

MINUTES

TENNESSEE BOARD OF DENTISTRY MEETING

Date: January 12-13, 2023

Location: Tennessee Department of Health
665 Mainstream Dr.
Nashville, TN 37243

Members Present: Phillip Kemp, DDS- President
Robert Caldwell, DMD (absent January 13th)
Thao Kinsey, RDH
Greg Kemp, DDS
Edward Moody, DDS (absent January 13th)
Airica Puckett, RDH
Naomi Martin, RDA
Jayson Tabor, DDS

Staff Present: Ailene Macias, Director
Evan Swafford, Administrative Manager
Paetria Morgan, Senior Associate General Counsel

The board meeting came to order at 9:00 AM.

CONFLICT OF INTEREST

The conflict-of-interest statement was reviewed by Ms. Morgan before the meeting was turned back over to Dr. Phillip Kemp.

MINUTES

Ms. Kinsey made a motion to approve the meeting minutes from the October 2022 board meeting. Dr. Tabor seconded the motion, and the motion carried.

RATIFICATIONS

Ms. Puckett made a motion to approve the following:

1. New licenses, reinstatements/reactivations, and retirements
2. Specialties, certifications and permits

3. Administrative Revocations

Ms. Kinsey seconded the motion, and the motion carried.

APPROVAL OR DENIAL OF WAIVERS AND EXEMPTIONS

Ms. Puckett made a motion to approve the following:

- | | |
|---------------------------|----------------------------------|
| 1. Ametller, Mairolis RDH | 7. Hardison, Mark DDS |
| 2. Ashmore, Rhonda RDA | 8. Lewis Natasha RDA |
| 3. Bardwell, Cindy RDH | 9. Muse, Claude DDS |
| 4. Carter, William DDS | 10. Osborne, LaToyia RDA |
| 5. Comstock, Misti RDH | 11. Sexton, Stephen DDS |
| 6. Fowler, Stephen DDS | 12. Soriano-Avalos, Patricia RDA |

Dr. Tabor seconded the motion, and the motion carried.

APPROVAL OR DENIAL OF CONTINUING EDUCATION, CPR COURSES AND/OR COURSES SUBMITTED BY INDIVIDUALS

Ms. Martin made a motion to approve the following:

1. Gluck Orthodontics- “The Orthodontic/Restorative Continuum”
2. Gluck Orthodontics- “Orthodontic Treatment with Clear Aligners”
3. Gluck Orthodontics- “Orthodontic Diagnosis & Problem List for Dental Hygienists”
4. Artistic Smiles- “Obstructive Sleep and Orthodontics”

Ms. Kinsey seconded the motion, and the motion carried.

DENTAL ASSISTING PROGRAM

Ms. Puckett made a motion to approve the following:

1. Applied Dental Assisting
2. Dental Assisting School of the Boro
3. Complete Dental Care Educational Center
4. Hussain College- Dental Assisting Program- Murfreesboro
5. Hussain College- Dental Assisting Program- Nashville
6. Martin Dental Assistant Academy
7. Mountain Empire Community College
8. Tennessee Elite Dental Assistant Academy
9. Vibe Dental Academy

Dr. Tabor seconded the motion, and the motion carried.

PROGRAMS AND CERTIFICATION COURSES

Ms. Puckett made a motion to approve the following:

Administration of Local Anesthesia

1. Excel Dental Training Institute
2. Lincoln Memorial University College of Dental Medicine
3. Tennessee Wesleyan University

Administering and Monitoring Nitrous Oxide

1. Chattanooga State Community College
2. Concorde Career College- Dental Hygiene
3. Dent-Ed-Online
4. Excel Dental Training Institute
5. Lincoln Memorial University College of Dental Medicine
6. Tennessee Wesleyan University

Coronal Polishing

1. Complete Dental Care Educational Center
2. Dental Staff School
3. Dental Staff School of Chattanooga
4. Dental Staff School of Tennessee
5. Excel Dental Training Institute
6. Lincoln Memorial University College of Dental Medicine
7. Northeast State Community College

Dental Radiology

1. Dental Certificate Training Foundation
2. Dent-Ed-Online
3. Excel Dental Training Institute
4. Jackson Area Dental Certification

Sealant Application

1. Complete Dental Care Educational Center
2. Competitive Edge Dental Assisting Academy- Chattanooga
3. Competitive Edge Dental Assisting Academy- Kingston
4. Dental Staff School- Chattanooga
5. Dental Staff School- Knoxville
6. Dental Staff School of Tennessee
7. Dent-Ed-Online
8. Excel Dental Training Institute
9. Lincoln Memorial University College of Dental Medicine

10. Northeast State Community College

Nitrous Oxide Monitoring

1. Complete Dental Care Educational Center
2. Dental Staff School- Chattanooga
3. Dental Staff School- Knoxville
4. Dental Staff School of Tennessee
5. Dent-Ed-Online
6. Excel Dental Training Institute
7. Lincoln Memorial University College of Dental Medicine
8. Northeast State Community College
9. Tennessee College of Applied Technology

Ms. Kinsey seconded the motion, and the motion carried.

EQUIVALENCY OF COURSES

Ms. Kinsey made a motion to approve the following:

Local Anesthesia

1. Matlock, Stacy- Phoenix College

Administering and Monitoring Nitrous Oxide

1. Arian, Uswa- VA Western Community College
2. Gray, Nicole- Farmingdale State College
3. Heide, Brittany- Prairie State Community College
4. Johnson, Elizabeth- Western KY University
5. Matlock, Stacy- Phoenix College
6. McDuffy, Renee- CO Northwestern Community College
7. Morrison, Shannon- Milwaukee Area Tech College
8. Patel, Moshami- Youngstown State University
9. Paulsen, Michele- IL State Dental Society
10. Ray, Sherry- Wytheville Community College
11. Seidenstricker, Christine- Loma Linda University
12. Treto, Belen- Eastern FL State College
13. Werner, Pamela- University of AK Anchorage
14. Werner, Waler- University of AK Anchorage
15. Wienholz, Sandra- Sacramento City College

Restorative

1. Williams, Sandi- Pickens Technical College

Radiology

1. Gatewood, Kaylee- Accelerated Dental Assisting Academy- MS
2. Ibarra, Valeria- Charter College

3. Kahili- Frantela, Kayla- The Medical Institute of KY
4. Malec, Amanda- Hillsborough Community College
5. Peterson, Christiana- Riverside CO. of Education
6. White, Janell- Everest College

Multiple Courses

1. Drayer-Esquibel, Michelle- Oklahoma Dental Foundation- NOM, Sealant, CP
2. Gonzalez, Julian- Expanded Functions Dental Assistant Association- Restorative, Prosthetic
3. Jones, Denise- Carrington College- Radiology, CP, Sealants
4. Peterson, Christina- Riverside CO. of Education

Ms. Martin seconded the motion, and the motion carried.

Ms. Martin made a motion to confirm the denial of the following courses:

Denied

1. Baldwin, LorAnne- Moreno Valley College- N2O
2. Champion, Jetoone- Excel Dental Training Institute- Over 2 years old
3. Combs, Gabrielle- Florida State College- Local Anesthesia
4. Drayer-Esquibel, Michelle- Oklahoma Dental Foundation
5. Griffith, Alexandra- University of Colorado School of Dental Medicine CE Course- Local Anesthesia
6. Isenberg, Lauren- Pierce College- Restorative
7. Jones, Ashunti- Tennessee College of Applied Technology Memphis- Over 2 years old
8. Jones, Denise- Carrington College- NOM
9. Loera, Laura- University of IL Chicago College of Dentistry CE Course- Local Anesthesia
10. McPherson, Jalyn- Dr. Rick Waters, Instructional Design
11. Pressley, Towanna- Old Dominion School of Dental Hygiene CE Course- N2O
12. Reyes, Sujey- Concorde, Memphis- Over 2 years old
13. Thomas, Drea- Complete Dental Education
14. Thornton, Janet- Accelerated Dental Assisting Academy- Local Anesthesia
15. Wolkow, Chanah- UTHSC San Antonio CE course- N2O

Ms. Kinsey seconded the motion, and the motion carried.

CORRESPONDENCE

AADB Virtual Meeting April 21-22, 2023- Ms. Martin made a motion to have 2 available seats for registration open for any board member who wished to attend this meeting. Ms. Kinsey seconded the motion, and the motion carried. Dr. Phillip Kemp asked the board members to contact Ms. Macias if they wished to take one of the open slots available to be registered to attend this meeting.

REPORTS

Executive Director's Report- Ms. Macias informed the board members of the future meeting dates for 2023 being scheduled for April 13-14, July 13-14, and October 5-6. Since January 1, 2023, new licenses have been issued totaling 346 for dentists, 418 for dental hygienists, 1,509 for dental assistants, and 58 dental facility permits. Most dental professionals are opting to renew their licenses online, instead of through the paper application sent by mail. Since the start of the year, there have been 78 dentist licenses retired, 130 for dental hygienists, and 215 for dental assistants. As of December 31, 2022, there are a total of 20,877 active dental professional licenses.

Office of Investigations Report- During 2022 there were a total of 341 complaints opened, and 474 total complaints had been closed.

OGC Report- Ms. Morgan reported there were 7 consent orders and 2 agreed orders to be presented at the meeting. There were 71 open cases in OGC. No appeals were in Chancery Court. There was a rulemaking hearing scheduled for April 13, 2023, which would be dealing with the orofacial pain and oral medicine specialty certification rules. On October 13, 2022, a rulemaking hearing for the fee decrease rules had been held, and the rules were currently in the attorney general's office. There were 2 contested case hearings set for January 13th.

Tennessee Dental Wellness Foundation Update- Dr. Sain came before the board and discussed the rise in overdoses, overdose deaths, and relapses nationwide. The CDC reported over 107,000 overdose deaths in the last year. Approximately 80% of the opioid overdose deaths involve fentanyl. Dr. Sain reported they have had an increase in relapses, but there have been no overdoses or overdose deaths. Dr. Sain mentioned the CE course available for dental professionals on the foundation website, which is in the subject of substance abuse disorders and prescription writing. He was concerned that some courses available to dentists for prescription writing CE, did not always pertain specifically to dentistry, and may not have information on the services the Wellness Foundation provides.

Dr. Phillip Kemp asked whether Dr. Sain had any recommendations for how the board may look into courses which may not pertain to dentistry or determine whether courses may not meet the requirements listed in the board rules for CE. Dr. Sain stated he would be happy to look at anything or review course information to help with this, if needed. He would also be willing to send slides or information to course providers which may help them in providing information on prescribing controlled substances, as well as the services provided by the foundation to dental professionals. Dr. Phillip Kemp asked if the foundation offered a course online for the CE in the subject of chemical dependency and prescribing of controlled substances, since most licensees were seeking to take this requirement in an online format. Dr. Sain confirmed the foundation offered the course online, and there was a fee for the course participants. Dr. Sain mentioned he would like to send out a newsletter possibly several times a year to dental professionals to provide information on the foundation and the CE course availability. The TDA offered to share a list of their members if Dr. Sain would like to send a few newsletters a year as well. He was concerned that the TDA membership is down to 67%, so not all dentists would be reached, and their membership also would not include dental hygienists and assistants. It was discussed that the board office did send out an email previously regarding the wellness foundation, but there hadn't been anything sent out specific to CE courses available from the foundation. Ms. Morgan said there would not be an issue with the board wished to have the board office send communications to licensees regarding the wellness foundation, and they had the ability to make that request. Dr. Phillip Kemp felt that sending out a scheduled email to licensees twice a year, may help to get the information for the foundation out to more people. Ms. Puckett agreed but asked that the information regarding the availability of the CE be included in the correspondence which would be sent. Dr. Sain stated he would make a flier on the foundation and the availability of the CE course available, which could be reviewed and voted on at the next board meeting. Ms. Macias asked that it be made clear in the correspondence draft for the foundation

information, that the course is an option to satisfy the chemical dependency or prescribing CE requirement, but it was not the only course available to them. She stated it was not uncommon for licensees to contact the board office asking for the specific CE course that was mandatory for the chemical dependency requirement, due to them being under the impression there was only one course option available for this CE. Ms. Macias asked that the correspondence about this course availability make it clear the specific course through the foundation was not mandatory and was an option for this requirement for the CE cycle. The information would be presented to the board for their vote at the next board meeting.

Updates from the Schools of Dentistry-

UT School of Dentistry- Dr. Ragain reported the construction of the new Delta Dental building was to be finished within a week. The ribbon cutting would be waiting until the furniture and equipment was all set up in the building, but this should be done within a few months. Dr. Ragain invited the board members to come take a tour of their new building on campus. The new building will be more convenient for both the patients and the dental students as well. The admissions for the class of 2027 was underway at the school, with 1,800 candidates applying for one of their 110 seats available for their D1 class. The school was awaiting a response from CODA for the request to increase the class size to 120 seats, to be approved for their incoming D1 class. Dr. Ragain reported the school received grant money in 2022, from the Healthy Smiles Act, which would allow them to increase their class size. They are going to be offering 2 different starting dates for the dental hygiene program, to allow them to have 48 new dental hygiene students. The grant money was also allowing the school to put into place a 5-year faculty hiring plan to accommodate the increased class sizes. The school has also been able to increase salaries for their current faculty, which has helped boost morale. Dr. Ragain reported they would be doubling the clinic locations to 6 by January next year, which can help with those areas with more limited access to care.

Dr. McKinney gave the report for the EFDA program at UT. The demand for EFDA classes remains high at the school. He believes an increase in EFDA trained RDAs will help with the access to care issues across the state, with wait times at most dental offices becoming longer due to the influx of new residents moving to the state. They had a total of 117 students in 2022 who participated in their EFDA program. For 2023, the EFDA program will schedule 5 sessions at the UT Knoxville campus, due to the demand for the course in that area.

Meharry School of Dentistry- Meharry is working on expanding their facilities and renovating operatories for the students. They have a new 42 clinic operatory, but they are not currently seeing patients due to having the equipment/computers installed at this time. Cameras are being installed over the stations which will allow instructors to review what the students are doing, but the cameras will not show the patient's faces. Their newly renovated prosthodontics operatories are currently up and running, with patients being seen treated in those facilities. Meharry has a mobile unit in use, which travels around the state to treat patients. The mobile unit has 4 full operatories, and digital radiography and Panorex capabilities. They have expanded their class size from 60 to 75 students. All new students coming into the dental school are put through a summer mini academy course to test study skills, personality development, and other academic skills. The testing helps the school assist students with gaining and improving on skills which will help them accel in their dentistry program. Meharry is continuing with their international dentist program. Meharry is starting their new Pediatric Residency Program, which will start in July 2023.

Dr. Gray gave the update on the EFDA program at Meharry. Last year they had 84 students complete their EFDA course. They are planning on holding 4 sessions for the EFDA course this year. There are 22 students enrolled in the Spring EFDA class, and there were a few vacancies for seats in the class.

CE Broker Update- As of the end of 2022, CE Broker reported that 7,280 dental professionals had signed up for basic accounts, 1,112 had professional accounts, and 75 had concierge accounts with them. 59% of Tennessee licensed dental professionals have not made an account through CE Broker.

OTHER BUSINESS, RULE CHANGES AND/OR POLICY CHANGES

RDA School Rule: Enrollment into Monitoring Nitrous Oxide Courses- The board members reviewed the draft language for a proposed rule change for dental assisting schools/programs, to allow registered dental hygienists to enroll into the monitoring nitrous oxide courses. As the rule was currently worded, the dental assisting schools/programs did not allow for dental hygienists to enroll in a monitoring only course. Board rules allowed for dental hygienists to have certifications added to their license in both administration and monitoring nitrous or only in monitoring nitrous oxide. The board office had been contacted by a dental assisting school, which asked for clarification on the rule regarding the enrollment of dental hygienists into a nitrous monitoring course. The board voted on the drafted language which would allow dental hygienists or dental assistants to take the monitoring of nitrous oxide course. Dr. Tabor made a motion to accept the drafted language for the necessary rule change. Ms. Puckett seconded the motion, and the motion carried.

COMMITTEE AND TASKFORCE UPDATES

CSMD Committee member replacement request- Dr. Caldwell requested that he be replaced on the CSMD Committee, by another board member. He spoke about the obligation as a committee member, with the meetings occurring in-person quarterly and only lasting about a couple of hours for each meeting. The Board of Dentistry must have a board member who also serves on the CSMD Committee. Dr. Phillip Kemp asked the board members if they would be willing to volunteer to replace Dr. Caldwell on the committee. The board members asked if the meeting could be done virtually or if there could be a rotating member from the board who could attend the CSMD Committee. Ms. Morgan stated that being a member on the CSMD Committee is similar to being a board member on the Board of Dentistry, so membership could not rotate for the quarterly meetings. There were no volunteers to replace Dr. Caldwell on the committee, and the board members requested to table the discussion to a future meeting.

AGREED CITATIONS

Continuing Education

Ms. Puckett made a motion to approve the following agreed citations:

1. Ambrose, John DDS
2. Antonio, Sarah RDA
3. Bowden, Hannah RDA
4. Brown, Haily RDA
5. Burch, Summer RDA
6. Carter, Tracy RDA
7. Claunch, Andrea RDH
8. Jordan, Stephanie RDA
9. Lee, Elizabeth DDS
10. McNabb, Marah RDA
11. Martin, Arminda RDA
12. O'Neal Maegan RDA
13. Porter, Kristen RDH
14. Regan, Amanda RDA

Ms. Kinsey seconded the motion, and the motion carried.

Lapsed Licenses

Ms. Kinsey made a motion to approve the following lapsed license citations:

1. Hayes, Kristi RDA
2. Howard, Taylor RDA
3. Kerby, Catherine RDA
4. Owens, Jessica RDA

Ms. Martin seconded the motion, and the motion carried.

ORDERS OF COMPLIANCE

1. *Hensley, Richard RDH*- Mr. Hensley had previously had his license placed on probation in 2018, to run concurrent with his criminal probation. He successfully completed his probation, and he also received the advocacy from the Wellness Foundation in accordance with his board order. Ms. Hensley appeared before the board to request that the probation be lifted from his license. Dr. Sain spoke on behalf of Mr. Hensley, stating he fully supported the probation being lifted from the license. Ms. Puckett made a motion to lift the probation from the license, and Ms. Kinsey seconded the motion. The motion carried. Ms. Kinsey made a motion to accept the order as drafted, and Ms. Martin seconded the motion. The motion carried.
2. *Clayborn, Theandrew DDS*- Dr. Clayborn entered a consent order to extend the probation on his license in 2012, which required him to pay restitution to his patients or make every attempt to do so. The restitution or payments to the patient included money which had been pre-paid by patients, for services which were not provided by Dr. Clayborn. The board order also required payments of the costs associated with the presentation of the order. He appeared before the board to request the probation to be lifted from his license. Dr. Clayborn thanked the board for considering the lifting of the probation from his license, and he expressed remorse for any wrongdoings that had taken place in the past. Ms. Puckett questioned by the board was just being asked to lift the probation from the license when the probation had been only extended until 2014. Ms. Morgan reminded the board that the petitions for orders of compliance would only be brought before them, upon the request from the licensee. Dr. Clayborn submitted an affidavit which outlined and explained his attempts to pay back the patients, and his attempts to contact those patients who he needed to pay back. Ms. Puckett made a motion to lift the probation from Dr. Clayborn's license, and to approve the order of compliance as drafted. Ms. Martin seconded the motion, and the motion carried.

CONSENT ORDERS/AGREED ORDERS

1. *Carico Jr. Paul DDS*- A dental hygienist working in Dr. Carico's office, worked for 9 months on an expired license. The unintended lapse in license was due to the pandemic due to disruptions in business operations, and the license was reinstated as soon as the error was discovered. As part of the order, Dr. Carico must pay a total of \$700 in civil penalties, along with the cost associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.

2. *Carico III, Paul DDS*- A dental hygienist working in Dr. Carico's office, worked for 9 months on an expired license. The unintended lapse in license was due to the pandemic due to disruptions in business operations, and the license was reinstated as soon as the error was discovered. As part of the order, Dr. Carico must pay a total of \$700 in civil penalties, along with the cost associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. Puckett seconded the motion. The motion carried.
3. *Carter, William DDS*- Ms. Kinsey and Dr. Moody were recused from this order. Dr. Carter allowed a registered dental assistant to monitor nitrous oxide without the credentials to do so. The website for the practice also inaccurately states that the registered dental assistant is board certified in nitrous oxide monitoring. As part of the order, Dr. Carter must pay a total of \$1000 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.
4. *Evans, Brock DMD*- Dr. Caldwell was recused from this order. From late 2020 through the beginning of 2022, Dr. Evans removed controlled substances such as Demerol, Ketamine, and Fentanyl from his practice for personal use. There was no evidence of Dr. Evans being impaired while on duty as a dentist. Dr. Evans completed a treatment program at Cornerstone of Knoxville and entered into a monitoring agreement with the Tennessee Dental Wellness Foundation. As part of the order, Dr. Evans must complete the three-day course entitled "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls" offered by Vanderbilt University Medical Center, or an equivalent course. He will be restricted from prescribing opioids for six months and until successful completion of the required three-day course as listed in the order. The order also requires that Dr. Evans to enter a five-year monitoring contract with the Wellness Foundation. Dr. Evans must pay a total of \$1000 in civil penalties and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to ratify the order, and Ms. Puckett seconded the motion. The motion carried.
5. *Goins, Clay DDS*- Dr. Caldwell was recused from this order. Dr. Goins allowed a dental assistant to practice on an expired registration for 12 months. The dental assistant exposed radiographs, applied sealants, engaged in coronal polishing, and monitored nitrous oxide during that 12-month period where the registration was expired. As part of the order, Dr. Goins must pay a total of \$1000 in civil penalties, and pay the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
6. *Grogan, Kaitlyn RDA*- Ms. Grogan administered medications intravenously, under the direct supervision of a dentist. Ms. Grogan also administered and monitored nitrous oxide. Both duties are beyond the scope of practice of a registered dental assistant. As part of the order, Ms. Grogan must pay a total of \$1000 in civil penalties, as well as the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
7. *Headrick, Kaitlyn RDA*- Dr. Moody was recused from this order. Ms. Headrick was selected for the 2019-2020 continuing education audit and was found to be non-compliant with the requirements. She signed the agreed citation and paid the civil penalty of \$150, but she failed to submit the required make up hours and proof of CPR certification. As part of the order, Ms. Headrick must complete the required make up hours, show proof of a current CPR certification,

and pay the costs associated with the presentation of the order. Ms. Martin made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.

8. *Kaufman, Stephen DDS*- An investigator of the Department made an unannounced onsite visit to the Respondent's clinic, Walling Family Dentistry, in March 2022. It was discovered that Dr. Kaufman failed to maintain an autoclave log, failed to maintain a controlled substance log for controlled substances he dispensed to patients, and had multiple expired medications onsite. Dr. Kaufman must pay a total of \$4000 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.
9. *Kogos, Brittanie RDA*- While working at Schilling Farms Dental in Collierville, Ms. Kogos monitored nitrous oxide without Board certification. As part of the order for working beyond the scope of her registration, she must pay a total of \$1000 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.
10. *Nutt, Laura RDA*- Dr. Caldwell was recused from this order. Ms. Nutt submitted a reinstatement application which reported that she performed all duties of a registered dental assistant, including applying sealants, engaging in coronal polishing, exposing x-rays, and monitoring nitrous oxide for 12-months on an expired registration. As part of the order, Ms. Nutt must pay a total of \$2000 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
11. *Phillips, Megan RDA*- Ms. Phillips was sent the notice of continuing education audit for the 2019-2020 cycle, and she failed to respond to both the audit notices and the resulting agreed citations. As part of the order, Ms. Phillips must pay a total of \$150 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.
12. *Prine, Sean DDS*- Dr. Prine allowed his registered dental assistant to monitor nitrous oxide without Board certification. As part of the order, Dr. Prine must pay a total of \$500 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
13. *Thompson, Jennifer RDA*- Ms. Thompson was selected for the continuing education audit for the 2019-2020 cycle. She did not respond to the notices of audit, and resulting agreed citations sent by certified mail. Ms. Thompson corresponded with board staff over a period of several months regarding her audit deficiency. She failed to provide proof of compliance with the audit requirements or the agreed citation for non-compliance. As part of the order, Ms. Thompson must pay a total of \$150 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

14. *Thompson, Keri RDA*- Ms. Thompson entered a Consent Order in October 2020 with the Board of Dentistry, and she failed to complete the requirement of that order by not paying all civil penalties and costs of the presentation of the order. As part of the order presented at this meeting, Ms. Thompson's registration was placed in an indefinite probationary status. The registration will remain in a probationary status until she complies with the October 2020 order, and she must pay the costs associated with the presentation of the new Consent Order. Ms. Thompson must appear before the board to request the probation be lifted from her registration once all requirements have been met. The disciplinary action is reportable to the National Practitioner Databank. Ms. Puckett made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.

15. *Waters, Keophosy RDA*- Dr. Moody was recused from this order. Ms. Waters submitted a reinstatement application for her dental assistant registration in September 2022, for her registration which expired in August 2012. On the application Ms. Waters reported she had been performing all duties of a registered dental assistant, including monitoring nitrous oxide, engaging in coronal polishing, applying sealants, performing expanded restorative functions, and exposing dental radiographs, on the expired registration. Ms. Waters reported she had been sending e-scripts to pharmacies for patients while working at Bite Dentistry in Nashville, which is beyond the scope of practice for dental assistants. As part of the order, Ms. Waters must pay a total of \$3000 in civil penalties and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

There were no public comments or questions. Dr. Phillip Kemp asked the board members if there were any other topics which they wished to discuss. Dr. Tabor wished to speak about the oral sedation courses, and how possibly how oral sedation courses were approved. He recommended that the board website be updated for information on the board approved oral sedation courses that are listed as being available to dentists. Dr. Tabor stated there were 3 courses that are approved for oral sedation for dentists, and 2 courses are no longer available or active. He stated DOCS has a live streamed course available 2 times this year, and he was unsure how an oral sedation course could be done entirely online and be board approved for a sedation permit. Dr. Tabor hoped to have one of his associate dentists receive training to obtain their oral sedation permit, but there were no courses available at this time. He was frustrated that 16 courses were approved on the board website for comprehensive sedation, but there were not as many options available for oral (limited) sedation permits to be obtained by dentists in the state. Dr. Tabor stated the board was indirectly supporting a monopoly for DOCS Education to be the only remaining course that appeared to be available for oral sedation permits to be obtained. He requested the Anesthesia Committee find a pathway to make the oral sedation permit more obtainable for dentists. Dr. Tabor was concerned that it seemed sedation courses had a "lifetime approval" after being initially board approved, but sealant certification courses for dental assistants had to be reapproved every 2 years. He disagreed with the lack of oversight on sedation courses being re-evaluated for their course content after the initial approval. He felt the committee should make recommendations or have information available to dentists with sedation permits, on ways to properly dispose of controlled substances which are expired, due to many places not accepting expired liquid medications at this time.

Ms. Morgan, stated for the record that the board was able to discuss any topics they wished, but due to this subject not being properly sunshined prior to the meeting, the board would not be able to take any action or vote on the topic. She recommended the topic be added to the agenda for the next board meeting, to allow the board to properly follow the Sunshine Act. Dr. Phillip Kemp felt it was difficult for board members to discuss issues and come up with solutions when they were unable to communicate

amongst themselves outside of the meetings. He said often dental professionals would contact his practice to ask questions, and he was unable to give them answers or discuss issues due to the Sunshine Act. Dr. Phillip Kemp requested that Dr. Tabor be added to the Anesthesia Committee to assist with their recommendations to the board for solutions. He felt it would help to replace Dr. Caldwell on the committee with Dr. Tabor, due to Dr. Caldwell being unable to get a replacement board member for the CSMD Committee, which was discussed earlier in the meeting.

Ms. Morgan stated there were rules regarding the credentials required for each seat on the Anesthesia Committee, and she would be unable to confirm without background information if both board members had identical credentials which would allow the rule requirement to be met. She stated Dr. Caldwell would have to agree to step down from the committee before he could be replaced. The rule requirements for credentials for those on the committee would need to be met as well. Dr. Caldwell stated he filled the seat requirement on the committee for the pediatric specialty dentist, which was outlined in the board rule read to the board by Ms. Morgan. Dr. Tabor replied that he had his comprehensive conscious sedation permit, and he would be happy to either serve on the committee to help address the issues/concerns. Dr. Tabor said regardless of whether he was on the committee, the issues needed to be addressed and it may not necessarily require his serving on the committee himself, so long as the committee was willing to help with these concerns. Dr. Phillip Kemp felt the board office should not need to do things such as research whether approved courses were still available but that could possibly be handled by the committee instead. He recommended the committee might be able to contact course providers to submit new course options that may be reviewed for approval for oral sedation permits. Ms. Macias stated that some of the topics of discussion would most likely require a rule change or a board policy to be created, and there were currently no rules in place to require re-credentialing of sedation courses. She discussed the fact that the collection of data or contact with the sedation course providers would fall on the board staff, and the committee members could not be contacted directly by the course providers themselves. Dr. Phillip Kemp suggested the board office appoint a committee member to do these tasks, such as seeking courses or contacting course providers, instead of the board staff being required to take these duties on.

Ms. Morgan reminded the board members the topic was not on the agenda and was not properly sunshined, so some answers or information may not be available due to the inability to do proper research on the subject. Again, she reminded the board members they could not take a vote on items or topics which were not on the agenda before the meeting. Ms. Morgan recommended the board allow the topic to be tabled until the next meeting, so the proper information would be prepared for these questions to aid in the discussion. The board members discussed that Dr. Adams is a pediatric dentist, who is also serving currently on the committee, to meet the rule requirement. Dr. Phillip Kemp requested that Dr. Tabor replace Dr. Caldwell on the committee if both would agree to the change. Dr. Caldwell reminded the board members the committee meetings were open to the public and anyone can bring topics to the committee to discuss concerns or questions. Dr. Phillip Kemp stated his preference to have Dr. Tabor on the committee, which could carry more weight than a person speaking to the committee on a specific topic if recommendations needed to be made for changes to take place. The board was reminded again the subject was not on the agenda and did not follow the Sunshine Act. Dr. Tabor asked how Ms. Macias and Ms. Morgan would solve these issues he brought before the board. Ms. Morgan suggested tabling the discussion to the next meeting by placing the topic on the agenda, which would also allow for the public to plan to attend the meeting to participate in the discussion. Dr. Phillip Kemp questioned the agenda header of "committee and task force updates" and asked why this topic could not be addressed during this meeting due to the header appearing on the agenda. Ms. Morgan's response was that the topic in her opinion was not considered an update. Ms. Morgan reminded the board members the meeting was recorded, and she was stating again on record they were cautioned about following the Sunshine Act and the topic was not properly sunshined before the meeting. Dr. Phillip Kemp disagreed with the interpretation of the Sunshine Act, stating its purpose was to prevent the board member from making decisions under the table which would be the detriment to the citizens of Tennessee. Dr. Phillip Kemp,

said as the board chair, he would take responsibility for the board moving forward with the discussion to get things done. Dr. Phillip Kemp asked for a motion from the board to have Dr. Tabor replace Dr. Caldwell on the committee. Ms. Morgan stated for the record, while it was up to the board to decide to move forward, that if there were to be issues which would come into question with a decision made was not sufficiently noticed, the decision would be considered null and void. Ms. Puckett made a motion to approve replacing Dr. Caldwell on the committee with Dr. Tabor. Ms. Kinsey seconded the motion, and the motion carried.

ELECTION OF BOARD OFFICERS

Dr. Phillip Kemp stated he was willing to continue to serve as board chair if the other board members would wish him to do so. There were no volunteers who wished to take on the role of board chair. Dr. Caldwell made a motion to nominate Dr. Phillip Kemp, to serve as board chair. Ms. Kinsey seconded the motion, and the motion carried. Dr. Greg Kemp asked whether Dr. Caldwell would wish to continue serving as board vice chair, and he made a motion to nominate Dr. Caldwell to serve again as vice chair. The motion Ms. Kinsey seconded the motion, and the motion carried. Dr. Greg Kemp made a motion to nominate Ms. Kinsey to serve again as board secretary. Ms. Martin seconded the motion, and the motion carried.

The meeting was adjourned at 11:44 a.m.

FRIDAY, JANUARY 13TH

CONTESTED CASE HEARINGS

The Administrative Judge, Shannon Barnhill, called the hearing to order at 9:05 a.m.

Paetria Morgan was representing the Office of General Counsel for the State of Tennessee in the proceedings. The case of Ms. Shavarsea Dallas, RDA was called, but Ms. Dallas was not present in the board room and there was not anyone present to represent her. The judge confirmed Ms. Dallas that sufficient notice was given by Ms. Morgan for the hearing set for that date and time. It was confirmed there was a quorum present for the hearing to continue. Ms. Morgan requested to move forward with the hearing in default. A signed affidavit was presented, which outlined the attempts by mail and phone in which Ms. Dallas was reminded of the hearing date and time. Judge Barnhill determined sufficient notice was given to Ms. Dallas regarding the hearing, and the request to move forward in default was granted. After review of the affidavit showing the attempts to notify and remind Ms. Dallas of the hearing, Ms. Puckett made a motion to hold Ms. Dallas in default, and move forward with the hearing to allow the State to present the case. Ms. Kinsey seconded the motion, and the motion carried.

Ms. Dallas signed an Agreed Order in August 2022, which required her to complete the continuing education make up hours, pay the civil penalty costs for audit non-compliance, and pay the costs associated with the presentation of the order. Ms. Dallas failed to complete the terms of the order. Ms. Morgan requested the board place Ms. Dallas' registration on probation, until the terms of the order were completed. Evidence was published by Ms. Morgan showing the facts of the case, the certification of licensure, and proof of contact with Ms. Dallas regarding the matter. Ms. Kinsey made a motion to accept the final order presented to the board. Dr. Tabor seconded the motion, and the motion carried.

The hearing was adjourned at 9:38 a.m.