

# Tennessee Board of Dentistry



# Newsletter



Fall 2013

A regulatory agency of the state of Tennessee

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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*

## NEW POLICIES AND ISSUES DISCUSSED BY THE BOARD

The board discussed and determined the following at the January 2013 meeting:

### **Policy Statement on Registered Dental Assistants Exposing Radiographs**

Pursuant to 0460-04-.11 of the Tennessee Board of Dentistry Rules and Regulations, a registered dental assistant shall not expose dental radiographs until certification has been issued by the Board.

If the licensed dentist(s) who is supervising a registered dental assistant, allows the dental assistant to expose dental radiographs without the proper certification, both the supervising dentist and registered dental assistant will be in violation of the Tennessee Dental Practice Act for unlicensed practice.

Upon notification to the Board that a supervising dentist(s) has allowed a registered dental assistant to expose radiographs, a complaint will be opened in the Office of Investigations for review by the board consultant and the board's attorney.

Upon review of the complaint, the registered dental assistant will receive a Letter of Warning from the board's consultant and the supervising dentist(s) will receive a reprimand and \$500.00 civil penalty for each registered dental assistant found to be exposing radiographs without the proper certification. A reprimand is formal discipline and is reportable to the National Practitioners Database.

Adopted by the Board of Dentistry on January 31, 2013

### **Policy Statement Regarding the Minimum Requirements Necessary for Sedation Course Approval**

Applications for sedation course approval should include as a minimum the following:

1. Complete faculty list with full formal CV of each faculty member
2. Complete course breakdown including teaching and lecture assignments as well as clinical teaching

assignments of all faculties and the time spent in each activity.

3. Current and previous state licensure of all faculty
4. Complete list of malpractice and disciplinary actions for all faculty in all current and prior states in which licensed.
5. How much sedation does each participant perform?
6. Does the participant perform the dentistry as well on the sedated patient?
7. What agents are taught?
8. What is the student – instructor ratio in the course?
9. Who is the primary educational director in charge of and responsible for determining that a participant has been trained to competence?
10. Is the teaching course under the auspices of an ADA-recognized educational institution? If so, provide certification to that effect from the parent organization.
11. Where exactly is the course conducted? In what facility?

Adopted by the Board of Dentistry on January 31, 2013

All policies of the Board of Dentistry are available online at <http://health.state.tn.us/boards/Dentistry> under Statutes, Rules and Policies.

The following issues were also discussed by the Board.

At the January 2013 meeting, the Board determined that only the traditional SRTA sections are need to be passed on the ADEX examination and the optional periodontal clinical examination is not required to be passed for licensure in Tennessee. If someone takes the optional part and fails, it would not affect licensure in Tennessee since it is not required.

At the May 2013 meeting, the board, in response to correspondence received, confirmed that licensed dental hygienist can use lasers for curettage. 🦷



## STATUTORY CHANGES OF INTEREST

Below is a brief summary of several bills that are of interest to dental professionals in the state of Tennessee. To review any of these public chapters in their entirety, please visit: <http://www.tennessee.gov/sos/acts/index.htm>.

On January 1, 2013, a new law, **Public Chapter 952**, became effective requiring the licensing board to provide electronic notices to licensees. The law gives the licensee the option of being notified electronically of any renewal of license, certification or registration, any changes in fees, any changes in state law that impact the license holder, any board meeting where changes in rules are on the agenda. Once they "opt in" and provide a current email address, the licensee will begin to receive **ALL** notices, including renewal, electronically. Licensees wanting to receive electronic notifications can "opt in" and enter or change their email address online at <https://apps.tn.gov/hlrs/loginProfessional.jsp>.

**Public Chapter 110** exempts from other provisions of the statute, licensed dental hygienists from applying dental sealants and topical fluoride to the teeth of individuals in a setting under the director of a state or local health department without requiring an evaluation by a dentist prior to such application, under a protocol established by the state or a metropolitan health department. This statute change became effective July 1, 2013.

**Public Chapter 232** requires podiatrists, dentists, medical doctors, nurses, optometrists, osteopathic physicians and physician assistants to report to their licensing board if they are under state or federal indictment for an offense involving controlled substances within seven days of knowledge of the indictment. These licensees would be required to report the jurisdiction where the indictment is pending and enclose a copy of the indictment if the licensee has a copy. The new section also encourages the district attorneys and U.S. attorneys to notify the relevant licensing boards. The new section also provides that failure to comply shall be considered unprofessional conduct and grounds for disciplinary action by the board. If the indictment is sealed such that the practitioner could not have knowledge of its existence, the practitioner is excused from discipline based on the failure to report. Upon receiving a report of an indictment, the new section requires that the board (through its particular case review process) conduct an expedited review within fifteen days to determine if expedited further investigation is merited. This statute change became effective July 1, 2013.

**Public Chapter 122 - Veterans** - This bill mandates expedited licensure for individuals licensed in other states that are newly retired, discharged, or released from active duty in the armed forces. Second, the bill mandates that military education, training, and experience, should be accepted toward qualifications for licensure, provided the education, training, or experience is substantially equivalent to existing standards. Third, the bill mandates a "temporary renewal" status for the licenses of members of the national guard or armed forces reserve in certain circumstances, ensuring that their license remains in active status during periods of activation and without those members being required to pay renewal fees or complete other standard renewal requirements. This statute change became effective July 1, 2013.

**Public Chapter 74 - Pharmacy, Pharmacists** - This bill modernizes the tamper-proof prescription requirements by allowing the use of special software and paper to print tamper-resistant prescriptions from a computer. Current law does not allow for printed tamper-proof prescriptions, it only recognizes hand-written, faxed and electronically transmitted ones. The

Department may be required to educate practitioners on this new law, as well as evaluate and possibly designate acceptable tamper-proof prescription software, printer paper, or similar things. This law may also simplify some operations at Department-run healthcare facilities and other state-affiliated programs and providers. This statute change became effective April 18, 2013.

**Public Chapter 235** - This bill amends Title 63 (Professions of the Healing Arts), Chapter 6 (Medicine and Surgery), Part 7 (Volunteer Health Care Services Act), by amending the definitions of the terms "sponsoring organizations" and "voluntary provision of health care services". The definition of "sponsoring organizations" is amended to add further options for charging recipients, in addition to a sliding scale according to income. The bill adds an option to charge no fee or a fee at the time of service no more than the state regulatory fee paid biennially. The bill amends the definition of "voluntary provision of health care services" to provide that the sliding scale fees or fees no more than the state regulatory fee as provided in the definition of "sponsoring organization" fall within the definition of voluntary provision of health care services as long as the provider retains none of the payment and forwards all to the sponsoring organization. This statute change became effective July 1, 2013.

**Public Chapter 430** requires the Commissioner of Health to develop "recommended treatment guidelines," to be reviewed and updated annually, for prescribing opioids, benzodiazepines, barbiturates, and carisoprodol. Each board that licenses prescribers of controlled substances (plus the board of pharmacy) would notify licensees regarding the guidelines and review the guidelines and determine how they were to be used by licensees. The new part also requires at least two hours of biennial continuing education covering controlled substance prescribing and the Commissioner's guidelines for all prescribers of controlled substances, except veterinarians, pain management clinic providers (who already have separate CME requirements) and MD's or DO's ABMS board-certified in certain enumerated specialties. These two hours would count toward licensure requirements. This statute change will become effective October 1, 2013 🦷



## RULE CHANGES

Effective July 16, 2013 renewal fees decreased for professions regulated by the Board of Dentistry. The fees below reflect the total fees due for renewal after the effective date of the Rule. Note: the rule change does not affect the state regulatory fee which remains set at \$10.00. Licensees can renew online at <https://apps.tn.gov/hlrs/loginProfessional.jsp>.

### After 7/16/13

<b>Dentist</b>	<b>\$260.00</b>
<b>(NOTE: dentists with a sedation or anesthesia permit must pay an additional \$100.00 for the permit)</b>	
<b>Dentists with Limited or Educational Limited Licenses</b>	<b>\$ 60.00</b>
<b>Dental Hygienist</b>	<b>\$110.00</b>
<b>Dental Assistants</b>	<b>\$ 60.00</b>

In addition to the renewal fees changes above, The Limited and Educational Limited initial licensure fees for dentists will change to \$150.00 plus the \$10.00 state regulatory fee and the fee for local anesthesia certification for dental hygienists was deleted so there is no fee due.

Applications and renewals processed **before** July 16, 2013 must pay the fees that were in effect at the time the application was received. 🦷



## DISCIPLINARY ACTIONS

The Board took the following disciplinary actions:

### September 2012 meeting

#### **Rebekah A. Abbott, D.A., Winchester, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit one continuing education credits

#### **John A. Acosta, D.D.S., Germantown, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit two continuing education credits

#### **Norma L. Alonzo, D.A., Clarksville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit 11.5 continuing education credits

#### **Robert S. Bates, D.D.S., Clarence, NY**

Violation: Action taken by the state of West Virginia  
Action: License suspended for 90 days

#### **Tracie M. Battle, D.M.D., Mobile, AL**

Violation: Unprofessional, dishonorable or unethical conduct; action taken by the state of Alabama  
Action: License suspended until complete compliance with Alabama Board of Dentistry; assessed costs

#### **Teresa L. Brandon, D.A., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit current CPR certification

#### **James L. Brewer, D.D.S., Oak Ridge, TN**

Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice or in being guilty of fraud or deceit in the practice of dentistry or dental hygiene or as a registered dental assistant; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice; or not in good faith to relieve pain and suffering or not to cure an ailment, physical infirmity or disease  
Action: License placed on probation for five years; must meet certain terms and conditions; assessed \$2000 civil penalty

#### **Danielle Burtch, R.D.A., Spring Hill, TN**

Violation: Practicing on expired license  
Action: Assessed \$300 civil penalty

#### **Jennifer L. Caldwell, R.D.A., Whitwell, TN**

Violation: Unprofessional, dishonorable or unethical conduct  
Action: License revoked; assessed \$500 civil penalty, plus costs

#### **Ellen J. Croley, D.H., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit eight continuing education credits

#### **Chelsea R. Cunningham, D.H., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit 30 continuing education credits

#### **Paula W. Derryberry, R.D.A., Pulaski, TN**

Violation: Practicing on expired license  
Action: Assessed \$200 civil penalty

#### **Tina M. Finney, D.H., Sharon, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit current CPR certification

#### **Sibyl J. Fowler, D.A., Clarksville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit two continuing education credits and current CPR certification

#### **Tom M. Gardenhire, Jr., D.D.S., Chattanooga, TN**

Violation: Conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of this chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant  
Action: License reprimanded; assessed \$500 civil penalty

#### **Robert L. Gardino, D.D.S., Memphis, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit one continuing education credit

#### **Michael Hamlin, D.D.S., Bristol, TN**

Violation: Conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of this chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant  
Action: License reprimanded; assessed \$500 civil penalty

#### **Ruth E. Harding, D.A., Friendsville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit 21 continuing education credits

#### **John D. Harrison, D.D.S., Morristown, TN**

Violation: Unprofessional, dishonorable or unethical conduct; conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of this chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant; delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them  
Action: License revoked

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## DISCIPLINARY ACTIONS

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### **Kristie L. Hayes, D.A., Maryville, TN**

Violation: Practicing on expired license

Action: Assessed \$50 civil penalty

### **Stephen C. Holmes, D.D.S., New Orleans, La.**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must submit two continuing education credits

### **Valorie L. Hughes, D.A., Hixson, TN**

Violation: Practicing on expired license

Action: Assessed \$200 civil penalty

### **Chad A. Ingram, D.A., Memphis, TN**

Violation: Guilty of crime

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

### **Stephen M. Kaufman, D.D.S., Hendersonville, TN**

Violation: Unprofessional, dishonorable or unethical conduct; failed to maintain accurate patient records

Action: License reprimanded; must meet certain terms and conditions; assessed \$500 civil penalty

### **Casie T. Ky, D.H., Midlothian, Va.**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit 7.5 continuing education credits and current CPR certification

### **Cassandra G. Liner, D.A., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit 19 continuing education credits

### **Windy C Lyles, D.A., Olive Branch, MS.**

Violation: Practicing on expired license

Action: Assessed \$550 civil penalty

### **Charla B. Mansfield, D.A., Soddy Daisy, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit two continuing education credits

### **Kara D. Miller, D.H., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits

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

### **Kathy W. Minor, D.A., Bethpage, TN**

Violation: Failed to maintain sufficient continuing education credits

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

### **Katrina E. Mitchell, D.A., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit 24 continuing education credits and current CPR certification

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

Violation: Violation of board order

Action: License revoked; revocation stayed for 14 days from the effective day of the order

### **George W. Morton, D.D.S., Murfreesboro, TN**

Violation: Failed to maintain sufficient continuing education credits

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

### **Vickie D. Munsey, R.D.H., Manchester, TN**

Violation: A violation of attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee; submitted a renewal form reinstatement/reactivation application found to be untrue

Action: License reprimanded

### **Brittany N. Myers, D.A., Knoxville, TN**

Violation: Practicing on expired license

Action: Assessed \$1,250 civil penalty

### **Spring L. Orr, D.A., Seymour, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit four continuing education credits

### **Krista D. Pohl, D.A., Loudon, TN**

Violation: Practicing on expired license

Action: Assessed \$150 civil penalty

### **Charles M. Russell, D.D.S., Harrogate, TN**

Violation: Conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of this chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant

Action: License reprimanded; assessed \$500 civil penalty

### **Malcolm D. Shabo, D.D.S., Ooltewah, TN**

Violation: Unprofessional, dishonorable or unethical conduct; failing to avoid interpersonal relationships that could impair professional judgment or risk the possibility of exploiting the confidence of a patient, including committing any act of sexual abuse, misconduct or exploitation related to the licensee's practice of dentistry

Action: License placed on probation for one year; assessed \$500 civil penalty

### **Johnetta L. Morgan Shaw, D.A., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit two continuing education credits

### **Trista R. Rich, D.A., Iron City, TN**

Violation: Guilty of crime

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

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## DISCIPLINARY ACTIONS

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### **Jessica L. Shelby, D.A., Nesbit, Ms.**

Violation: Guilty of crime

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

### **Serena M. Sheppard, R.D.A., Nashville, TN**

Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice or in being guilty of fraud or deceit in the practice of dentistry or dental hygiene or as a registered dental assistant; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering or not to cure an ailment, physical infirmity or disease

Action: License revoked; assessed \$2000 civil penalty, plus costs

### **Stacy H. Smith, D.H., Germantown, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit 15 continuing education credits and current CPR certification

### **Debra K. Stamey, R.D.A., Tellico Plains, TN**

Violation: Unprofessional, dishonorable or unethical conduct; making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice or in being guilty of fraud or deceit in the practice of dentistry or dental hygiene or as a registered dental assistant; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice; or not in good faith to relieve pain and suffering or not to cure and ailment, physical infirmity or disease

Action: License voluntarily surrendered

### **Jordan M. Swindell, R.D.A., Knoxville, TN**

Violation: Unprofessional, dishonorable or unethical conduct

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

### **O.T. Sykes, D.D.S., Memphis, TN**

Violation: Conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of this chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant

Action: License reprimanded; assessed \$500 civil penalty

### **Jennifer C. Vandever, D.A., Crossville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit three continuing education credits and current CPR certification

### **January 2013 meeting**

#### **Moulton D. Abernathy, Jr., D.D.S., Parsons, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must submit current CPR certification

### **Patricia A. Akins D.A., Ringgold, GA.**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty

### **Annette M. Atchley, D.H., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits

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

### **Mary Ann Byrne, D.A., Oak Ridge, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit 24 hours of continuing education and current CPR certification

### **Tina L. Daniel, D.A., Manchester, TN**

Violation: Practicing on expired license

Action: Assessed \$400 civil penalty

### **Jennifer J. Deyoung, D.A., Munford, TN**

Violation: Practicing on expired license

Action: Assessed \$450 civil penalty

### **Kelli Mulhollen Dumas, D.D.S., Memphis, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must submit 17 hours of continuing education

### **Kari R. Eavenson, D.A., Bartlett, TN**

Violation: The board may also revoke or suspend the license or registration of, assess a civil penalty for each separate violation against or otherwise lawfully discipline any dental hygienist or dental assistant violating any of the provisions of this chapter; failed to renew license

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

### **Karen F. Eddings, D.A., McEwen, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit acceptable CPR certification

### **Rhonda G. Ellis, D.H., Woodbridge, VA.**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit two hours of continuing education

### **Deidra L. Farmer, D.A., Memphis, TN**

Violation: Exposed radiographs without proper certification

Action: Assessed \$1,000 civil penalty

### **Elizabeth A. Flake, D.A., Hermitage, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit one hour of continuing education

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## DISCIPLINARY ACTIONS

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### **Robert J. Gallien, D.D.S., Chattanooga, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit two hours of continuing education

### **Hayley Griffis, D.A., Murfreesboro, TN**

Violation: Guilty of a crime  
Action: License placed on probation to run concurrent with criminal probation

### **Deborah L. Hedges, D.A., Lavergne, TN**

Violation: Practicing on expired license  
Action: Assessed \$250 civil penalty

### **Dara R. Hobbs, D.A., Bolivar, TN**

Violation: A violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee  
Action: License placed on probation to run concurrent with criminal probation; must meet certain terms and conditions

### **Kimberly Houston, D.A., Mt. Juliet, TN**

Violation: Practicing outside the scope of practice  
Action: Assessed \$500 civil penalty

### **Andrea L. Hixon, D.A., Gallatin, TN**

Violation: Practicing on expired license  
Action: Assessed \$250 civil penalty

### **Jessie A. McDonald, D.A., Goodlettsville, TN**

Violation: Practicing on expired license  
Action: Assessed \$100 civil penalty

### **Leah S. Newman, D.H., Lupton City, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit one hour of continuing education

### **Arviad K. Patel, D.D.S., Lavergne, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit current CPR certification

### **Diana M. Pollard, D.A., Clarksville, TN**

Violation: A violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order  
Action: License placed on probation to run concurrent with criminal probation

### **Becky A. Rhoads, D.H., Jasper, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit nine hours of continuing education

### **Deana T. Riggs, D.A., Hixson, TN**

Violation: Exposed radiographs without proper certification  
Action: Assessed \$1000 civil penalty

### **Deanna L. Solomon, D.A., Murfreesboro, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit one hour of continuing education

### **Buffy Storm, D.D.S., Murfreesboro, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit seven hours of continuing education

### **Carolyn A. Taylor, D.A., Elizabethton, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit acceptable CPR certification

### **Ester R. Torbenson, D.A., Clarksville, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty

### **Jennifer A. Webster, D.A., Strawberry Plains, TN**

Violation: Practicing on expired license  
Action: Assessed \$150 civil penalty

### **Lakisha S. Williams-Phinnesse, D.A., Grand Junction, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit 24 hours of continuing education and current CPR certification

### **Norvella Young, D.A., Memphis, TN**

Violation: Guilty of a crime  
Action: License placed on probation to run concurrent with criminal probation

### **May 2013**

### **Carol W. Adair, D.H., Memphis, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit one hour of continuing education credits

### **Scott S. Alexander, D.D.S., Olive Branch, Miss.**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit one hour of continuing education credits

### **George L. Alissandratos, D.D.S., Smyrna, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit one hour of continuing education credits

### **William N. Castle, D.D.S., Memphis, TN**

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit current CPR certification

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## DISCIPLINARY ACTIONS

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### **Dawntonya R. Cater, D.H., Madison, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit two hours of continuing education credits

### **Ashley M. Craig, D.A., Munford, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit one hour of continuing education credits

### **Barbara A. Douglas, D.A., White House, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit one hour of continuing education credits

### **John M. Douglass, Jr., D.D.S., Nashville, TN**

Violation: Dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice; or not in good faith to relieve pain and suffering or not to cure an ailment, physical infirmity or disease

Action: License reprimanded; assessed \$200 civil penalty

### **Joseph F. Dove, D.D.S., Cordova, TN**

Violation: The board may revoke or suspend the license of, assess a civil penalty for each separate violation against or otherwise lawfully discipline any dentist who permits any licensed and registered dental hygienist, registered dental assistant and/or practical dental assistant operating under that dentist's supervision to perform any acts or services other than those authorized by this chapter

Action: License reprimanded; assessed \$500 civil penalty

### **Pamela R. Elrod, D.A., Atoka, TN**

Violation: Practicing on an expired license

Action: Assessed \$250 civil penalty

### **Donna Foster, D.A., Knoxville, TN**

Violation: Practicing on an expired license

Action: Assessed \$50 civil penalty

### **Thomas W. Gallien, D.D.S., Martin, TN**

Violation: Conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform services or work that under the provisions of this chapter can be done legally only by persons licensed to practice dentistry or dental hygiene or as a registered dental assistant

Action: License reprimanded; assessed \$500 civil penalty

### **George A. Hall, D.D.S., Maryville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must submit 40 hours of continuing education credits and current CPR certification

### **Theresa A. Hix, D.H., Shelbyville, TN**

Violation: Practicing on an expired license

Action: Assessed \$600 civil penalty

### **Mallory P. Judkins, D.H., White House, TN**

Violation: A violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee

Action: License reprimanded

### **Stephanie Lack, D.A., Monterey, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit three hours of continuing education credits and current CPR certification

### **Chris L. Mathis, D.A., Ashland City, TN**

Violation: A violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee

Action: License reprimanded

### **Paul D. Mayhew Jr., Franklin, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must submit 31 hours of continuing education credits and current CPR certification

### **Jessica L. Mears, D.A., Maryville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit 24 hours of continuing education credits

### **Beau R. Myers, D.D.S., Knoxville, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$600 civil penalty; must submit two hours of continuing education credits

### **Stacy L. Peels, D.A., New Market, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$150 civil penalty; must submit one hour of continuing education credits

### **Leta W. Peek, D.H., Knoxville, TN**

Violation: Practicing on an expired license

Action: Assessed \$300 civil penalty

### **Amy M. Piques, D.A., Murfreesboro, TN**

Violation: Failed to maintain sufficient continuing education credits

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

### **Gina B. Sharp, D.H., Lakeland, TN**

Violation: Failed to maintain sufficient continuing education credits

Action: Assessed \$300 civil penalty; must submit two hours of continuing education credits

Continued on page 8

## DISCIPLINARY ACTIONS

Continued from page 7

### Sandra J. Stephens, D.H., Cleveland, TN

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$300 civil penalty; must submit 30 hours of continuing education credits and current CPR certification

### Phillip G. Van Vranken, D.M.D., Nashville, TN

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$600 civil penalty; must submit 17 hours of continuing education credits

### Mary K. Vogl, D.A., Paris, TN

Violation: Failed to maintain sufficient continuing education credits  
Action: Assessed \$150 civil penalty; must submit 24 hours of continuing education credits

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

### The Board's Web Address

▶ <http://health.state.tn.us/Boards/Dentistry/index.htm>



## 2012 CONTINUING EDUCATION AUDIT REPORT

The board's administrative office is randomly auditing dental professionals each month. 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 statistics for 2012 are as follows:

#### Dentists Licenses Audited: 81

59 Licensees Compliant = 73%  
22 Licensees Non-Compliant = 27%

#### Dental Hygienists Licenses Audited: 85

65\* Licensees Compliant = 76%  
20 Licensees Non-Compliant = 24%  
\* 1 granted a waiver

#### Dental Assistants Licenses Audited: 116

80 Licensees Compliant = 69%  
36 Licensees Non-Compliant = 31%

You can view the continuing education rules at <http://www.state.tn.us/sos/rules/0460/0460-01.20091102.pdf> 🦷

## ON-LINE CPR COURSES

The Board **does not** accept on-line CPR courses that do not include a skills examination on a manikin with a certified instructor.

If you complete a course that is not accepted and approved by the Board of Dentistry, you are not in compliance with the statutes and rules and may be subject to disciplinary action. 🦷

## TIPS FOR RENEWING TIMELY

All licenses expire on the last day of the birth month of the licensee. If they were born in an odd year, the license will expire in an odd year. If they were born in an even year, the license will expire in an even year.

Example: For a licensee born on January 1, 1950, the license will expire on January 31, 2010, 2012, 2014, etc. For a licensee born on June 12, 1961, the license will expire on June 30, 2009, 2011, 2013, etc.

All licensees are responsible for timely renewing their licenses but the supervising dentist is also responsible for ensuring that the employees comply with the rules.

Licensees who practice on an expired license are subject to disciplinary action by the Board.

Supervising dentists who allow employees to practice on an expired license are subject to discipline that may include a Letter of Concern for the first offense, a Letter of Warning for the second offense and a \$1000 civil penalty for the third offense. A Letter of Concern and/or Warning is not formal discipline and is not reportable. Assessment of a civil penalty is considered formal discipline and is a reportable. 🦷

## 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.

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://www.tn.gov/revenue/tntaxes/proftax.shtml>

Note: The Board of Dentistry does not assess this tax.

According to the Department of Revenue's website, **all professional privilege tax returns filed on or after January 1, 2013, must be filed electronically. Professional privilege tax returns can be filed either by individuals, or by companies who file and pay for multiple individuals.** 🦷



## DENTAL RECORDS

The maintenance and release of dental records are governed by T.C.A. § 63-2-101 – 102 and Rule 0460-2-.11(5). The records must be maintained in such a manner that a subsequent treating dentist can readily ascertain the treatment provided. The records at a minimum should include:

- ✓ A charting of the patient's teeth conditions.
- ✓ Dates of performance of services.
- ✓ Concise medical history.
- ✓ Notation of dates, types and amounts of pharmaceuticals prescribed or dispensed.
- ✓ Readable x-rays when required for services rendered.

The release of dental records requires that either a copy or summary of the patient's dental records be furnished to the patient or the patient's authorized representative within 10 working days upon request in writing.

The patient or patient's authorized representative may be charged for the costs of copying and mailing the records. Refer to T.C.A. § 63-2-102 for the cost and mailing requirements. 🦷

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## DENTISTS: REMINDER ABOUT PRACTITIONER PROFILES

The Health Care Consumer Right-to-Know Act of 1998, Tenn. Code Ann. § 63-51-101 et seq., requires dentists to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes:

- A description of any criminal convictions for felonies within the most recent ten (10) years.
- A description of any final disciplinary actions of licensing boards in Tennessee within the most recent ten (10) years.
- A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years.
- 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.
- 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.
- Practice Addresses, education and specialty certification are also required to be reported.

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.**

Practitioner profiles can be viewed online at <http://health.state.tn.us/Licensure/default.aspx>. 



## 2012 Statistics of the Board of Dentistry

	<u>Dentists</u>	<u>Hygienists</u>	<u>Assistants</u>
<b>New Applications Received</b>	<b>190</b>	<b>277</b>	<b>1144</b>
<b>Total New Licenses Issued (includes reinstatements)</b>	<b>197</b>	<b>305</b>	<b>1236</b>
<b>Total Certifications/Permits Issued *</b>	<b>85</b>	<b>544</b>	<b>2448</b>
<b>Total Number of Renewals Processed (includes online)</b>	<b>1576</b>	<b>1904</b>	<b>3074</b>
<b>Total Number of On-Line Renewals</b>	<b>514</b>	<b>827</b>	<b>1218</b>
<b>Percent who Renew On-Line</b>	<b>33%</b>	<b>43%</b>	<b>40%</b>
<b>Total Number who Expired</b>	<b>27</b>	<b>62</b>	<b>688</b>
<b>Total Number of Retired Licenses</b>	<b>88</b>	<b>79</b>	<b>131</b>

Total number of active licensees is as of:

December 31, 2012:

<b>Dentists</b>	<b>3,696</b>
<b>Hygienists</b>	<b>4,301</b>
<b>Assistants</b>	<b>8,277</b>
Total	16,274

December 31, 2011:

<b>Dentists</b>	<b>3,626</b>
<b>Hygienists</b>	<b>4,145</b>
<b>Assistants</b>	<b>7,872</b>
Total	15,643

December 31, 2007:

<b>Dentists</b>	<b>3,432</b>
<b>Hygienists</b>	<b>3,708</b>
<b>Assistants</b>	<b>5,392</b>
Total	12,532

December 31, 2003:

<b>Dentists</b>	<b>3,255</b>
<b>Hygienists</b>	<b>3,156</b>
<b>Assistants</b>	<b>4,146</b>
Total	10,557

\* Total New Licenses Issued and Number of Reinstatements/Reactivations includes applications received in 2011 but issued in 2012 when all requirements were completed.

**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 September 30, 2013

Charles E. Holt, Jr., D.D.S.  
President  
Chattanooga

James L. Smith, D.D.S.  
Vice-President  
Cookeville

Mary R. Warner, RDH  
Secretary/Treasurer  
Chapmansboro

Katherine N. Hall, DDS.  
Nashville

Lawrence Hsia, D.M.D.  
Memphis

Nadim Jubran D.D.S.  
Maryville

Dan Meadows, D.D.S.  
Memphis

Randall Prince, D.D.S.  
Dyersburg

Airica B. Puckett, RDH  
Livingston

Betty Lynn Richert  
Springfield  
Consumer Member

Mary Ellen Vaughn, R.D.A.  
Knoxville

### Board Staff

Dea Smith  
Executive Director

Tammy Roehrich  
Administrator

Sue Kerley  
Administrator

Ruby Cloyd  
Licensing Tech