until such time as the issue of whether this is outside the scope of practice is clarified by the Board. Ms. Cherry made a motion to accept the Agreed Order as presented. Second was given by Dr. Clark. The motion carried.

Mr. Bozarth presented the Board with a Consent Order signed by **Brandi Meadows** R.D.A., wherein Ms. Meadows agreed that she stole controlled substances from a co-worker while employed at the Children's Dentist in Clarksville, Tennessee. Ms. Meadows agreed to surrender her Dental Assistant Registration #9921. Dr. Douglass

made a motion to accept the Agreed Order as presented. Second was given by Dr. Hsia. The motion carried.

Mr. Bozarth presented to the Board an Agreed Order signed by **Anjanette E. Jennings** wherein Respondent agreed that she may have practiced outside the scope of her practice by inserting intravenous catheters for the administration of fluids and medication. Ms. Jennings agreed to not engage in the initiation or establishment of any intravenous access until such time as the issue of whether this is outside the scope of practice is clarified by the Board. Dr. Hsia made a motion to accept the Agreed Order as presented. Second was given by Ms. Cherry. The motion carried.

Mr. Bozarth presented to the Board an Agreed Order signed by **Lisa G. Huelsman, R.D.A.**, wherein Ms. Huelsman agreed that she may have practiced outside the scope of her practice by inserting intravenous catheters for the administration of fluids and medication. Ms. Huelsman agreed to not engage in the initiation or establishment of any intravenous access until such time as the issue of whether this is outside the scope of practice is clarified by the Board. Ms. Cherry made a motion to approve the Agreed Order as presented. Second was given by Dr. Clark. The motion carried.

Mr. Bozarth presented the Board with a Consent Order signed by **Richard G. Buturff, D.D.S.** wherein Dr. Buturff agreed that he was convicted of one count of theft relating to TennCare. Dr. Buturff agreed to probation for a period of not less than five (5) years, complete a course in medical record keeping, pay \$5000 in civil penalties, and pay costs not to exceed \$1,500.00. Ms. Cherry made a motion to approve the Consent Order as presented. Second was given by Dr. Clark. The motion carried.

Mr. Bozarth presented the Board with an Agreed Order in the matter of **Andre Duriel Dandridge R.D.A.** in settlement of Case No. 17.12-103825A wherein Respondent agreed to probation for a period of not less than one (1) year during which there will be CDPC monitoring and to pay costs not to exceed five hundred dollars (\$500). Respondent Dandridge had failed to comply with conditions placed on his dental assistant registration on June 2, 2008. Dr. Douglass made a motion to accept the Agreed Order. Second was given by Dr. Clark. The motion carried.

Mr. Bozarth presented to the Board an Agreed Order signed by **Joy L. Parton R.D.A.**, wherein Ms. Parton agreed that she may have practiced outside the scope of her practice by inserting intravenous catheters for the administration of fluids and medication. Ms. Parton agreed to not engage in the initiation or establishment of any intravenous access until such time as the issue of whether this is outside the scope of practice is clarified by the Board. Dr. Clark made a motion to approve the Order as presented. Second was given by Ms. Cherry. The motion carried.

There being no further business, the meeting adjourned at 1:30 p.m.