

MINUTES

TENNESSEE BOARD OF DENTISTRY MEETING

Date: January 11, 2024

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

Members Present: Phillip Kemp, DDS- President
Robert Caldwell, DMD
Greg Kemp, DDS
Thao Kinsey, RDH
Edward Moody, DDS
Maricela Rodriguez, DDS
Steven Zambrano DDS
Naomi Martin, RDA
Suzanne DuVall, RDH
Christopher Acree, Consumer Member

Staff Present: Ailene Macias, Director
Stephanie Glasgow, Board Manager
Paetria Morgan, Senior Associate General Counsel

The meeting began at 9:09 a.m. and the Conflict-of-Interest Statement was reviewed.

MINUTES

Dr. Rodriguez made a motion to approve the meeting minutes from the October 2023 Board Meeting. Ms. Kinsey seconded the motion, and the motion carried.

Dr. Rodriguez made a motion to approve the Anesthesia Committee meeting minutes from the October 2023 meeting. Ms. Martin seconded the motion, and the motion carried.

INTERVIEWS/BOARD REQUESTS

Fortin, Christopher DDS- Dr. Fortin appeared before the board regarding some issues which were reported on his application for initial licensure, which involved discipline on licenses held in Delaware and concerns with previous substance abuse issues. He has entered into a voluntary contract with the Wellness Foundation, and he has completed all monitoring requirements from the board in Delaware for over 5 years. He stated that he stopped drinking in 2016, and he has moved away from the crowd he used to spend time with who did not help with his substance abuse in the past. Dr. Fortin is currently attending a Master's Degree Program at Lincoln Memorial University. Ms. Kinsey made a motion to approve Dr. Fortin's application for licensure. Mr. Acree seconded the motion, and the motion carried.

Starnes, Jordan DA- Ms. Starnes was asked to appear before the board due to a DUI conviction from 2020 being reported on her application for initial licensure. Ms. Starnes spoke to the board about her previous battle with addiction, and that she has been clean for 3 years. She recently completed an 18-month program for dental assisting at Miller-Motte College. Ms. Starnes has been working in a dental office since 2022. She previously had gone through some programs/treatments during her active addiction time, but she has not been to a program since then to stay clean. Ms. Starnes told the board that she was nearly finished with the court ordered requirements for her 2020 DUI conviction, and the ignition breathalyzer device would be removed at the end of the month. Dr. Rodriguez made a motion to grant Ms. Starnes her license, contingent upon completing an evaluation with the Wellness Foundation and following any recommendations they may make. Ms. Martin seconded the motion, and the motion carried.

APPROVAL OR DENIAL OF WAIVERS AND EXEMPTIONS

A motion was made by Ms. Kinsey to approve the following:

1. Hankins, Terri RDH
2. Hoover, Heather RDA
3. Roller, Brandon DMD

The motion was seconded by Ms. Martin, and the motion carried.

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

Ms. DuVall made a motion to approve the following:

1. Artistic Smiles Orthodontics- "Restoring the Edentulous Arch: Fixed or Removable?"
2. "Building Patient Care Through Hygiene"- Individual CE credit approved for:
 - a. Baker, Rebecca RDA
 - b. Bartee, Brittney RDA
 - c. Denton, Carla RDH
 - d. DeWald, Emma RDA
 - e. DiBenedetto, Anna RDA
 - f. Gammons, Chloe RDA
 - g. Gibbons, Kristin RDA
 - h. Gowan, Pamela RDH
 - i. Hankins, Cindy RDA
 - j. Hughes, Savannah DDS
 - k. Hutchison, Teara RDA
 - l. Johnson, Shanda RDH
 - m. King, Sallie RDA
 - n. Kizer, Iesha RDA
 - o. Kwasigroh, Molly DDS
 - p. Lewis, Sarah RDH
 - q. Massey, Shelby RDH
 - r. Mathis, Adison RDA
 - s. Milligan, Kathy RDH
 - t. Moore, Shelby RDA
 - u. Nichols, Hailey RDA
 - v. Olexa, Rebecca RDH
 - w. Taylor, Peyton RDH
 - x. Tyler, Laura RDH
 - y. Waldrup, Lauren, RDH
 - z. Wilson, Kaitlyn RDA
3. Gluck Orthodontics- "Orthodontic Technology in 2023"
4. Gluck Orthodontics- "Orthodontic Treatment with Clear Aligners."
5. Gluck Orthodontics- "7 & Up- Why Your Child Needs An Orthodontic Evaluation."
6. Advanced Dental Administration- "Chemical Dependency and Prescription Writing."

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

DENTAL ASSISTING PROGRAM

Dr. Rodriguez made a motion to approve the following programs:

1. Cumberland Academy of Dental Assisting
2. Lincoln Memorial University College of Dental Medicine

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

PROGRAMS AND CERTIFICATION COURSES

Ms. Kinsey made a motion to approve the following courses:

1. *Administration of Local Anesthesia*
 - a. Dent-Ed-Online
2. *Administering and Monitoring Nitrous Oxide*
 - a. Competitive Edge Dental Assisting Academy, LLC
 - b. Dent-Ed-Online
3. *Coronal Polishing*
 - a. Competitive Edge Dental Assisting Academy, LLC
 - b. Dent-Ed-Online
4. Dental Radiology
 - a. Dental Certificate Training Foundation
 - b. Dental Staff School Knoxville
 - c. Dent-Ed-Online
 - d. Dr. Bob Dalsania DDS Family & Cosmetic Dentistry
 - e. Lincoln Memorial University College of Dental Medicine
5. *Sealant Application*
 - a. Chattanooga College Medical, Dental & Technical Careers
 - b. Clarksville Dental Assisting Program
 - c. Competitive Edge Dental Assisting Academy, LLC- Chattanooga
 - d. Competitive Edge Dental Assisting Academy, LLC- Kingston
 - e. Cumberland Academy of Dental Assisting
 - f. Dental Staff School Chattanooga
 - g. Dental Staff School Knoxville
 - h. Dent-Ed-Online
 - i. Dr. Bob Dalsania DDS Family & Cosmetic Dentistry
 - j. Lincoln Memorial University College of Dental Medicine
 - k. Northeast State Community College
6. *Nitrous Oxide Monitoring Course*
 - a. Chattanooga College Medical, Dental & Technical Careers- 2 separate course applications
 - b. Competitive Edge Dental Assisting Academy, LLC- Chattanooga
 - c. Competitive Edge Dental Assisting Academy, LLC- Kingston
 - d. Competitive Edge Dental Assisting Academy, LLC- Lebanon
 - e. Cumberland Academy of Dental Assisting

- f. Dental Staff School Chattanooga
 - g. Dental Staff School Knoxville
 - h. Dent-Ed-Online
 - i. Dr. Bob Dalsania Family & Cosmetic Dentistry
 - j. Lincoln Memorial University College of Dental Medicine
 - k. Northeast State Community College
7. *Limited Prescriptive Authority Course*
- a. University of Tennessee College of Dental Medicine

Mr. Acree seconded the motion, and the motion carried.

EQUIVALENCY OF COURSES

Dr. Moody made a motion to approve the following courses:

- 1. *Local Anesthesia*
 - a. Boling, Deborah- Phoenix College
- 2. *Administering and Monitoring Nitrous Oxide*
 - a. Boling, Deborah- Phoenix College
 - b. Bowie, Desiree- Normandale Community College
 - c. Frost, Caitlin- Southwestern College
 - d. Herring, Chandler- Western Kentucky University
 - e. Kovach, Barbara- SUNY Erie Community College
 - f. Mogg, Diana- University of Michigan
 - g. Reid, Sandra- NHTI- Concord Community College
 - h. Wallace, Gia- Parkland College
- 3. *Restorative*
 - a. Bowie- Desiree- Metro State University
 - b. Horlocker-Battle, Shelby- Columbus Dental Society
- 4. *Radiology*
 - a. LeClair, Colleen- Boston University
 - b. Podkolzina, Yleyzaveta- Lake Tahoe Community College
 - c. Ross, Niesha- MedQuest College
 - d. Shavers, Cara- Georgia Northwestern Technical College
 - e. Transeau, April- Altrain Medical & Dental Assisting Academy
- 5. *Multiple Courses*
 - a. Gonzalez, Max- Loma Linda University- Radiology, Coronal Polishing, Sealant, Prosthetic, Restorative
 - b. Pimpo, Nicole- San Joaquin Valley College- Radiology, Coronal Polishing

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

Ms. Kinsey made a motion to uphold the denials of the following courses:

Denied Courses

- 1. Gonzalez, Max- Loma Linda University- Nitrous Oxide
- 2. Hernandez Molina, Yanira- Houston Community College- Coronal Polishing
- 3. Horlocker-Battle, Shelby- Columbus Dental Society- Radiology, Prosthetic

4. Ross, Niesha- MedQuest College- Restorative

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

CORRESPONDENCE

Conference sponsorship request:

A request was made by the Office of General Counsel for sponsorship to the following conferences:

1. Federation of Association of Regulatory Boards (FARB) Forum on Professional Regulation- January 25th – January 27th in Fort Worth, TX.
2. FARB Regulatory Law Seminar and Innovation Conference- September 19th – 22nd in Atlanta, GA.
3. Federation of State Medical Boards (FSMB) Annual Meeting- April 18th – 20th in Nashville, TN.
4. The Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational Conference- September 16th- 19th in Baltimore, MD.

Ms. Macias reminded the board members of the Self Sufficiency Hearing later in the month, which included the fiscal reports for the Board of Dentistry. The fiscal report for 2023 had not yet completed for the board members to review for the final expenditures and carry over-balance to be available for their consideration. Information was also received in the board office cautioning the boards from approving non-essential travel due to budget reports which were being reviewed by F&A. Ms. Fine reminded the board they would be able to consider the conferences which were set for later dates in the year, after the final fiscal reports were available and the self-sufficiency hearing had concluded. Dr. Phillip Kemp agreed there was no need to approve the travel expenses until all the financial reports were finalized, but the board would be able to consider approving travel at a future meeting if the budget may allow for it. There were no motions made to approve or deny the sponsorship to the conferences.

Request for Clarification of Rule 0460-01-.10: A request was submitted to address the board regarding clarification of the rules related to teeth whitening. Victoria and Katelyn attended the meeting to speak with the board about their business model for a mobile cosmetic tooth whitening business. They explained they have no dentistry experience, but Katelyn is a registered nurse and Victoria is a nurse practitioner. They were planning to work with a company which has their own formula for a non-prescription tooth whitening agent, which they were going to use in their business. Dr. Moody asked Ms. Fine whether the board members could give an opinion, with the rule not covering non-prescription whitening agent usage. Ms. Fine stated the board would not be advised to provide an opinion for anything which the rules did not cover. She reminded the board members they could not issue an advisory opinion regarding if someone would potentially violate a rule, when the rule only stated that teeth whitening agents requiring a prescription would only be able to be applied under the direct supervision of a licensed dentist.

Dr. Phillip Kemp understood why Victoria and Katelyn were approaching the board to question whether they would get into trouble for providing these services, to avoid potential board rule violations. The board members verified the whitening products used would be non-prescription, and the clients would be clearly told the product was not a prescriptions strength product. Dr. Phillip Kemp thanked them both for doing the right thing to ask the board for their opinion, but they were unable to expand on the rule or give them authorization to provide their services. Ms. Fine recommended Victoria and Katelyn speak with their own attorney for assistance with how the rule may apply to their business model, but the Office of General Counsel would be able to give them legal advice.

Request for Discussion of Oral Ketamine Use in Pediatric Patients: A dentist submitted a letter to the board requesting they consider a policy related to the use of oral Ketamine in pediatric patients by dentists

with conscious sedation permits. Ms. Fine reminded the board that it would not be recommended to give an advisory opinion for whether a person would or would not be able to do something, but if a matter would like to be considered for a potential rule change, they could discuss the topic to make that determination. Dr. Caldwell recommended the board defer the topic to the Anesthesia Committee. Dr. Caldwell stated there are various sedatives used by dentists, but oral Ketamine was not something typically used with pediatric patients. Dr. Moody expressed concern over the use of oral Ketamine in sedation of children, and oral sedation does not allow a dentist to control the level of sedation for the patient once it's given. Dr. Moody made a motion to recommend the Anesthesia Committee discuss the topic at their next meeting. Dr. Caldwell seconded the motion, and the motion carried.

REPORTS

Executive Director Report- Ms. Macias started the report with providing the future meeting dates for 2024: April 11-12, July 11-12, and September 26-27. From January 2023 to December 2023, the total number of new applications submitted for dentists was 322, for dental hygienists was 372, for dental assistants was 1,428, and 57 facility permit applications. The total number of new licenses issued for dentists was 316, for dental hygienists was 400, for dental assistants was 1417, and 51 for dental facility permits. Over 77% of all dental professionals renewed their licenses online in 2023. The total number of active licenses as of December 31, 2023, was 21,180.

Tennessee Dental Wellness Foundation- Dr. Sain gave his report via phone to the board members. He reported there was an increase in licensees taking their continuing education course online, after the email was sent by the board to licensees with Wellness Foundation information. Dr. Sain reported to the board that the foundation's Board of Directors has grown to 15 members. He also spoke to the board members about the upcoming applicant interview for Dr. Fortin, who has the full support of the Wellness Foundation and the foundation was advocating for Dr. Fortin to be approved for his dental license in the state.

Office of Investigations- the report for the Office of Investigations reflected that for the calendar year of 2023, there were a total of 430 complaints opened and a total of 404 complaints closed. For the complaints opened in 2023, 255 of the cases were for unprofessional conduct, 30 were lapsed license violations, 38 were for CE violations, 3 were for practice beyond the scope, 7 for criminal convictions, and 25 were for violations of orders.

Office of General Counsel Report- The board members were reminded of the Open Meetings Act, as well as the Conflict-of-Interest Policy. The rules which were under review were RDH Monitoring of Nitrous Oxide and the rule amendments for new specialties became effective in September 2023. On the agenda for that meeting was rule 0460-05-.01, where the board would be asked to consider a vote to repeal the rule in question. There were no appeals or civil suits pending at the time of the board meeting. There were 54 open cases with OGC at that time.

Updates from the Schools of Dentistry-

Meharry School of Dentistry: Dr. Farmer-Dixon gave the update for Meharry, reporting the class of 2024 was rapidly approaching their graduation. The entire class of 2024 has all taken and passed their NBDE integrated exam. Previously there were 2 separate NBDE exams which had

to be passed, but there is a new integrated exam that combines the national board exam into 1 test that all dental students are taking. Meharry has received a 5-year grant to assist their outreach programs which are primarily focused on minority communities, high schools, and veteran groups, to help spark interest in the dental field for these groups. Their Oral Health Day was scheduled for March 2nd, in partnership with RAM. They provide 300-400 patients free dental care services during these oral health events.

Dr. Julie Gray provided the update for the EFDA program at Meharry. They have 4 course offerings scheduled for this year for their EFDA program, and each class can have up to 30 students enrolled.

UT School of Dentistry: Dr. McKinney provided the update for the UT Dental School, on behalf of Dr. Regain. There has been a lot of work being done on the Kingsport, TN dental clinic which will be used for 4th year dental student rotations later this year. Their UT Knoxville campus location is entering its 3rd year for offering EFDA courses to students. Admissions for the class of 2028 was underway at the time of the board meeting. The school is increasing the class sizes for both the dental program and the dental hygiene program. Their 2024 class had a 100% pass rate for the NBDE exam, and the students had a higher exam score than the national average.

Dr. McKinney reported they are increasing their class sizes for both EFDA courses offered at UT. The EFDA certified licensees are an asset to dental offices and help with the access to care issue across the state.

CE Broker Update- The data provided by CE Broker reported that of all TN dental licensees, there were a total of 8,720 active accounts, out of the 20,828 active licenses with the board.

COMMITTEE AND TASK FORCE UPDATES

Request for appointment of a new CSMD committee member from the board- Dr. Phillips, the CSMD Board Director, spoke with the board regarding the CSMD Committee. They would be reducing their committee meetings from being 3 times a year to 2 times a year. Dr. Phillips explained what the committee does, and how long their meetings typically last. Ms. Fine reminded the board members that the dental board was without representation on the CSMD Committee due to not having an active board member serving on the committee. She expressed the importance of following the law, which required a dental board member to serve on the committee. Dr. Phillip Kemp asked for the item to be placed on the agenda for the next board meeting, and he hoped that the new dentist board member who was absent at the meeting, would be willing to represent the board on the committee. Dr. Phillips asked the board to consider appointing someone before the next board meeting in April, due to a committee meeting coming up in February. Dr. Phillip Kemp suggested asking Dr. Britton, the new board member, to fill this spot on the committee. A motion was made by Dr. Rodriguez to appoint Dr. Britton as the CSMD Committee member, pending his acceptance to serve in that role. Ms. DuVall seconded the motion, and the motion carried.

OTHER BUSINESS, RULE CHANGES AND/OR POLICY CHANGES

Discuss and Take Action Related to Rule 0460-05-.01 Pursuant to 2021 PC 328: The Public Chapter, which was passed in 2021, required that each rule would be gone through and considered, to determine if each rule should be amended, repealed, or remain the same. Ms. Fine spoke about 0460-05-.01, which she was asking for a board to make a motion to repeal the rule at the meeting. The rule was under the Schools

of Dentistry, which had reserved paragraphs for any future rules to be added under that section if needed. The rule went into effect in 2003, but there was no record of why this was passed. No rules were added to 0460-05-.01 and there were no rules necessary to be added to that section, therefore it was requested that the rule be repealed which would remove that reserved section since it was not needed. Mr. Acree made a motion to repeal the rule in question, and Ms. Kinsey seconded the motion. The motion carried.

ORDERS OF COMPLIANCE AND/OR PETITIONS

There were 3 petitions for a Declaratory Order, for Dr. Ronald Staples, Dr. Richard Meekins, and Dr. Samuel Rickman. Dr. Moody was recused from these orders, due to having been part of the case reviews for the pending disciplinary action. Ms. Fine explained that the board members were not being asked to determine the merits of the petition at that meeting. At that meeting, the board was being asked to decide if they would like to grant a hearing for the 3 petitioners, before their contested case hearing were scheduled to take place. The board members were provided the petitions and rules related to petitions for declaratory orders, which they would need to consider. Mr. Darryl Baker, the attorney who represents the 3 dentists in the submitted petitions, addressed the board to speak on their behalf. Mr. Baker told the board that all 3 dentists listed in the petitions are oral surgeons, and 2 are clinical faculty members at the University of Tennessee. He stated the petitions were in reference to the 3 dentists in sedation cases, asking RDAs to push the sedative under their direction and supervision during the procedure. All the RDAs doing this function have been through DAANCE training and other programs for assistants to help dentists during sedation cases. The dentists did not allow the RDAs to sedate the patient or determine the amount of the sedative is being given. Mr. Baker stated the petitions for declaratory order was for the purpose of having the board members review the rule, to determine if what the RDAs were doing for the oral surgeons was truly “administering” sedation under the rule in question. The dentists are hoping for clarity on the definition of “administration” in the rule, to help with understanding of what an RDA is able to do in this setting.

Ms. Morgan discussed the TCA which references sedation administration is a prohibited function for an RDA. This statute and the board rules were the basis of disciplining licenses of several RDAs previously for administering sedation for the 3 dentists listed in the petitions. The board previously approved discipline for these cases involving the RDAs pushing/administering sedation in patients, therefore it had previously been determined that doing this function was not within the scope of practice for an RDA. Ms. Morgan stated that this would indicate that the board previously decided that the rule in question was not ambiguous, resulting in license discipline. The petitioners originally were scheduled for contested case hearings on January 12th, but they asked for a continuance to allow for a hearing to take place for the petitions for declaratory order to be discussed. She reminded the board members that at that meeting they were only needing to consider whether they would like to grant a declaratory hearing for the petitioners.

Dr. Phillip Kemp stated he felt the statement from Dr. Brooks giving his opinion on the subject, was a very strong argument given his experience and knowledge of sedation. Dr. Phillip Kemp felt the board should consider approving the declaratory order hearings, to consider the matter to ensure they are doing what is in the best interest of the patients and ensure the rules are clear for this situation. Ms. Fine referenced the rules regarding declaratory orders, which the board members should use when considering the declaratory hearing approval or denial. Dr. Phillip Kemp felt it would be good to allow the hearing to take place to allow them to consider the rules and both sides of the situation. Dr. Rodriguez made a motion to allow for the declaratory hearing to move forward. Ms. Kinsey seconded the motion, and the motion carried. Ms. Fine and Mr. Baker discussed having the hearing take place on the July 11th board meeting date. Ms. Morgan stated there would need to be a quorum, and a special setting may be needed if the hearing could not be delayed for an extended period. Additional information would be provided to the board for scheduling of the hearing.

AGREED CITATIONS

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

1. *Continuing Education*

- | | |
|------------------------------|-----------------------------|
| a. Bibb, April RDA | p. Love, Garry DDS |
| b. Burapharat, Arisa RDA | q. McFalls, Jade RDA |
| c. Chumley, Laura RDA | r. McMahan, Andrea RDA |
| d. Diaz Suarez, Kimberly RDA | s. Martin, Tennile RDA |
| e. Ellison, Robert DDS | t. Norman, Kyla RDA |
| f. Franklin, Lyndsie RDA | u. Robbins, Cicely RDA |
| g. Gambrel, Brooklyn RDA | v. Rottero, April RDA |
| h. Gault, Judith RDA | w. Suffridge, Tasha RDA |
| i. Goins, Kelly RDH | x. Thomas, Amy RDA |
| j. Greenhill, Amanda RDA | y. Torres, Alberto RDA |
| k. Gum-Thompson, Maryssa RDA | z. Turner, Anita RDA |
| l. Harwood, Alexandra RDH | aa. Walker, Tashia RDA |
| m. Hendrix, Hannah RDH | bb. Williams, Kerianne RDA |
| n. Hubbard, Andrea RDA | cc. Wright, Shayln RDA |
| o. Larson, Eric DDS | dd. Yearwood, Christina RDH |

Mr. Acree seconded the motion, and the motion carried.

Ms. Martin made a motion to approve the following citations:

2. *Lapsed Licenses*

- a. Hunsucker, Jessica RDH
- b. Roberts, Anna RDH
- c. Shipp, Mary RDH

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

CONSENT ORDERS/AGREED ORDERS

1. Augustine, Leigh Ann RDH- Ms. DuVall recused herself from this order. Ms. Augustine inadvertently worked as a registered dental hygienist on an expired license from September 2021 to August 2023. As part of the order, she must pay a total of \$3,000 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Mr. Acree made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
2. Goder, Megan RDA- Ms. Goder failed to renew her license, which expired in November 2022. In August 2023, Ms. Goder applied to reinstate her license and she reported that she practiced on an expired license for approximately 9 months. As part of the order, Ms. Goder must pay a total of \$2,000 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Mr. Acree seconded the motion. The motion carried.
3. Griffith, Brynn RDA- Ms. Griffith had exposed radiographs as a dental assisting without radiology certification from August 2022 to October 2022 and from January 2023 to July 2023. She was approved for her radiology certification on her RDA license in July 2023. As part of the

order, Ms. Griffith must pay a total of \$1,000 in civil penalties, and pay the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. DuVall seconded the motion. The motion carried.

4. Haney, Emily RDH- Dr. Rodriguez and Ms. DuVall were recused from this order. Ms. Haney applied to reinstate her expired license in September 2023. The application showed that she had practiced on an expired license for at least 8 months. As part of the order, she must pay a total of \$1,800 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Mr. Acree made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.
5. Livesay, Jackoyln RDA- Ms. Livesay was audited for the 2019-2020 continuing education cycle in July 2022. The board office attempted to send Ms. Livesay more than 5 notices regarding her non-compliance status with the audit, but she failed to submit proof of compliance. As part of the order, she must make up 24 hours of continuing education to include 2 hours in the subject of chemical dependency, submit proof of a current CPR certification, pay a civil penalty of \$150, and pay the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Mr. Acree made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.
6. Massengale Jr., Lendell DDS- Dr. Caldwell was recused from this order. Dr. Massengale closed his dental practice in June 2022, without notifying his patients. He was unable to provide a copy of a patient's dental record when requested, and he could not access any patient dental records. As part of the order, Dr. Massengale must pay a total of \$1,000 in civil penalties, and pay the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Ms. Kinsey made a motion, and Ms. Martin seconded the motion. The motion carried.
7. Perdue, Edward DDS- Dr. Caldwell was recused from this order. Dr. Perdue was audited as part of the renewal process for his comprehensive conscious sedation permit and continuing education requirements for the 2021-2022 continuing education cycle. During the audit he failed to provide proof that he obtained 3 hours of continuing education in the subject of sedation and/or anesthesia, which are required to maintain his comprehensive conscious sedation permit. Additionally, he failed to provide proof of 2 hours of continuing education in the subject of controlled substance prescribing. As part of the order, Dr. Perdue must pay a total of \$900 in civil penalties, make up the deficient continuing education hours, and pay the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Dr. Rodriguez made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
8. Pope, Brittney RDA- Dr. Rodriguez was recused from this order. Ms. Pope entered into a consent order in October 2022, and as part of the order she was required to pay \$650 in civil penalties within 30 days of the effective date of the consent order, pay \$207.18 for the costs associated with the presentation of the order, and submit proof of making up the deficient continuing education hours. She has failed to pay the \$207.18 cost assessment and the \$650 civil penalty. As part of the new order, her license was placed on indefinite probation, pending the completion of the new terms agreed upon in the new order. The new consent order requires payment of the remaining costs, civil penalties, and the costs of the new case. Upon completion of the requirements of the order, she must petition the board to have the probation lifted from her license and appear before the board. Mr. Acree made a motion to approve this order, and Dr. Caldwell seconded the motion. The motion carried.
9. Roark, Brittany RDA- Dr. Caldwell was recused from this order. Ms. Roark performed the duties of a registered dental assistant, including exposing x-rays for 6 months on an expired license. As part of the board order, she must pay a total of \$1,800 in civil penalties, and the costs associated with the presentation of the order. The disciplinary action will be reported to the National

Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

Ms. Morgan advised the contested case hearing scheduled for Friday, January 12th was cancelled. The respondent settled and the receipt of payment was received during the board meeting on January 11th, therefore the contested case hearing was no longer necessary.

Ms. Fine discussed the contested case hearing scheduled for the April board meeting, for Dr. Kathryn Sneed. OGC needed to confirm which board members needed to be recused from the hearing for the contested case for Dr. Sneed. Ms. DuVall recused herself from the hearing, due to having briefly worked years ago with Dr. Sneed in a dental office. The board members already recused from the hearing were: Dr. Rodriguez, Dr. Phillip Kemp, and Dr. Caldwell. It was discussed that the board would need to ensure there was a quorum available for the contested case hearing, due to the number of members already recused.

ELECTION OF BOARD OFFICERS

Dr. Rodriguez made a motion to nominate Dr. Phillip Kemp as the board president. Dr. Phillip Kemp accepted the nomination. Mr. Acree seconded the motion, and the motion carried.

Ms. Kinsey made a motion to nominate Dr. Caldwell as board vice president. Dr. Caldwell accepted the nomination. Dr. Greg Kemp seconded the motion, and the motion carried.

Dr. Phillip Kemp made a motion to nominate Ms. Kinsey as board secretary. Ms. Kinsey accepted the nomination. Ms. Martin seconded the motion, and the motion carried.

The meeting was adjourned.