

## **POLICY STATEMENT**

### **TENNESSEE BOARD OF DENTISTRY**

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#### **LAPSED LICENSE POLICY**

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The Board of Dentistry recognizes that an individual may inadvertently allow his/her license to lapse/expire. However, applicable law prohibits an individual from working as a dentist, dental hygienist, or registered dental assistant unless he/she has an active license. The statute also prohibits a dentist from permitting a dental hygienist or registered dental assistant under that dentist's supervision to perform any acts or services which require licensure or registration without an active license. While the Board does not condone an individual working on an expired license, the Board recognizes that the inadvertent lapses can occur. As such, the Board has adopted the following procedures for reinstatement of an expired license.

#### **INDIVIDUAL LICENSEES (DENTISTS, DENTAL HYGIENISTS, AND REGISTERED DENTAL ASSISTANTS)**

1. Immediately upon recognition that his/her license or registration has expired, the individual must stop practicing and contact the Board's Administrative Office to request a reinstatement application.
2. Upon receipt of the reinstatement application, the individual is to complete the application in its entirety, providing a detailed work history, including duties performed since the license or registration expiration date. The application is to be signed, notarized, and returned to the Board's Administrative Office along with any additional information required for the application.
3. Upon receipt of a completed renewal application and the applicant's payment of all fees, the Board Administrator may renew a license or registration which is less than sixty (60) calendar days past the expiration date.
4. If the reinstatement application received reflects in the work history that the individual has worked in excess of sixty (60) calendar days, on an expired, lapsed, or otherwise inactive license or registration, the Board will present to the licensee, an Agreed Citation which specifies payment of a fine in the amount of \$100 per month for a dentist, \$75.00 per month for a dental hygienist, and \$50.00 per month for registered dental assistants for every month or portion thereof worked in excess of sixty (60) days from the expiration in addition to the required reinstatement fees. The individual's license or registration will not be reinstated unless and until the Agreed Citation is executed by the licensee and payment of the fine remitted to the Board's Administrative Office.
  - A. The licensee shall be notified that all Agreed Citations prepared in accordance with this policy shall be reportable on the Department of Health's website, its disciplinary action report issued in the month the action is taken and to all appropriate federal databanks including the National Practitioner Data Bank (NPDB).

- B. This remedy is only available to those licensees who have practiced on an expired, lapsed, or otherwise inactive license for less than six (6) months from the date the license went into expired or inactive status.
5. If the licensee refuses or fails to execute the Agreed Citation and/or remit the civil penalty described therein within sixty (60) days of the date the Agreed Citation is sent to the licensee, or if the licensee practiced on an expired, lapsed, or otherwise inactive license or registration for six (6) months or longer, the licensee shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:
- A. A formal and reportable Reprimand on the license or registration;
  - B. Assessment of civil penalties in the amount of \$50.00 per month for a registered dental assistant, \$75.00 per month for a dental hygienist; and \$100.00 per month for a dentist for every month in which the individual has worked at least one day beyond the sixty (60) calendar day grace period, not to exceed \$2,000 for dental assistants, \$3,000 for dental hygienists, and \$5,000 for dentists;
  - C. Assessment of costs associated with investigating and prosecuting the matter; and
  - D. Any and all other remedies the Board deems appropriate.
6. In the event the matter is referred to the Office of Investigations and Office of General Counsel for formal disciplinary action, the Board's Administrative Office shall be permitted to reinstate those applicants for whom they have received a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, subject to further action on the license as described in paragraph five (5) above. Though the Board's Administrator may reinstate such a license upon approval from the Board's consultant, preferential treatment will not be given to these applicants. These applications will be reviewed in the order in which they are received. For those applicants who have declined an Agreed Citation, their application will be deemed received sixty (60) days from the date the Agreed Citation was sent.

### **SUPERVISING DENTIST(S)**

If a licensed dentist knowingly supervises a dental hygienist or registered dental assistant who works on an expired, lapsed, or otherwise inactive license or registration, the supervising dentist shall be subject to discipline by the Board as set forth below. For purposes of this policy, the Board considers a supervising dentist to be any dentist in a practice who works directly with any dental hygienist or dental assistant, and all owners and/or shareholders of the dental practice regardless of whether the owners or shareholders work directly with the dental hygienist or dental assistant. Further, knowingly supervises means for purposes of this policy that the supervising dentist knew or, through reasonable diligence, had reason to know that the dental hygienist or registered dental assistant was working on an expired, lapsed, or otherwise inactive license or registration.

1. If a dental hygienist or registered dental assistant works on an expired, lapsed, or otherwise inactive license or registration, then the Board shall issue to all supervising dentist(s) the following discipline:
- A. First Offense - A confidential Letter of Concern.
  - B. Second Offense - A confidential Letter of Warning.
  - C. Third Offense - An agreed citation which specifies payment of a civil penalty in the

amount of \$1,000.00.

D. Fourth or Subsequent Offense - Referral to the Office of Investigations and Office of General Counsel for formal disciplinary action according to Section 3 below.

2. In the event of a third offense, if any supervising dentist refuses or fails to execute the Agreed Citation as required by Section 1 and/or fails to remit the civil penalty, as outlined in the third offense, within sixty (60) days of the date of mailing the Agreed Citation, then the supervising dentist shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:

- A. A formal and reportable Reprimand on the license;
- B. Assessment of civil penalties in an amount of \$100 per month for every month in which the supervising dentist allowed the dental hygienist or registered dental assistant to work on an expired license at least one day beyond the sixty (60) calendar day grace period, not to exceed \$3,000, and
- C. Assessment of costs associated with investigating and prosecuting the matter; and
- D. Any and all other remedies the Board deems appropriate.

3. In the event of a fourth or subsequent offense, the supervising dentist shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:

- A. A formal and reportable Reprimand on the license;
- B. Assessment of civil penalties in an amount of \$100.00 per month for every month in which the supervising dentist allowed the dental hygienist or registered dental assistant to work on an expired license at least one day beyond the sixty (60) calendar day grace period, not to exceed \$5,000;
- C. Assessment of costs associated with investigating and prosecuting the matter; and
- D. Any and all other remedies the Board deems appropriate.

**ORIGINALLY ADOPTED BY THE BOARD OF DENTISTRY ON THE 16TH DAY OF MAY 2003.**

**AMENDED AND RATIFIED BY THE BOARD OF DENTISTRY ON THE 14TH DAY OF JANUARY 2016.**

**AMENDED AND RATIFIED BY THE BOARD OF DENTISTRY ON THE 14TH DAY OF JULY 2022.**

**AMENDED AND RATIFIED BY THE BOARD OF DENTISTRY ON THE 11<sup>TH</sup> DAY OF APRIL 2024.**