

MINUTES
TENNESSEE BOARD OF DENTISTRY

Date: April 8, 2021

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

Members Present: Phillip Kemp, DDS- President
Robert Caldwell, DMD
Thao Kinsey, RDH
Airica Brooke Puckett, RDH
Edward Moody, DDS
Maricela Rodriguez, DDS
Jayson Tabor, DDS

Staff Present: Ailene Macias, Interim Director
Paetria Morgan, Senior Associate General Counsel

The meeting was called to order at 9:02 a.m.

Dr. Meadows, Ms. Richert, Dr. Zambrano and Ms. Martin were not able to attend the meeting. Ms. Morgan began the meeting with the roll call needed for the electronic meeting. During the initial roll call, no response was received from Dr. Rodriguez. All other board members confirmed they were in attendance. During a second roll call, all board members confirmed they could hear everyone else in attendance at the meeting. Ms. Morgan confirmed that all board members did not have anyone else present at the location from which they were joining the meeting. Dr. Rodriguez joined the meeting at 9:15 a.m. The purpose of the meeting was to ratify new licenses, reinstatements/reactivations, renewals, orders submitted since the last meeting, courses, and other time sensitive matters. A motion was made by Dr. Moody that the meeting was necessary in light of the COVID-19 pandemic to protect the health, safety and welfare of the citizens of Tennessee. Ms. Puckett seconded the motion, and the motion carried following a roll call vote. A motion was made by Dr. Moody that an electronic meeting was necessary to be held in light of the COVID-19 pandemic. Ms. Kinsey seconded the motion, and the motion carried following a roll call vote. All board members confirmed that prior to the meeting they received all necessary materials and documents to be discussed during the board meeting. Before the meeting was turned over to Dr. Kemp, the conflict of interest policy was reviewed.

MINUTES

Ms. Kinsey made a motion to ratify the meeting minutes from the January 7, 2021 board meeting. Ms. Puckett seconded the motion, and the motion carried following a roll call vote.

Dr. Tabor made a motion to ratify the meeting minutes from the Anesthesia Committee held on March 25, 2021. The motion was seconded by Dr. Moody, and the motion carried following a roll call vote.

INTERVIEWS/REQUESTS

Dr. Alan Farrugia, DMD- Dr. Farrugia was asked to come before the board concerning several malpractice claims against him. The claims were settled with just a letter of concern being sent to Dr. Farrugia. The malpractice claim in Alabama was not disciplined by the Board of Dentistry in Alabama, as it was found that he followed the standard practice of care with the patient and followed proper procedures with the patient, so his license was not disciplined. Dr. Farrugia's malpractice insurance carrier advised the claim to be paid to the patient although he cared for the patient properly. Dr. Rodriguez made a motion to approve Dr. Farrugia's application for licensure. Ms. Puckett seconded the motion, and the motion carried following a roll call vote.

Tracie Robinson, RDA- Ms. Robinson came before the board due to legal issues being reported on her application for licensure. In 2018 she was involved in a car accident and was charged with a DUI. She has not had an issue with alcohol since that incident. Ms. Robinson had a warrant for not appearing in court, and also several traffic tickets since that time. She is currently on probation for the DUI, and the probation will be ending on August 31, 2021. Ms. Puckett made a motion to approve Ms. Robinson's application for licensure. The board members discussed the approval of the application without running concurrent with Ms. Robinson's legal probation, so there would not be a National Practitioners Databank hit on her license. Dr. Moody seconded the motion, and the motion carried following a roll call vote.

RATIFICATIONS

Dr. Moody made a motion to ratify all the following:

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

Dr. Kemp seconded the motion, and the motion carried following a roll call vote.

APPROVALS OR DENIAL OR WAIVERS AND EXEMPTIONS

The Executive Orders concerning the suspension of in person continuing education was discussed in reference to in-person CPR certification still being required, as it is not included in the Executive Order. In-person CPR certification is still being required, but waivers are available for those license holders who are unable to find or take an in-person course.

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

1. Abston, Destiney RDA
2. Brindley, Daniel RDH
3. Evans, Cynthia RDA
4. Hayes, Tracy, RDH
5. Hunt, Shannon RDH
6. Jarnigan, Mindy RDA
7. Lewis, Whitney RDA
8. Litowsky, Courtney RDH
9. Medina, Adonica RDA
10. Morris, Jeffrey DDS

11. Perez, Shannon RDH
12. Roller, Brandon DMD

13. Taylor Ashley RDA
14. Wear, Dania RDH

Dr. Tabor seconded the motion, and the motion carried following a roll call vote.

COURSES AND/OR COURSES SUBMITTED BY INDIVIDUALS

Ms. Puckett made a motion to approve all of the following:

1. Dr. Gary Cooper- "OSHA Practices for Safety and Health Programs"
2. Green Orthodontics- "Dental Occlusion"
3. SIPP CEU- "Dental Professionals Course"
4. Dr. Keith Dressler- "HIPAA Awareness for Business Associates"

Dr. Rodriguez seconded the motion, and the motion carried following a roll call vote.

DENTAL ASSISTING PROGRAM

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

1. Chattanooga College Medical, Dental & Technology
2. Daymar College- Clarksville
3. Dental Staff School of Chattanooga
4. Dental Staff School of Johnson City
5. Dental Staff School of Knoxville
6. Dental Staff School of Tennessee
7. Dyersburg Dental Assisting Program
8. Interfaith Dental
9. Miller-Motte College
10. Remington College- Nashville
11. Tennessee College of Applied Technology- Murfreesboro
12. Walterstate Community College- Greeneville
13. Walterstate Community College- Morristown
14. Walterstate Community College- Sevierville

Ms. Kinsey seconded the motion, and the motion carried following a roll call vote.

PROGRAMS AND CERTIFICATION COURSES

Dr. Tabor made a motion to approve the following certification courses:

1. Administration of Local Anesthesia
 - a. Excel Dental Training Institute
2. Administering and Monitoring Nitrous Oxide
 - a. Tennessee Wesleyan University
3. Coronal Polishing
 - a. Chattanooga State Community College
 - b. Clarksville Dental Assisting Program

- c. Volunteer State Community College
- 4. Sealant Application
 - a. Chattanooga College Medical, Dental & Technology
 - b. Chattanooga State Community College
 - c. Clarksville Dental Assisting Program
 - d. Greater Brainerd Dental
 - e. Northeast State Community College
 - f. Volunteer State Community College
- 5. Nitrous Oxide Monitoring Course
 - a. Chattanooga College Medical, Dental & Technology
 - b. Chattanooga College Medical, Dental & Technology (satellite)
 - c. Chattanooga State Community College
 - d. Northeast State Community College
 - e. Tennessee College of Applied Technology
 - f. Volunteer State Community College

Ms. Kinsey seconded the motion, and the motion carried following a roll call vote

EQUIVALENCY COURSES

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

- 1. *Local Anesthesia*
 - a. O'Brien, Eileen DH- University of New Haven
 - b. Pearce, Melani DH- Gulf Coast State College
 - c. Vaught, Shawn DH- Wytheville Community College
- 2. *Administering and Monitoring Nitrous Oxide*
 - a. Baker, Elizabeth DH- Carrington College
 - b. Britten, Robin DH- San Joaquin Valley College
 - c. Broomhead, Stephanie DH- Prairie State College
 - d. Elliott, Jodi DH- Wichita State University
 - e. Furtado, Rachel DH- University of the Pacific
 - f. Gluszynski, Joanna DH- Southern Illinois University
 - g. Gossett, Annette DH- Lake Land College
 - h. Hoy, Samantha DH- Parkland College
 - i. Jones, Amelia DH- Big Sandy Community Technical College
 - j. Kingsolver, Kristie DH- Utah Valley University
 - k. Price, Amy DH- Shoreline Community College
 - l. Vaught, Shawn DH- Wytheville Community College
 - m. Whitten, Hannah DH- West Liberty University
- 3. *Radiology*
 - a. Bunton, Brooke- The Medical Institute of Kentucky
 - b. Cain, Kelly- The Medical Institute of Kentucky
 - c. Hertel, Jessica- Savannah Technical College
 - d. Johnson, Martrina- The Medical Institute of Kentucky
 - e. Manning, Megan- San Juan School District Dental Radiology and Safety Training
 - f. Patterson, Gabrielle- The Medical Institute of Kentucky
 - g. Ralls, Jordan- Sandhills Dental Career Center

- h. Scopel, Cara- Eastern Gateway Community College
- i. Tomlin, Joshua- Arkansas Northeastern College
- j. Weier, Michelle- Dental Pro
- 4. *Nitrous Oxide Monitoring*
 - a. Byrd, Cherise- Illinois State Dental Society
- 5. *Multiple Courses*
 - a. Haven, Amanda- Chemeketa Community College- Radiology and Coronal Polishing
 - b. Jennings, Destiny- Dental Career Institute- Radiology, NOM, Sealants
 - c. Kelly, Deonna- Seattle Central College- Radiology, Sealants, Coronal Polishing
 - d. Smith, Melani- Gulf Coast State College DH Program- Sealants and Coronal Polishing
 - e. Weier, Michelle-Dental Pro- Sealant and Coronal Polishing

Ms. Kinsey seconded the motion, and the motion carried following a roll call vote.

It was confirmed with Dr. Caldwell that all courses that were denied had not met the minimum course requirements according to the rules set by the Board of Dentistry.

Dr. Rodriguez made a motion to uphold the denials of the following courses:

- a. Haven, Amanda- Chemeketa Community College- NOM
- b. Milton, Tammy- West Virginia University- Coronal Polishing

Ms. Puckett seconded the motion, and the motion carried following a roll call vote.

CORRESPONDENCE

After a review of the correspondence from associations and testing agencies, it was agreed upon by the board that the items were informational, and no response was needed to be drafted.

The correspondence from the Academy of Dental Sleep Medicine and the American Academy of Sleep Medicine was discussed among the board members. Dr. Tabor expressed his support for dentists encouraging patients to get sleep studies done because it can affect a patient's overall health. Dr. Kemp asked Ms. Morgan whether the board could create a position statement about dental sleep medicine to disseminate to dental professionals in Tennessee. Ms. Morgan reminded the board members they are bound by their statutory authority that cannot be exceeded by making statements or policies concerning things not in the scope of practice regulated by the statutes/rules. Ms. Morgan offered to review any statement the board may want to give to licensees, to ensure the statement is within the board's authority. The board was reminded that all discussions between board members is to be done in a public forum, and they would not be able to talk among themselves about board business outside of the public meetings. All meetings must be noticed, sunshined, and allow the public to attend the meetings. Board members were reminded that anything that may become before the board for a vote or discussion, should not be discussed with license holders or applicants to avoid a conflict of interest. Dr. Kemp inquired about how the board could meet to discuss other items outside of the regularly scheduled quarterly board meetings. Ms. Morgan stated the board would have to give proper notice, sunshine the meeting, and invite the public to attend the meeting to be held. Dr. Kemp expressed interest in holding other public board meetings to discuss board business between the quarterly board meetings to ensure proper communication.

REPORTS

Office of Investigations- Ms. Lori Leonard joined the meeting to give the investigations report. Since January 1, 2021, 37 new complaints have been opened for dentists, 3 for dental hygienists, and 6 for registered dental assistants. Since the beginning of the year, 17 complaints have been closed for dentists, 2 for dental hygienists, and 4 for registered dental assistants.

Financial Report- Ms. Grice joined the meeting to deliver the financial report. The board was cautioned the reserve funds amount was over the recommended amount from the legislature, so the reserve amount would need to be reduced. It was recommended that an application/renewal fee reduction be taken into consideration, as it would be the fastest and most efficient way to reduce the board's reserve funds. Ms. Grice went over different options for fee reductions for the board members to consider, and possibly vote on. She offered to give another report with different options at the July 2021 board meeting, if the board preferred to consider other fee change options. The board was informed it was solely their decision on how aggressively to alter the fee changes to reduce the reserve fund amount, if they should chose to alter the fees at all.

The board discussed the idea of increasing the amount of money in the grant given to the Tennessee Wellness Foundation. Dr. Kemp suggested going with a moderate reduction in fees, and then create a separate account with the excess \$1.5 million in order to fund possible projects such as access to care for rural areas. Dr. Moody expressed concerns about making a decision about how to handle the reserve fund during the current meeting, but would like additional discussion and information on the subject. Dr. Rodriguez expressed concerns about reducing the fees too much and having to raise the fees in the future which may come as a shock to license holders. Ms. Grice informed the board members that creating a separate account for the \$1.5 million would not be possible and would be a violation of the statutes.

Dr. Kemp asked if a separate board meeting could be scheduled before the July 2021 meeting, to be dedicated just to a financial discussion that would include Finance and Administration to assist the board with making a decision on handling the excess reserve. Ms. Putnam joined the meeting to offer advice regarding having another meeting before July. She reminded the board members a meeting would need to be properly sunshined and noticed in order to comply with the requirements for a public meeting for the discussion. Ms. Putnam stated a meeting such as this may not be able to be properly prepared for and held until June, which would not assist in speeding up the process before the already scheduled board meeting. She recommended the discussion about the reserve funds should be held at the July board meeting in order to allow everyone to properly prepare materials for the discussion and allow board members to make an informed decision. Dr. Kemp stated he did not to wait until July to continue the financial discussion and make a decision on how to handle the funds. He suggested he take it upon himself to get a meeting scheduled and coordinated before the next scheduled board meeting. Ms. Putnam reminded the board members that they could not communicate or email amongst themselves between meetings, as it would violate the statutes and rules to discuss board business outside of a public forum. Dr. Kemp said he understood that communication amongst the board members cannot take place and would go through the interim board director in order to have any meetings coordinated for the board members. No motion was made to allow the board members to vote on holding a separate financial meeting or creating a taskforce to handle such a discussion.

Executive Director Report- Since January 1, 2021 there have been 62 dentist initial applications, 61 hygienists, 33 facilities, and 361 dental assistants. More than half of all licensees in each profession are renewing their licenses online since the beginning of the year. Since the beginning of the year, 24 dentists

have retired their licenses, 17 hygienists, and 36 dental assistants. As of March 31, 2021, the board has a total number of 20,072 active licenses between all 3 professions.

CE Broker Update- As of April 2, 2021, there are a total of 5,918 basic account registrations for dental professionals, 849 active professional subscriptions, and 60 active concierge subscriptions in CE Broker.

Updates from the Schools of Dentistry- Dr. McKinney joined the meeting to discuss the EFDA program and updates for the UT School of Dentistry. The school is still operating under COVID protocols and are also holding more classes. The students have 100 teeth they are completing during the course in the lab, and they have seen a large increase in the numbers of completed teeth during the course than was typical during previous courses. The students are also showing higher test scores as the course presents some course information via web meetings and the recorded lectures can be watched again to reinforce the information. Dr. McKinney said he may be requesting an extension of the approval from the board for the course to be taught via Zoom meetings, since the year approval will be up around the time of the July board meeting. Dr. McKinney invited the board members to visit the UT School of Dentistry to take a tour of the facilities and learn more about their programs/courses.

Dr. Ragain joined the meeting stating the UT School of Dentistry has been the only school at UT to be physically on campus during the pandemic. He assured the board members that they would not allow the students graduate with a degree until they are competent dentists and hygienists. The new building on campus is still under construction and should be completed within the next 2 years. A large donation was made to the school of dentistry to create a dental center in Knoxville to offer services to patients in the area. They are hoping to have it set up for dental students to complete their rotations at the clinic in Knoxville.

Dr. Gray joined the meeting to give the update on Meharry School of Dentistry and their EFDA program. Their graduation will be held on May 15th, and the ceremony will be a combination of in-person and virtual. They have a new international program with 10 students enrolled. The Spring EFDA course has 34 participants and is currently being taught. The students appear to be doing very well with the combined virtual courses and in person courses, with high test scores. Dr. Gray requested to continue the model they currently have with the course being taught both virtually and then in-classroom through the summer. Meharry is continuing to test students and faculty for COVID, and they must produce a negative test result from a test given 5 days before coming to campus. Meharry's mobile dental clinic goes out regularly to provide dental services to patients in rural areas.

Tennessee Dental Wellness Foundation- Dr. Sain joined the meeting to give the Wellness Foundation Report. The foundation has several board members who are liaisons for the TDA and the Nashville Dental Association to help them stay connected Dr. Sain will be holding 2 speaking engagements at Meharry School of Dentistry over the next few months. The foundation is looking to bring on a new full-time consultant shortly. The foundation will be holding a retreat for all their participants in Murfreesboro in October this year. Dr. Sain had to report one dental assistant to the board for not maintaining the advocacy of the foundation per the terms of their agreement.

OGC Report- There are currently 21 cases open with the Office of General Counsel. There is a bill proposed that would remove the restriction for serving on the board for dental professionals who work at an educational institution where dentistry, dental hygiene, and dental assisting are taught. There will be legislative liaison at the next board meeting to give a legislative update. A bill was passed to extend the Board of Dentistry to July 30, 2026.

AGREED CITATIONS

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

- | | |
|---|--------------------------|
| a. Akins, Vanecia RDA | m. Goksel, Turker DDS |
| b. Bowman, Jason DDS | n. Holt, Jessica RDA |
| c. Brock, Lisa RDA (rescind citation-ratified in error) | o. House, Ariel RDA |
| d. Brown, Jeannine RDH | p. Lim, Rachel RA |
| e. Catlett, Valerie RDA | q. Lovely, Jessica RDA |
| f. Derossett, Rachel RDA | r. Phurrough, Amy RDH |
| g. Drennan, Laura RDH | s. Renfro, Courtney RDA |
| h. Dunlap-Taylor, Tina RDH | t. Roark, Laruen RDH |
| i. Edimiston, Suzan RDH | u. Ruiz-Pineda, Veronica |
| j. Fischer, Todd DDS | v. Senowech, Danna RDH |
| k. Ford, Allison RDA | w. Sewell, Bethany RDH |
| l. Freiden, Denis DDS | x. Wells, Donnis RDH |

Dr. Moody seconded the motion, and the motion carried following a roll call vote.

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

- a. Armstrong, Angelia RDA
- b. Daniels, Madison RDA
- c. Gibson, Danielle RDA
- d. Hathaway, John DDS
- e. Jackson, Thomas DDS
- f. Lomax, Brooklyn RDH
- g. Merritt, Lisa RDH
- h. Phillips, Ashley RDA
- i. Teague, Jasmyn RDA

Dr. Moody seconded the motion, and the motion carried following a roll call vote.

CONSENT ORDERS/AGREED ORDERS

1. Holt, Megan RDA- Dr. Moody was recused from hearing this order. Ms. Holt failed to respond to multiple notifications of audit or the resulting agreed citation for the 2017-2018 continuing education cycle. As part of the terms of the consent order, Ms. Holt must complete all continuing education make up hours, show proof of current CPR certification, pay a civil penalty of \$150, and pay all costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner's Databank. Dr. Rodriguez made a motion to accept the consent order. Ms. Puckett seconded the motion, and the motion carried following a roll call vote.

2. Lodes, Christen RDH- Dr. Caldwell was recused from hearing this order. Ms. Lodes was terminated from her place of employment after the supervising dentist observed erratic behavior that indicated being under the influence, an inability to complete simple tasks in a timely manner and providing incomplete and inconsistent patient care. As part of the order, her license will be placed on probation for 5 years and she must maintain the advocacy of the Tennessee Dental Wellness Foundation. At the end of the probationary period and meeting all terms of the consent order, Ms. Lodes may petition for an Order of Compliance to have the restrictions lifted from her license. As part of the order, Ms. Lodes must pay a civil penalty of \$1000. The disciplinary action will be reported to the National Practitioner's Databank. Ms. Kinsey made a motion to accept the consent order. Dr. Tabor seconded the motion, and the motion carried following a roll call vote.
3. Martin, Pamela RDA- Dr. Moody and Dr. Caldwell were recused from this order. With both board members recused from the order, there would not still be a quorum for the order to be heard and voted on. The order for Ms. Martin will be reviewed at the July 2021 board meeting, to ensure there is a quorum available.
4. Paris, Heather RDA- Dr. Moody was recused from this order. Ms. Paris failed to respond to multiple notifications of audit and the resulting agreed citation notifications for non-compliance with the 2017-2018 continuing education audit cycle. As part of the consent order, she must make up all continuing education hours, show proof of current CPR certification, pay a civil penalty of \$150, and pay all costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioners Databank. Dr. Rodriguez made a motion to accept the consent order. Ms. Kinsey seconded the motion, and the motion carried following a roll call vote.
5. Peck, Russell DDS- Dr. Peck was audited as part of the process for his deep sedation/general anesthesia permit for the years 2017-2018. During the audit it was found that Dr. Peck had a lapse in his ACLS certification from May 2017 through September 2017 due to a scheduling issue with taking an ACLS course causing a lapse between the certifications. As part of the order, Dr. Peck must pay a total of \$500 in civil penalties. The disciplinary action will be reported to the National Practitioner's Databank. Dr. Moody made a motion to accept the consent order. Dr. Tabor seconded the motion, and the motion carried following a roll call vote.
6. Meesick, Kasey RDA- Dr. Caldwell was recused from this order. Ms. Meesick submitted an application for reinstatement of her registration in July 2019. Ms. Meesick stated on the application that she had been working on an expired registration including exposing radiographs for a total of 10 months. As part of the agreed order, Ms. Meesick has voluntarily retired her dental assistant registration, she must pay a total of \$2400 in civil penalties, and pay the costs for the presentation of the order. The disciplinary action will be reported to the National Practitioners Databank. Dr. Tabor made a motion to accept the agreed order. Dr. Rodriguez seconded the order, and the motion carried following a roll call vote.