

Tennessee Board of Dentistry



Newsletter



Fall 2010

A regulatory agency of the state of Tennessee

Vol. 10, No. 2

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<http://health.state.tn.us/Boards/Dentistry> * Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except state and federal holidays)

The Board of Dentistry has the duty and responsibility to function in such a manner as to promote and protect the public's health, safety and welfare. Thus, the Board must review licensure applications and determine whether the applicant is qualified to be issued a license in accordance with the facts, the law and the regulatory statutes governing the profession, public welfare demanding it. *Policy Statement Adopted May 1998*

CONTINUING EDUCATION

Change in Continuing Education Requirement for dental hygienists: Beginning January 1, 2011, dental hygienists can obtain no more than 50% of their continuing education via online or web-based. This requirement does not apply to dentists and registered dental assistants.

All dental professionals are required to obtain continuing education pursuant to Rule 0460-01-.05 during the two (2) calendar years cycle. The current cycle began January 1, 2009 and ends December 31, 2010. The next cycle begins January 1, 2011 and ends December 31, 2012.

Dentists are required to obtain 40 hours of continuing education, including at least two hours in the subject of chemical dependency each cycle. Dental hygienists are required to obtain 30 hours of continuing education, including at least two hours in the subject of chemical dependency each cycle. Registered dental assistants are required to obtain 24 hours of continuing education, including at least two hours in the subject of chemical dependency each cycle. All dental professionals must maintain CPR certification at all times.

The board's administrative office audited in 2009 43 dentists and 93% were compliant, 41 dental hygienists and 80% were compliant and 58 registered dental assistants and 72% were compliant. Non-compliant dental professionals are subject to board discipline which includes a fine of \$600 for dentists, \$300 for dental hygienists and \$150 for registered dental assistants and a requirement to make up the delinquent hours and/or CPR. The action taken against the dental professional is reportable on the Department of Health website on the monthly disciplinary action report, but is not reported to the National Practitioner Data Bank (NPDB).

You can view the continuing education rule in its entirety at <http://www.state.tn.us/sos/rules/0460/0460-01.20091102.pdf> beginning at page 12. The change to the dental hygienists CE requirements is in statute and does not become effective until January 1, 2011. 🦷

CHANGE OF ADDRESS

Mailing and practice address changes must be reported (in writing or by e-mail) to the board's office within 30 days! Please include the following:

- Your name and license number;
- Your profession;
- Your old address and phone number;
- Your new address and phone number, e-mail address, and/or your fax number;
- Your SIGNATURE!

Keeping the board's administrative staff up to date on your location facilitates the timely notification to you of important information such as your application for licensure renewal and important statutory and rule changes. You may fax your change to the Board's administrative office at (615) 770-7444 or by mail at: 227 French Landing, Heritage Place MetroCenter, Suite 300, Nashville, TN 37243. You also can e-mail the board at: TN.Health@tn.gov.

Board's Fax Number: (615) 770-7444

Board's Website: <http://health.state.tn.us/Boards/Dentistry> 🦷



BOARD MEMBERS

A new board member has been appointed by the Governor. Charles E. Holt, Jr., D.D.S. was appointed to replace Jeffrey M. Clark, D.D.S.

We would like to welcome Dr. Holt to the Board and to thank Dr. Clark for his years of service on the board. 🦷



STATUTORY CHANGES OF INTEREST

The 2010 legislative session has ended, and the Board of Dentistry's administrative staff has monitored several bills that are of interest to dental professionals in the state of Tennessee. Below is a brief summary of those bills. If you wish to review any of these public chapters in their entirety, please visit: <http://www.tennessee.gov/sos/acts/index.htm>.

Public Chapter No. 841

This Public Chapter sets the Board of Dentistry's termination date at June 30, 2013.

Public Chapter No. 811

For the purposes of the biennial continuing education requirement for dental hygienists, no more than fifty percent (50%) of such continuing education requirement may be earned from on-line or web-based courses. This act shall take effect January 1, 2011.

Public Chapter No. 1043

This Public Chapter deletes the requirement that the board administer the coronal polishing examination. Note: The board rules still require the board to administer the examination and the coronal polishing examination will continue until the rules are amended.

Public Chapter No. 663

This Public Chapter requires all physicians, dentists, optometrists, podiatrists, veterinarians, and advance practice nurses with a certificate of fitness, to report a person to local law enforcement within five (5) business days if the health care provider has good reason to believe that the person has obtained controlled substances unlawfully. The Public Chapter also changes current law by providing that the health care provider must have actual knowledge that the person has obtained the controlled substances unlawfully. Further, the controlled substance database advisory committee has the authority to develop a form that health care providers may choose to use to make reports; this provision is not contained in current law. Further, the Public Chapter provides that a health care provider may, but is not required, to report this information who is providing treatment to a person with a mental illness. This Public Chapter further provides that a health care provider is not prohibited from conveying information to local law enforcement if the information was obtained from the controlled substance monitoring database as long as the information is pertinent and is for the period of time thirty (30) days prior to the date of treatment leading to the alleged offense. This thirty (30) day report is grounds to obtain more detailed controlled substance database information. Current law provides that the health care provider would be immune from liability for notifying local law enforcement of the controlled substance information. This Public Chapter expands this by providing immunity from liability to persons working under the direction of a health care provider. The Public Chapter also amends

current law by adding language to the current law providing that the penalty against a health care provider for violating the provisions of this law would be a civil penalty assessed by the licensing board that regulates the health care provider and shall be limited to cases involving a pattern of willful failure to make a report.

Public Chapter No. 865

This Public Chapter amends Tenn. Code Ann. Title 63 (Healing Arts), Chapter 2 (Medical Records), Part 1, relative to charges for copying and certifying medical records. The Public Chapter increases the costs of obtaining medical records from health care providers by lowering the threshold amount of pages that can be provided to a requestor for twenty dollars (\$20.00). Current law (Tenn. Code Ann. §63-2-102, Costs of reproduction, copying or mailing of records) provides that the cost for obtaining medical records shall not exceed twenty dollars (\$20.00) for medical records that do not exceed forty (40) pages; the bill changes forty (40) page limit to five (5) pages. Current law provides that the cost for those records exceeding forty (40) pages is twenty-five cents (\$.25) for each page. The Public Chapter changes the per page cost from twenty-five cents (\$.25) to fifty cents (\$.50) for those pages of the medical record that exceed the five (5) page limit. The Public Chapter also adds a provision that is not contained in current law providing that if the requested records are delivered by email, then the processing fee may not exceed fifty dollars (\$50.00). Mailing or shipping costs may be added on to this processing fee should the digital or electronic records be shipped to the requestor. The Public Chapter adds another provision indicating that the health care provider may charge a fee not to exceed twenty dollars (\$20.00) for certifying medical records that require notarization. The Public Chapter removes provisions contained in current law that provide that payment of the costs may be required by the provider prior to the records being furnished and that upon payment, the records shall be provided without delay. Also removed is a provision providing that in workers' compensation cases, a request for medical records shall include a medical or anatomical impairment rating. The Public Chapter also removes a provision providing that the payment requirements contained in current law will not supersede any other provision of the law that establishes costs for reproduction and copying. The Public Chapter became effective July 1, 2010.

Public Chapter No. 862

This Public Chapter amends Tenn. Code Ann. Title 63 (Professions of the Healing Arts), Chapter 2 (Medical Records), Part 1 (Release of Medical Records) and Title 68 (Health, Safety and Environmental Protection), Chapter 11 (Health Facilities and Resources), Part 15 (Protection of Patient's Privacy), to enact the "Colby Stansberry Act" relative to the authorized release of medical records. This Public Chapter allows a patient's authorized representative or next of kin (in the event that there is no authorized representative) to obtain the patient's medical records after the patient is incapacitated or deceased.

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STATUTORY CHANGES OF INTEREST

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Current law (Tenn. Code Ann. §63-2-101, Release of medical records) already provides that a health care provider shall provide a patient or the patient's authorized representative with a copy or summary of the patient's medical records upon the patient's or authorized representative's written request. Current law does not require that the informed consent must be presented to the health care provider when the patient is alive or is competent. The Public Chapter, which adds a new section to current law, does not change an authorized representative's ability to obtain the patient's medical records; it clarifies that the authorized representative's informed consent survives the patient's death and incapacity and that a health care provider shall provide the medical records to the representative even if the representative provides the informed consent after the patient's death or incapacity. The Public Chapter also provides that should the patient not have an authorized representative, upon the patient's death or incapacity, the patient's next of kin could obtain the patient's medical records. Current law does not contain a provision authorizing the patient's next of kin to obtain the patient's medical records. The Public Chapter also adds a new subsection to the law to specify what the patient's informed consent must contain. The form must include the name of the patient; type of information; name of facility; permitted purpose; individuals, agencies, or organizations to whom disclosure may be made; signature of patient or representative; date signed; and effective time period of consent. Current law does not contain a provision about what must be contained in a informed consent. The Public Chapter also amends current law (T.C.A. 68-11-1503(a)(1) Confidentiality) relative to the obligations of a licensed health care facility in releasing a patient's medical records. The Public Chapter contains the same language about the release of medical records after the patient's death or incapacity that was placed in Title 63 as stated above. The Public Chapter also adds a new subsection to the law relative to licensed health care facilities to specify what the patient's informed consent must contain; the Public Chapter contains the same language as provided in Title 63 as stated above. This bill became effective April 30, 2010.

Public Chapter 1084

This Public Chapter amends Tenn. Code Ann. Sect. 63-1-149. and requires that on and after October 1, 2010, before employing or contracting with any person who would be providing direct patient care, for whom a background check has not been completed, a health care professional licensed under any chapter of title 63 or title 68, chapters 24 and 140, shall initiate and perform a "registry check" which for the purposes of this section is defined as:

(1) A state-by-state look in any state in which the person has lived in the previous seven (7) years of the national sex offender public registry website coordinated by the United States department of justice, including but not limited to the sexual offender registry maintained by the Tennessee

bureau of investigation pursuant to title 40, chapter 39, part 2; and

(2) Any adult abuse registry maintained for any state in which the person has lived in the previous seven (7) years; and

(3) The department of health's elder abuse registry established pursuant to title 68, chapter 11, part 10.

Additionally, should an applicant be listed on any of the registries listed above in subdivisions (a)(1)-(3), the health care professional shall not employ or contract with the person if the person would be providing direct patient care.

A health care professional who complies with the requirements to perform registry checks under subsection (a), or relies on a documented representation provided by an entity with which the health care professional contracts that the person who will work in the office is not on any of these registries, shall not be subject to civil or criminal liability solely based upon the information provided through a registry check under this section. This immunity shall extend to a claim related to the professional's refusal to employ or contract with a person based on information obtained from a registry check.

This section is not intended to apply to contracted, external staff who provide such services as cleaning services, maintenance of office or medical equipment or other services where direct patient contact is not intended.

This section shall not apply to health care professionals licensed under title 63, chapter 12.

The Department of Health shall post no later than October 1, 2010 in a conspicuous location on its website as well as the website of each applicable licensing board a link to all potential databases the health care professional would be required to check pursuant to subsection (a) above. In addition, each applicable licensing board shall notify all of its licensees at least annually through board newsletters of their obligations under this statute. ☺

2011 and 2012 Board Meeting Dates

January 27-28, 2011

June 2-3, 2011

(this date is subject to change)

September 8-9, 2011

January 26-27, 2012

May 17-18, 2012

September 20-21, 2012

Additional dates may be added if necessary.

All Board meetings begin at 9 a.m., Central Time. Board meetings are held at the board's office and are open to the public. Dates are subject to change, but are listed on the board's website. [In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.]



Disciplinary Actions

The Board, at its meetings in 2010, took the following disciplinary actions:

January 2010 Meeting

Nancy Burks, R.D.A., South Pittsburg, TN

Violation: Violation of board order; failed to maintain the advocacy of the Concerned Dental Professionals Committee

Action: License surrendered for one year and until she maintains the advocacy of the Concerned Dental Professional Committee; assessed costs

Daryl Charles Byrd, D.D.S., Brentwood, TN

Violation: Action taken by the state of Louisiana

Action: License placed on probation for three years

Cecibel A. Contreras, R.D.A., Cordova, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$2,000 civil penalty, plus costs

Katrina Cox, D.H., Madisonville, TN

Violation: Failure to submit the required continuing education credits

Action: Assessed \$300 civil penalty; must submit proof of one hour of continuing education credit in chemical dependency

Adam Diasti, D.D.S., Tampa, FL

Violation: Action taken by the state of Florida

Action: License reprimanded; assessed \$500 civil penalty, plus costs

Melissa A. Epley, D.A., Hendersonville, TN

Violation: Failed to timely renew license

Action: Assessed \$400 civil penalty

Annie Y. Guerrero, D.A., Antioch, TN

Violation: Guilty of a crime

Action: License placed on probation to run concurrent with criminal probation.

Rhonda L. Hiatt, D.A., Coalmont, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit proof of current CPR certification

Kayla Hughes, R.D.A., Charlotte, TN

Violation: Guilty of a crime

Action: License placed on probation to run concurrent with criminal probation.

Teri Lynette Hulka, D.A., Greenbrier, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must complete 20 continuing education credits

Nancy Ellen Kistler, D.H., Memphis, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty: must complete six continuing education credits and current CPR certification

Donna H. Millican, D.A., Pulaski, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must complete 24 continuing education credits, including two hours of chemical dependency and current CPR certification

Jennifer Calabrace Myers, D.H., Clarksville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must complete 24 continuing education credits

Michael McConnell Perry, D.M.D., Oxford, MS

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must complete two continuing education credits in chemical dependency

Erin Michelle Acre Pewitt, D.H., Spring Hill, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit current CPR certification

Carlos Rodriguez, D.D.S., Union City, TN

Violation: Allowed an individual to practice without a valid registration

Action: License reprimanded; assessed \$1,000 civil penalty, plus costs

James O. Rountree, D.D.S., Dickson, TN

Violation: Failed to maintain adequate patient records

Action: License placed on probation for three years; must meet certain terms and conditions; assessed costs

Christopher M. Simmons, D.D.S., Oak Ridge, TN

Violation: Violation of board order

Action: License suspended for ninety days; must meet certain terms and condition; assessed \$1,000 civil penalties, plus costs

Dina D. Stewart, D.A., Greenbrier, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must complete one continuing education credit in chemical dependency

Ulysses Walls, D.D.S., Nashville, TN

Violation: Failed to maintain sanitary conditions at his office

Action: License suspended for six months; must meet certain terms and conditions; assessed \$2,000 civil penalty, plus costs

Rhonda Brown Watson, D.H., Maryville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must complete two continuing education credits in chemical dependency

James C. Whitehead, D.D.S., Columbia, TN

Action: License reinstated and placed on probation for two years to run concurrent with criminal probation; must maintain the advocacy of the Concerned Dental Professional Committee

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Disciplinary Actions

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Emily Leona Wilmoth, D.A., Church Hill, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must complete one continuing education credit in chemical dependency

Trina C. Wilson, D.H., Nashville, TN

Violation: Failed to timely renew license

Action: Assessed \$375 civil penalty

June 2010 Meeting

Rhonda J. Ashmore, D.A., Summertown, TN

Violation: Failed to timely renew license

Action: Assessed \$550 civil penalty

Lauren R. Bell, R.D.A., Clarksville, TN

Violation: Guilty of a crime

Action: License reprimanded; assessed costs

Robin S. Deeds, D.A., Clarksville, TN

Violation: Failed to timely renew license

Action: Assessed \$600 civil penalty

Robert D. Foster, D.D.S., Nashville, TN

Violation: Inappropriately prescribed narcotics; failed to maintain accurate and legible written evaluation and treatment history for each patient

Action: License placed on probation for 3 years; must meet certain terms and conditions; assessed \$9,000 civil penalty, plus costs

Gary D. Fox, D.D.S., Clinton, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty

M. Rheshale Gilbert, D.H., Hermitage, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit 30 hours of continuing education including two hours in chemical dependency and current CPR certification.

Travonva L. Gilbert, D.A., Pulaski, TN

Violation: Failed to timely renew license

Action: Assessed \$250 civil penalty

Juanita Greer, D.A., Memphis, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit two hours of continuing education in chemical dependency

Angela Gugger, D.A., Chapel Hill, TN

Violation: Failed to timely renew license

Action: Assessed \$150 civil penalty

Tina D. Haney, D.A., Pulaski, TN

Violation: Failed to renew license timely

Action: Assessed \$150 civil penalty

Katherine Vaporis Herron, D.H., Nashville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit one hour of continuing education in chemical dependency

Tisha Thomas Holloway, D.H., Thompsons Station, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit 18 hours of continuing education including two hours in chemical dependency and current CPR certification.

Julie LaForlette, D.A., Knoxville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit 14 hours of continuing education credit and current CPR certification.

Lacretia D. Lemons, D.H., Memphis, TN

Violation: Practicing without a license

Action: Assessed \$1,500 civil penalty

Michelle D. May, D.A., Murfreesboro, TN

Violation: Practicing without appropriate certification

Action: Assessed \$500 civil penalty

Jo Ann Millsap, D.H., Fort Worth, TX

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit 19 hours of continuing education and current CPR certification.

Gwendolyn D. Moore, D.A., Memphis, TN

Violation: Failed to timely renew license

Action: Assessed \$50 civil penalty

Jennea E. Morrison, D.A. Murfreesboro, TN

Violation: Practicing without a license and appropriate certificate

Action: Assessed \$1,000 civil penalty

Shannon L. Moses, D.A., Union City, TN

Violation: Guilty of a crime

Action: License placed on probation to run concurrent with criminal probation

Rebecca L. Oliver, R.D.A., Murfreesboro, TN

Violation: Intentionally submitted false or misleading records

Action: License reprimanded; assessed \$2,000 civil penalty, plus costs

Christopher B. Orr, D.D.S., Rosemark, TN

Violation: Guilty of a crime

Action: Must maintain advocacy with the Concerned Dental Professional Committee for 10 years

Mary H. Page, D.H., Memphis, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit two hours of continuing education and current CPR certification.

Mendy R. Pearce, D.A., Chattanooga, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit 22 hours of continuing education

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Disciplinary Actions

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Amanda L. Peden, D.A., Christiana, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit two hours of continuing education in chemical dependency

Holly B. Reagan, D.H., Manchester, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit one hour of continuing education

John G. Reddick, D.D.S., Memphis, TN

Violation: Advertised sedation dentistry services and had not obtained a permit as required

Action: License reprimanded; must cease and desist advertisement of sedation dentistry services until a permit is obtained from the Board of Dentistry; assessed \$500.00 civil penalty, plus costs

Cynthia A. Simpson, D.A., Halls, TN

Violation: Failed to timely renew license

Action: Assessed \$550 civil penalty

Lisa Jones Smith, D.H., Brentwood, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit one hour of continuing education in chemical dependency

Kristy Stanley, D.H., Johnson City, TN

Violation: Failed to timely renew license

Action: Assessed \$750 civil penalty

Lisa N. Stevens, D.H., Bristol VA

Violation: Failed to timely renew license

Action: Assessed \$150 civil penalty

Dana M. Swift, D.A., Memphis, TN

Violation: Lapsed registration

Action: Assessed \$250 civil penalty

Tammy L. Watson, D.A., Smyrna, TN

Violation: Failed to timely renew license

Action: Assessed \$100 civil penalty

Rosheena M. West, D.A., Memphis, TN

Violation: Failed to renew license in a timely manner

Action: Assessed \$50 civil penalty

Lisa Wilson, D.A., Cordova, TN

Violation: Failed to timely renew license

Action: Assessed \$100 civil penalty

September 2010 Meeting

Ernestine J. Bieker, R.D.A., Columbia, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 24 continuing education credits, including two in chemical dependency; assessed \$150 civil penalty

Casey Jo Burns, R.D.A., Columbia, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 24 continuing education credits, including 2 in chemical dependency; assessed \$150 civil penalty

Eddie L. Burton, D.D.S., Memphis, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit three continuing education credits; assessed \$600 civil penalty

Connie E. Clingman, R.D.A., Soddy Daisy, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 24 continuing education credits, including two in chemical dependency; assessed \$150 civil penalty

Brenda L. Costner-Bales, R.D.A., Knoxville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 15 continuing education credits; assessed \$150 civil penalty

Andre D. Dandridge, R.D.A., Memphis, TN

Violation: Violation of board order

Action: License voluntarily surrendered/revoked; must pay costs assessed on previous action

Robert O. Donnell, D.D.S., Brighton, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 12 continuing education credits; assessed \$600 civil penalty

Kristi Dunn, R.D.H., Mt. Juliet, TN

Violation: Falsified receipts submitted for continuing education courses as required for reinstatement

Action: License reprimanded; assessed \$2,000 civil penalty

Glenda O. Gill, R.D.A., Tazewell, TN

Violation: Submitted false documentation of continuing education course to the board

Action: License reprimanded; must submit three hours of continuing education within 90 days; assessed \$1,150 civil penalty, plus costs

Patricia N. Halcomb, R.D.A., Powell, TN

Violation: Failed to notify the board of criminal convictions

Action: License placed on probation for no less than three years; assessed \$300 civil penalty, plus costs

Tammy M. Hardestie, R.D.A., Madisonville, TN

Violation: Failed to renew license in a timely manner

Action: Assessed \$100 civil penalty

Christie Enoch Holland, R.D.A., Memphis, TN

Violation: Failed to renew license in a timely manner

Action: Assessed \$600 civil penalty

Andrea R. Kirby, R.D.A., Knoxville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 22 continuing education credits; assessed \$150 civil penalty

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Disciplinary Actions

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Freda McBay, R.D.A., Hixson, TN

Violation: Failed to renew license in a timely manner

Action: Assessed \$500 civil penalty

Timothy J. McNeely, D.D.S., Brentwood, TN

Violation: Violation of board order

Action: License suspended; must obtain and maintain the advocacy of the Concerned Dental Professionals Committee

Rathnasabapathy Mohan, D.D.S., McMinnville, TN

Violation: Unprofessional, dishonorable or unethical conduct; violation or attempted violation of any provision of this chapter or any lawful order of the board or any criminal statute

Action: License placed on probation for 5 years; must maintain advocacy of Concerned Dental Professional Committee and comply with contract; assessed costs.

Tammy S. Peters, R.D.A., Ringgold, GA

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 10 continuing education credits; assessed \$150 civil penalty

Michelle A. Soriano, R.D.A., Ooltewah, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 23 continuing education credits, including one hour in chemical dependency, and current CPR certification; assessed \$150 civil penalty

Wendy A. Whitehead, R.D.A., Maryville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit two hours in chemical dependency; assessed \$150 civil penalty

Donald S. Witherow, D.D.S., Nashville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit two continuing education credits in chemical dependency; assessed \$600 civil penalty

Carolina M. Wilson, D.D.S., Knoxville, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit two continuing education credits in chemical dependency and current CPR certification; assessed \$600 civil penalty

Phyllis C. Wilson, R.D.H., Memphis, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit two continuing education credits in chemical dependency; assessed \$300 civil penalty

William Woods, D.D.S., Mt. Pleasant, TN

Violation: Engaging in the practice of dentistry when mentally or physically unable to safely do so.

Action: License revoked; assessed \$4,000 civil penalty, plus costs

George J. Zorawski, D.D.S., Elizabethton, TN

Violation: Failed to properly maintain sufficient continuing education credits

Action: Must submit 16 continuing education credits; assessed \$600 civil penalty

Additional information can be obtained online under Adverse Licensure Actions in the Licensure Verification section.

DENTISTS: REMINDER ABOUT PRACTITIONER PROFILES

The Health Care Consumer Right-to-Know Act of 1998, Tenn. Code Ann. § 63-51-101 et seq., requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in Tennessee within the most recent ten (10) years. (3) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (4) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the department to the public. (5) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the Department will compile a practitioner profile which is required to be made available to the public via the World Wide Web and toll-free telephone line after May 1, 1999.

Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law. A copy of your initial or updated profile will be furnished to you for your review prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments. **Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license.**

A blank copy of the profile may be obtained at:

<http://health.state.tn.us/Downloads/g6019027.pdf>

ISSUES DISCUSSED BY THE BOARD

The board discussed and determined the following at the January 2010 meeting:

- ★ Dental hygienists are allowed to perform free dental screenings when no dentist is present, provided that no remuneration is given by the organized group to any dental hygienist's employer for participating in these activities.
- ★ Dentists are able to refer patients for sleep studies and to treat such conditions with orthodic appliances.
- ★ The board, upon recommendation of the Anesthesia Committee, is of the opinion that current statutes and rules do not permit initiation of IV access by a registered dental assistant or practical dental assistant. Only a licensed registered nurse or licensed practical nurse with IV training, under the supervision of a licensed dentist with appropriate permit, may do so under current law. If appropriate educational standards are promulgated and implemented, it may be possible in the future to certify a registered dental assistant, licensed dental hygienist or related health care provider to establish IV access while functioning as a dental auxiliary.
- ★ The board, upon the recommendations of the Anesthesia Committee, clarified that a dentist holding a comprehensive conscious sedation permit may not have more than one patient within the same dental clinic under conscious sedation and/or recovering from conscious sedation simultaneously. The first patient under conscious sedation must be recovered to the point where the dentist can safely transfer the care of the patient to properly trained staff. The rules specifically require that "during conscious sedation at least one person **in addition to the operating dentist** must be present.

The board discussed and determined the following at the June 2010 meeting:

- ★ Dental hygiene students enrolled in an ADA accredited program are allowed to perform dental procedures, including administering local anesthesia under the direct supervision of instructors in volunteer settings such as Remote Area Medical (RAM) events.
- ★ The board reviewed a letter 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 will take appropriate disciplinary action against any person who has defaulted on a repayment or service obligation under any federal family education loan program. The licenses of any licensees reported to the board as being in default will be suspended until the Tennessee Student Assistance Corporation ("TSAC") notifies the Board that the licensee has paid or payment arrangements have been made. 🦷

The board discussed and determined the following at the September 2010 meeting:

- ★ The board, upon the recommendations of the Anesthesia Committee, has determined that when Ketamine and/or Propofol are given, the training, personnel, and facility requirements must conform to those demanded for deep sedation/general anesthesia.
- ★ The board, upon the recommendations of the Anesthesia Committee, determined that any dentist performing sedation or employing media of any kind to advertise what would be reasonably interpreted as the use of sedation for patient care must have an applicable anesthesia/sedation permit.

DENTISTS: PROFESSIONAL OCCUPATIONS TAX



Tenn. Code Ann. §67-4-1701, *et seq.*, requires the payment of an annual professional privilege (occupation) tax. Failure to pay your professional privilege tax constitutes grounds for suspension of your license to practice dentistry in Tennessee. If you fail to pay your professional privilege tax, the Department of Health will file formal charges against you seeking the suspension of your license pursuant to T.C.A. §67-4-1704 and T.C.A. §63-5-101, *et seq.* Avoid the possible suspension of your privilege to practice dentistry in Tennessee by remitting your tax to the Department of Revenue in a timely fashion. For more information please go to:

<http://tennessee.gov/revenue/tntaxes/proftax.htm>

Note: The Board of Dentistry does not assess this tax. However, the board's administrative office has recently mailed letters to licensees who have failed to pay their professional occupations tax. **Dentists who remain delinquent are being processed for suspension of their dental licenses.** 🦷

2011 Coronal Polishing Examination Dates

January 29 - at Meharry Medical College in Nashville

September 10 - at Meharry Medical College in Nashville

Additional dates may be added if necessary.



2009 Statistics of the Tennessee Board of Dentistry

	<u>Dentists</u>	<u>Hygienists</u>	<u>Assistants</u>
Total New Applications Received	135	180	875
Total New Licenses Issued*	130	183	818
Total Number of Reinstatements/Reactivations*	18	23	77
Total Certifications/Permits Issued	62	404	1305
Total Number of Renewals Processed (includes online)**	1327	1494	2142
Total Number of On-Line Renewals**	451	652	784
Total Number of Failed to Renew Licenses	26	55	264
Total Number of Retired Licenses	72	59	89
Total Number of Revoked/Surrendered/Suspended Licenses	1	0	1
Total Number of Licensees Reported Deceased	44	6	16

Total Number of Licensees as of:

December 31, 2009:		December 31, 2007:		December 31, 2005:	
Dentists	3,514	Dentists	3,426	Dentists	3,370
Hygienists	3,889	Hygienists	3,708	Hygienists	3,445
Assistants	<u>6,874</u>	Assistants	<u>5,392</u>	Assistants	<u>4,596</u>
Total	14,277	Total	12,526	Total	11,411

* Total New Licenses Issued and Number of Reinstatements/Reactivations includes applications received in 2008 but issued in 2009 when all requirements were completed.

** Renewal applications are mailed approx. 45 days prior to the expiration date but if renewing online they can renew 120 days before the expiration date. Licensees have 60 days after the expiration date to renew without penalty.

Renew faster by renewing online at <http://health.state.tn.us>

Report all address changes in writing within 30 days of the address change.

Tennessee Board of Dentistry Board Members as of November 8, 2010

Ruth E. Bailey, D.D.S. President Knoxville	James L. Smith, D.D.S. Vice-President Cookeville	John M. Douglass, Jr., D.D.S. Secretary/Treasurer Nashville
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Michael P. Tabor, D.D.S. Hendersonville		Agnes S. Young Columbia Consumer Member

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