

## MINUTES

### TENNESSEE BOARD OF DENTISTRY MEETING

**Date:** July 13, 2023

**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  
Jayson Tabor, DDS  
Steven Zambrano DDS

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

The meeting came to order at 9:09 a.m. The conflict-of-interest statement was reviewed by Ms. Morgan before the start of the other items on the agenda.

## MINUTES

Dr. Greg Kemp made a motion to approve the meeting minutes from the April 2023 Board Meeting. Dr. Tabor seconded the motion, and the motion carried.

## INTERVIEWS/BOARD REQUESTS

1. Marek, Emma DH- Ms. Marek came before the board regarding a conviction which was reported during the application process. She is currently on probation where a judicial diversion is in place which dropped the original DUI charge to reckless endangerment. The probation will be ending in August 2023. Ms. Morgan reminded the board members that should all conditions be met, Ms. Marek may be able to have the charge expunged from her record if the judge allows her to do so after the probation has been completed. Ms. Morgan discussed several options for the board for approval of the application for licensure. One of the options discussed was granting the license to run concurrent with the criminal probation ending in August 2023. It was discussed that this option would result in a hit on the National Practitioner Databank, which would be on her permanent record. It was also discussed that Ms. Marek could re-apply after the criminal probation has been completed, so the license could be issued free and clear. The board discussed the idea of holding the application open until after the expungement paperwork is received at the board office, so that Ms. Marek would not need to apply again, and the license could be granted without it being placed on probation at that time. Ms. Morgan clarified that this option was being discussed due to Ms. Marek's probation ending within a couple of weeks of the board meeting. Dr. Tabor made a motion grant a contingent license upon Ms. Marek submitted paperwork to the

board office showing completion of the diversion requirements and receiving the expungement. Dr. Moody seconded the motion, and the motion carried.

2. Leuluai, Moana DH- Ms. Morgan spoke about the discrepancy on Ms. Leuluai's application for RDA licensure in 2006 in which she responded "no" to the question regarding criminal convictions. Background checks were not performed by the board in 2006 during the initial licensure process. She was granted her initial RDA license after completion of the application process in 2005. Ms. Leuluai was convicted of a felony in 2003 for terroristic threats and aggravated assault, and she was placed on probation for 12 months. When applying for her RDH license in 2023, Ms. Leuluai marked "no" on her application in response to the question regarding convictions. The background check process for the application then showed the charges which occurred in 2003. Ms. Leuluai failed to report the convictions on approximately 11 applications between the initial licensure applications for both licenses, and on the renewal applications for the RDA license. All renewal applications have a question about whether the licensee has had any convictions which were not previously reported to the board office.

Ms. Leuluai spoke to the board stating the convictions stemmed from being a victim of domestic violence. Ms. Morgan reminded the board of the Fresh Start Act in relation to this application for licensure. The board was also reminded the issue was not the convictions from 2003, but the dishonesty on the licensure applications regarding the question about misdemeanor or felony convictions in which Ms. Leuluai did not report the convictions. Ms. Leuluai stated that she never had the convictions pop up on a background check, and she is also licensed as an RDA in Georgia. She believed the convictions were no longer on her record. The board members asked if the background check process was more stringent for different types of dental professional licenses. Ms. Macias stated all health professionals in the state had the same background check process which goes through the TBI and FBI, and a national search is done for all criminal records for every applicant. Dr. Tabor stated he would like to grant a contingent license to Ms. Leuluai requiring continuing education in ethics, with a reprimand on the license due to her being less than truthful regarding the convictions being reported on the application. The board members acknowledged that Ms. Leuluai has never had her RDA license disciplined and she has never had any issues within the dental field. The director of the South College Dental Hygiene Program spoke on Ms. Leuluai's behalf, stating she has been an excellent student and she was leader amongst her peers in class as well. Dr. Rodriguez made a motion to grant a conditional license upon Ms. Leuluai completing 16 hours of continuing education in ethics. The motion was altered to grant 90 days for Ms. Leuluai to complete the required continuing education hours. The conditional license and reprimand will be reported to the National Practitioner Databank. Ms. Kinsey seconded the motion, and the motion carried.

3. Richter, Jonathan DDS- Dr. Richter came before the board due to several reports on his application for licensure indicating he had 4 malpractice settlements against his license in other states, since the last one occurring in 2003. Several states have licensed Dr. Richter since the malpractice settlements have occurred. Dr. Richter used to do orthodontics and periodontics many years ago, instead of practicing general dentistry. He admits he should not have been doing both orthodontics and periodontics at the same time. Dr. Richter discussed having a long-time patient code in the chair in his practice. He was performing a root canal when the incident occurred. Dr. Richter stated they began CPR on the patient while emergency services were on the way. The patient did begin breathing again before the ambulance arrived, but he passed away several days later. There were no other incidents since 2003 where his license was disciplined, or any other malpractice claims since then. He is intending on practicing as a general dentist in TN, and possibly going into teaching. Dr. Tabor asked if there was a precedent for a situation such as for an applicant. Ms. Morgan stated that she did not recall a similar incident to reference, but the

board should keep in mind that the last action taken against this license was in 2003. Dr. Richter has licenses in 7 other states. The board discussed options for granting the license, including a conditional license. Ms. Kinsey made a motion to grant the license free-and clear, and Dr. Zambrano seconded the motion. The motion carried.

4. Young, Katelyn RDA- Ms. Young came before the board due to a DUI being reported on her application, and she is on probation for 3 years. Ms. Young stated the DUI occurred in November 2020 in CA, but the case was delayed until 2022 due to the pandemic. She stated she had never had any other incidents on her records. The probation is informal and unsupervised, and she has completed all the requirements for the charge including the DUI school. The probation is set to end in 2025, unless any other changes would be made by the court. Ms. Morgan discussed the options for granting the license in this case, for the board members to consider. In some cases, the board has issued the license to run concurrent with the criminal probation or would grant the license after certain things would be completed before the license can be issued such as an evaluation with the Wellness Foundation. Ms. Young did a 3-month MAAD program and DUI courses in CA. Her CA license was not disciplined by that state board. She has been able to get her driver's license here in TN since moving last year. Dr. Phillip Kemp stated he did not believe that if Ms. Young went through the MAAD program, that she would need to go through another program such as the one through the Wellness Foundation. Ms. Young stated that she has started working in a dental office here in TN already, and she would like to obtain her TN license. The board members discussed the previous cases where an applicant with a similar conviction, where they were referred to the Wellness Foundation for an evaluation or to participate in the program. Ms. Morgan stated the board would need to consider if they felt the programs Ms. Young already completed would be sufficient so that they would not want to have her evaluated by the Wellness Foundation. The board members discussed that this seems like an isolated incident, and the programs she completed in CA for the DUI would be sufficient. Dr. Moody made a motion to grant the license free and clear, and Ms. Kinsey seconded the motion. The motion carried.
5. Sazegar, Shiva RDH- Ms. Sazegar was not present at the meeting for her applicant interview. Dr. Tabor made a motion to give Ms. Sazegar another opportunity to appear before the board at the October 2023 meeting for her interview. Ms. Kinsey seconded the motion, and the motion carried.

## **RATIFICATIONS**

Ms. Kinsey made a motion to approve the following:

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

Dr. Tabor seconded the motion and the motion carried.

## **APPROVAL OR DENIAL OF WAIVERS AND EXEMPTIONS**

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

1. Hutcherson, Richard DDS

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

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

Ms. Kinsey made a motion to approve the following:

1. Marquee Dental Partners- "Hygiene Diamonds, Periodontal"- CE Course
2. Pulitzer Orthodontics, LLC- "Damon Orthodontics"- CE Course
3. Advanced Dental Office Administration- "Dental Office Administration"- CE Course
4. Advanced Dental Office Administration- "OSHA Review for Dental Office"- CE Course
5. Advanced Dental Office Administration- "HIPAA Review for Dental Offices"- CE Course
6. Cumberland Surgical Arts- "Soft Tissue Management in Implant Therapy" – CE Course
7. Cumberland Surgical Arts- "Management of Oral, Head and Neck Cancer"- CE Course
8. Cumberland Surgical Art- "Digital Workflow for All on X"- CE Course
9. Cumberland Surgical Art- "Implant Systems and Restorative Process- When and Why to Extract 3<sup>rd</sup> Molars"- CE Course
10. Cumberland Surgical Art- "Evidence- Based Management of Third Molar Teeth"- CE Course

The motion was seconded by Dr. Greg Kemp, and the motion carried.

## **DENTAL ASSISTING PROGRAM**

Dr. Rodriguez made a motion to approve the following:

1. Academy of Dental & Medical Educators Inc.- Cookeville
2. Academy of Dental & Medical Educators Inc.- Nashville
3. Accelerated Dental Assisting Program of TN
4. Chattanooga College of Medical, Dental & Technical Careers (updated to hybrid program format)
5. Interfaith Dental RDA Apprenticeship Program
6. Ross Medical Education Center- Johnson City
7. Ross Medical Education Center- Knoxville

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

## **PROGRAMS AND CERTIFICATION COURSES**

Ms. Martin made a motion to approve the following:

Administration and Monitoring Nitrous Oxide

1. University of Tennessee College of Dentistry

Dental Radiology

1. Cumberland Academy of Dental Assisting

Sealant Application

1. Cumberland Academy of Dental Assisting

Nitrous Oxide Monitoring Course

1. Competitive Edge Dental Assisting Academy, LLC- Lebanon
2. University of Tennessee College of Dentistry

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

## **EQUIVALENCY OF COURSES**

### Local Anesthesia

- a. Somer, Carol- Unviersty of IL at Chicago College of Dentistry

### Administering and Monitoring Nitrous Oxide

- a. Alvarado, Brenda- Indiana University
- b. Barton, Madison- Horry Georgetown Tech College
- c. Coeler Carmer- San Joaquin Valley College
- d. Deibler, Josie- Western KY University
- e. Ebernez, Rachel- Pima Medical Institute
- f. Gabaldon, Lorrie- Southwestern College
- g. Gregory, Alexis- Western KY University
- h. Judkins, Mallory- Western KY University
- i. McFarland, Jori- Cabrillo College
- j. Somer, Carol- University at Chicago, College of Dentistry
- k. Thompson, Paige- University of MO
- l. Walton, Jodee- Lane Community College

### Restorative

- a. Eberenz, Rachel- Pima Medical Institute
- b. Smith, Sarah- Idaho State University

### Prescriptive Authority

- a. Walton, Jodee- Lane Community College

### Radiology

- a. Bogan, Jackae- The Medical Institute of Kentucky
- b. Hensley, Jenna- Sunrise School of Dentistry
- c. Knox, Chazon- Ross Medical Education
- d. Mazon, Evelyn- Accelerated Dental Assisting Academy
- e. Perna, Katelyn- West Georgia Technical College
- f. Schurfeld, Lauren- The Medica Institute of Kentucky
- g. Stines, Melissa- Eastern Florida State

### Nitrous Oxide Monitoring

- a. Rentas, Madison- Fayetteville Technical Community College

### Multiple Courses

- a. Imran, Mehroo- Lincoln Memorial University- Radiology, Nitrous, Coronal Polishing, Sealants
- b. Lucas, Laurie- UF College of Dentistry- Radiology, Coronal Polishing, Sealant
- c. Smith, Stephanie- Piedmont Dental Assisting- Radiology and Nitrous Monitoring

Ms. Martin made a motion to uphold the denials of the following course equivalency requests:

### Denials

- a. Bogan, Jackae- The Medical Institute of Kentucky- Nitrous
- b. Feexico, Sonnia- Texas Academy of Dental Assisting- Radiology
- c. Mazzei, Alejandra- Northern Virginia Community College- Radiology
- d. Miller, Merandaa- MedQuest College- Restorative and Prosthetic
- e. Rentas, Madison- Fayetteville Technical Community College- Sealant

- f. Schurfeld, Lauren- The Medical Institute of Kentucky- Prosthetic

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

## **CORRESPONDENCE**

The board discussed the upcoming annual conferences for the AADB and AADA in October 2023, which required a motion to be made to send board members to the AADB meeting and Ms. Macias to attend one or both meetings. The meetings to be held the week of October 16<sup>th</sup>, 2023. The board discussed having 2 seats available for travel to the AADB meeting, if any board members wished to attend. Ms. Kinsey requested to fill one of the available seats, leaving one open seat for another board member if they wished to contact Ms. Macias for the travel authorization process to be started. Dr. Tabor made a motion to approve Ms. Kinsey and the open board member seat to for the AADB meeting, and for Ms. Macias to be approved to go to both the AADB and AADA meeting. Ms. Martin seconded the motion, and the motion carried.

## **REPORTS**

Legislative Update: Mr. Grayson Carter presented the legislative update to the board:

*Noteworthy Health- Related Legislation:*

- The Department of Health's administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

*Non-Health Related Legislative Activity of Note:*

- June 19<sup>th</sup> is now designated as a state holiday for Juneteenth.
- State employees are authorized to use sick leave from a sick leave bank to care for a sick minor child of the employee.
- State employees must be provided 6 paid weeks of leave for the birth of the employee's child or because of the employee's adoption of a child.
- "Send Me" is now an additional state motto.
- The legislature passed an extensive transportation modernization act.
- The legislature passed a teacher paycheck protection act that, among other things, raises the minimum teacher salary to \$50,000 by 2026.
- Law enforcement officers and the district attorney general's office may extend criminal immunity to persons who are experiencing a drug overdose and who are seeking medical assistance.

*Pertinent Public Chapters:*

- Public Chapter No. 1- SB1/HB1- Johnson/Lamberth- This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor's sex. This bill does not prohibit such a medical procedure if the performance or administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

- Public Chapter No. 2- SB3/HB9- Johnson/Todd- This law creates a Class A misdemeanor offense for a person to perform adult cabaret entertainment on public property or in a location where the adult cabaret entertainment could be viewed by a person who is not an adult. Subsequent offenses are Class E felonies. This bill was effective on April 1, 2023.
- Public Chapter No. 24- SB248/HB66- Johnson/Lamberth- This law authorized the Department of Intellectual and Development Disabilities to provide home health services to outpatients through its administration of the Tennessee Early Intervention System and the home and community-based services provided through such system. This bill was effective on March 10, 2023. This law was a DIDD legislative initiative.
- Public Chapter No. 36- SB23/HB17- Massey/Faison- This law designates the month of May as “Silver Alert Awareness Month.” This bill was effective on March 14, 2023.
- Public Chapter No. 41- SB256/HB75- Johnson/Lamberth- This law allows law enforcement or the district attorney general’s office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. This was a Department of Mental Health and Substance Abuse’s legislative initiative.
- Public Chapter No. 46- SB583/HB339- Pody/Raper- This law allows former municipal judges to solemnize marriages. This law was effective on March 14, 2023.
- Public Chapter No. 51- SB0246/HB0064- Johnson/Lamberth- This law amends time requirements set out in current law related to the distribution of funds from the Temporary Assistance for Needy Families Program. Specifically, this law extended dates for the report submission deadline, the pilot programs, the implementation of grants, and the obligation of funds. This law was effective on March 21, 2023. This was a Department of Human Services legislative initiative.
- Public Chapter No. 107- SB72/HB1195- Watson/Williams- This law authorizes nurse practitioners and physician assistants to refer individuals either orally or in writing, for physical therapy. This law also removes certain minimum education requirements to engage in the independent practice of physical therapy and allows physical therapists to treat patients without a referral from a physician under certain circumstances. This bill clarifies the definition of “notified” for purposes of treating a patient without a referral. This act became effective on April 4, 2023.
- Public Chapter No. 114- SB255/HB74- Johnson/Lamberth- This law changes the terms “general education development credential,” “high school equivalency test,” and variations of the terms to “high school equivalency credential” as referenced throughout the code. This law also replaces any references in code from GED (R) or HiSET (R) classes, coursework, testing, or services with the phrase “adult education programming to include preparation and testing toward obtaining a high school equivalency credential” throughout the code. This law is effective on July 1, 2023. This was a Department of Labor and Workforce Development legislative initiative.
- Public Chapter No. 123- SB614/HB1313- Briggs Kumar- This law requires hospitals that have a certification from a department-approved, nationally recognized certifying body that recognizes the hospital as capable of providing neuroendovascular treatment to report quarterly data that is consistent with nationally recognized stroke consensus measures on the treatment of individuals with confirmed stroke to the East Tennessee State University College of Public Health. This law was effective on April 4, 2023.
- Public Chapter No. 156- SB40/HB206- Roberts/Ragan- This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.
- Public Chapter No. 157- SB86/HB734- Walley/Rudd- This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a profession. This law was effective on April 17, 2023.
- Public Chapter No. 168- SB600/HB90- Hensley/Moody- This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a

person in obtaining a criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

- Public Chapter No. 1880- SB277/HB325- Johnson/Lamberth- This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as 6 months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. This law was a Department of Health legislative initiative.
- Public Chapter 190- SB350/HB294- Campbell/Freeman- This law creates the “Save Tennessee Students Act” and requires public institutions of higher education to include, among other things, the telephone number of the suicide and crisis lifeline on student identification cards for students enrolled in the institution. This law takes effect July 1, 2023.
- Public Chapter No. 203- SB799/HB859- Yarbo/Jernigan- This law authorizes the Department of Health to disclose de-identified data that is collected from EMS run reports for the purpose of provided opioid overdose response and resources throughout this state. This law was effective on April 24, 2023.
- Public Chapter No. 216- SB276/HB324- Johnson/Lamberth- This law makes various changes to current law pertaining to leave for state employees. Among other things, this law allows an eligible employee to be granted absence from work with pay for a period of time equal to six workweeks because of the birth of the employee’s child or because of the placement of a child with the employee for adoption. This law is effective on July 1, 2023, and applies to eligible employees who qualify for leave on or after July 1, 2023. *This was one of Governor Lee’s legislative initiatives.*
- Public Chapter No. 2520 SB221/HB273- Roberts/Terry- This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board’s attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate the process. This law was effective on April 28, 2023.
- Public Chapter No. 265- SB669/HB0981- Reeves/Faison- This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.
- Public Chapter No. 270- SB859/HB982- Reeves/Terry- This law protects a person’s statement regarding the use of possession of marijuana to a healthcare provider through the course of a person’s medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications of medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a



person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

- Public Chapter No. 300- SB551/HB448- Lowe/Davis- This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.
- Public Chapter 313- SB745/HB883- Helton-Haynes/Briggs- This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.
- Public Chapter No. 316- SB1426/HB1004- Roberts/Darby- This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.
- Public Chapter No. 325- SB1191/HB1388- Bailey/Ragan- This law terminates the Radiographic Imaging and Radiation Therapy Board of Examiners with no wind down period. The law authorizes the Board of Medical Examiners to establish and issue limited and full x-ray certifications. This law was effective on April 28, 2023.
- Public Chapter No. 337- SB269/HB317- Johnson/Lamberth- This law designates June 19<sup>th</sup> as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives.*
- Public Chapter No. 353- SB1442/HB727- Roberts/Fritts- This law requires an LEA to obtain the written, informed, and voluntary signed consent of a student's parent's parent or legal guardian, or the student if they are 18 years of age or older, before the student participates in a survey, analysis, or evaluation. A parent of legal guardian who wishes to excuse the student from participating in health screenings as part of a coordinate school health program must submit a request in writing to the school's nurse, instructor, school, counselor, or principal. As used in this law, "health screening" means vision, dental, blood pressure, and hearing screenings. This law makes other changes regarding a student's receiving of instruction of sexual orientation curriculum or gender identity curriculum or a student's receiving of instruction of sexual orientation curriculum or student's membership or a club or organization. This law is effective July 1, 2023.
- Public Chapter No. 379- SB0365/HB0355- Massey/Alexander- This law requires that a health benefit plan that provides coverage for a screening mammogram must provide coverage for diagnostic imaging and supplemental breast screening without imposing a cost-sharing requirement on the patient. This law is effective 90 days after May 11, 2023.
- Public No. 426- SB0458/HB0496- Watson/Martin- This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant who is licensed in another state or territory of the United

States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

- Public Chapter No. 432- SB702/HB1095- Crowe/Boyd- This law places requirements for registration of a temporary healthcare staffing agency. This law requires a temporary healthcare staffing agency to submit a biannual report to the Health Facilities Commission. This law lays out penalties and disciplinary proceedings for temporary healthcare staffing agency, such as revoking registration, under certain circumstances. Sections of this law have differing effective dates.
- Public Chapter No. 438- SB102/HB158- Gardenhire/Zachary- This law prohibits an LEA, public charter school, or public institution of higher education from requiring an educator or other employee of the LEA or public charter school to complete or participate in implicit bias training or take an adverse employment action against them for failure or refusal to complete or participate in implicit bias training. “Implicit bias training” means a training or other educational program designed to expose an individual to biases that the training’s or educational program’s developer or designer presumes the individual to unconsciously, subconsciously, or unintendedly possesses that predispose the individual to be unfairly prejudiced in favor of or against a thing, person, or group to adjust the individual’s patterns of thinking in order to eliminate the individual’s unconscious bias or prejudice. This law took effect May 17, 2023.
- Public Chapter No. 443- SB296/HB779- Gardenhire/Helton-Haynes- This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. “Completed application” means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.
- Public Chapter No. 446- SB361/HB942- Massey/Alexander- This law creates the dentist and dental hygienist compact. The compact details licensure requirements and other provisions related to the practice of dentists and dental hygienists who participate in the compact. While this law has been enacted in Tennessee, it will not take effect until the date the seventh compact state enacts the same legislation. This legislation has been enacted in three states as of the date of this publication: Tennessee, Washington, and Iowa. Four states have the legislation: Texas, Kansas, Minnesota, and Ohio.
- Public Chapter No. 457- SB753/HB1317- Haile/Kumar- This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding the residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members’ existing terms. This law was effective May 17, 2023.
- Public Chapter No. 477- SB1111/HB1380- Bowling/Ragan- This law creates the “Mature Minor Doctrine Clarification Act.” This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor’s medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent from a parent or legal guardian before providing a minor with a COVID-19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

- Public Chapter No. 486- SB 1440/HB239- Roberts/Bulso- This law defines “sex” in code the mean a person’s immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person’s biological sex. “Evidence of a person’s biological sex” includes but is not limited to, a government- issued identification document that accurately reflects a person’s sex listed on the person’s original birth certificate. This law takes effect on July 1, 2023.

Office of Investigations- Ms. Graham from the Office of Investigations presented the report. Since the start of 2023, there were a total of 214 new complaints opened, and 211 cases were closed. As of the end of June there were 82 complaints that were open at that time.

Executive Director Report- Ms. Macias reminded the board members of the next meeting date, which was set for October 5-6, 2023. As of the end of June 2023, the number of new applications received in the board office was: 215 for dentists, 232 for hygienists, 681 for assistants, and 31 for facilities. The total number of new licenses issued for that period was: 165 for dentists, 183 for hygienists, 734 for assistants, and 26 for facilities. Approximately 80% of all licensees were completing their license renewals online.

Office of General Counsel Report- Ms. Morgan presented the OGC report. There were 18 consent orders to be presented later in the meeting, one agreed order would be presented, there were 94 open cases with OGC, and there were no appeals in chancery court. She discussed the orofacial pain and oral medicine specialty certification rules had an effective date of 9/19/23.

Tennessee Dental Wellness Foundation Report- Dr. San presented the wellness foundation report. Dr. Sain had staged an intervention with a dentist after he had been contacted by several concerned dentists in the area. He traveled to the dentist’s location to assist him, and was able to get him into a treatment facility which he is currently participating in. Dr. Sain is hoping the dentist will complete the treatment program shortly and be able to resume practicing. The wellness foundation had scheduled their Dr. Mac Conference for the Fall, and all licensees who have a current contract with the foundation attend this meeting.

Updates from the Schools of Dentistry-

Meharry School of Dentistry- Dr. Farmer-Dixson reported that Meharry successfully got through graduation for the class of 2023. 64 of those students are now licensed, and the other 4 entered into military careers. The incoming D1 class is now in their 3<sup>rd</sup> week of class. Meharry has 10 internationally trained dentists in their international program. They have started with augmented reality technology being integrated into the training for their dental students. The oral health day will be held in mid-August, where free dental services are provided to the community who otherwise may not have insurance or funds to pay for the treatment. Dr. Grey reported on the EFDA course at Meharry. They trained 98 RDAs in their restoratives functions certifications in the last fiscal year. They hold 4 course offerings per year, and have up to 30 students per course session offering.

UT School of Dentistry- Dr. Ragain presented the update from UT. The new addition to the campus, the Delta Dental Building, opened in April this year, and is now fully operational with the exception of one area so far. They are working on completing the area of the building for their special needs clinic, which has an issue with a water leak in the building that is being fixed. UT School of Dentistry has added staff to their faculty to assist with teaching the increased number of students in each class. At the time of the meeting, they had an upcoming white coat ceremony for their D3 students. Dr. McKinney presented the EFDA program report to the board. He reported the EFDA courses are still in very high demand amongst licensees. In the last year, they had approximately 130 students who completed the restorative or prosthetic functions certifications through UT.

## **DENTAL FACILITY INSPECTOR REQUESTS**

1. *Dr. Hannah Raffoul, DDS*- Middle and East TN regions- Ms. Kinsey made a motion to approve Dr. Raffoul as a dental facility permit inspector. Ms. Martin seconded the motion, and the motion carried.
2. *Jennifer Taylor*- Middle TN region- Ms. Kinsey made a motion to approve Ms. Taylor as a dental facility permit inspector. Ms. Martin seconded the motion, and the motion carried.

## **OTHER BUSINESS, RULE CHANGES, INSPECTOR REQUESTS**

Mr. David Silvus came before the board to discuss the contested case hearing process and provide information to the board members of their role during the hearings. During contested case hearings, the board members act essentially as a jury. There is no fixed process for the deliberations, and it would be entirely up to the board members for their discussions for the appropriate outcome for the hearing. All contested case hearings are livestreamed and recorded, so there is record of the discussions during each hearing. The board members must consider the facts of the case and determine if there was a violation of the board rules. If a violation occurred, the board would then decide what the appropriate disciplinary action should be. Mr. Silvus reminded the board members they can review the policy statement with the facts during the hearing to determine what should be considered for any disciplinary action that should be taken, if any. The judge will not allow evidence to be presented which isn't fundamentally fair for either side. The administrative judge makes the decision on what evidence can and cannot be presented during the hearing. The board members were reminded that during the hearings, Ms. Morgan cannot act as their legal advisor and assist with answering questions. It would be inappropriate for Ms. Morgan to advise the board on the case, since she will be advocating for disciplinary action of the licensee to be taken during the hearing. The board members will be given an explanation regarding why they are there for the hearing, be given an explanation of what rule was violated, and be given proof/evidence of what occurred which resulted in the rule violation. During the hearing there will be opportunities to ask questions of the respondent and any witnesses. When considering any disciplinary action taken against a licensee, the board members should also consider when drafting or approving a recommended order, a timeframe for how much time the licensee will be given to complete any requirements such as remediation or continuing education courses. Mr. Silvus reminded the board members that any formal disciplinary action is required by Federal Law to be reported to the NPDB, therefore they do not have the option to have the action reported to the NPDB as part of the board order.

## **ORDERS OF COMPLIANCE**

1. *Timothy Bakelaar DDS*- In April 2018, Dr. Bakelaar petitioned the board to lift the suspension on his license and place the license on probation for the 5-year period listed in the agreed order signed in April 2017. The license had been suspended due to failing to maintain the required advocacy from the Wellness Foundation, which was part of the original agreed order. Dr. Bakelaar appeared before the board at the July 2023 meeting to request the probation be lifted from his license. Dr. Bakelaar stated the Wellness Foundation saved his life, and he has been sober for 7 years now due to their help. Dr. Sain appeared before the board in support of Dr. Bakelaar and attest to his continued participation in the Wellness Foundation on his road to recovery. Dr. Tabor made a motion to approve the order lifting the probation from Dr. Bakelaar's license. Dr. Rodriguez seconded the motion, and the motion carried.
2. *Paul Denmark DDS*- Dr. Denmark appeared before the board to request the probation be lifted from his license. His license was placed on probation in April 2019 for 3 years and the board order also required that he maintained advocacy of the Wellness Foundation. Dr. Denmark paid all fees and costs required in the board order. Dr. Denmark stated the Wellness Foundation help him get his life in order and help in his recovery. Dr. Sain spoke to the board in support of the lifting of the probation on Dr. Denmark's license. Dr. Tabor made a motion to accept the order

of compliance to lift the probation from the license. Ms. Kinsey seconded the motion, and the motion carried.

3. *Brian Wilkinson DDS*- In February 2013, Dr. Wilkinson had his license placed on probation for 3 years due to over prescribing controlled substances to patients. He came before the board to request that the probation be lifted from his license. Dr. Wilkinson completed a course on proper prescribing and paid all fees/costs associated with the order. Dr. Tabor made a motion to approve the order of compliance and lift the probation from the license. Dr. Rodriguez seconded the motion, and the motion carried.

## **AGREED CITATIONS**

### Continuing Education

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

- |                             |                           |
|-----------------------------|---------------------------|
| 1. Aldhaydan, Hibatalla RDA | 15. McDonald, Janet DDS   |
| 2. Beil, Kathryn DDS        | 16. Malone, Donna RDA     |
| 3. Belew, Krisinda RDA      | 17. Martin, Melissa RDA   |
| 4. Briggs, Sarah RDH        | 18. Ogle, Britlee RDA     |
| 5. Camm, Stephanie DDS      | 19. Palmer, Amy RDA       |
| 6. Clanton, Abby RDH        | 20. Patel, Nisha DDS      |
| 7. Collins, Amanda RDH      | 21. Paul, Abigail RDA     |
| 8. Cunningham, Lakesha RDA  | 22. Pippin, Falesha RDA   |
| 9. Fitzgerald, Jessica RDA  | 23. Prato, Williams RDA   |
| 10. Hardin, Victoria RDA    | 24. Roy, Jenna RDH        |
| 11. Jackson, Candace RDA    | 25. Sivarneri, Kevin DDS  |
| 12. Jones, Teresa RDA       | 26. Spiniolas, Nicole RDH |
| 13. Kelly, Kristen RDA      | 27. Sweeney, Elisha RDA   |
| 14. McCall, Mariko DDS      | 28. Wright, Dylan RDA     |

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

### Lapsed Licenses

Ms. Kinsey made a motion to accept the following:

1. Freeman, Amy RDA
2. Heard, Tracy RDA
3. Moreno, Lorainee RDH
4. Smith, Ryalisyah RDA
5. Ward, Crystal RDA

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

## **CONSENT ORDERS/AGREED ORDERS**

Alexander, Laura RDA- Dr. Moody was recused from this order. Ms. Alexander submitted her application for reinstatement of her license showing that she had performed the duties of an RDA including exposing x-rays for 21 months on an expired license. As part of the disciplinary action in the order, Ms. Alexander must pay a total of \$2,000 in civil penalties, along with the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Dr. Rodriguez made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.

Barnett, Candace RDH- Ms. Barnett submitted her application for reinstatement of her RDH license which showed that she performed the duties of a RDH for 12 months on an expired license. As part of the order, Ms. Barnett must pay a total of \$3,000 in civil penalties along with the costs 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. Kinsey seconded the motion. The motion carried.

Bonds, LaShaunda RDA- Ms. Bonds submitted a reinstatement application for her RDA license, which showed that she had performed the duties of an RDA, including exposing x-rays for 30 months on an expired license. As part of the order, Ms. Bonds must pay a total of \$2,000 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. Martin made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.

Boykin, Brittney RDA- Dr. Moody was recused from this order. Ms. Boykin submitted an application for reinstatement of her RDA license which showed that she performed the duties of an RDA, including exposing x-rays, monitoring nitrous oxide, and applying sealants, and engaging in coronal polishing, for 9 months on an expired license. As part of the order, she must pay a total of \$2,000 in civil penalties along with paying 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 accept the order, and Ms. Martin seconded the motion. The motion carried.

Campany, Nelson DMD- Dr. Moody was recused from this order. The board office received a reinstatement application for Dr. Campany's RDA in February 2022, which showed that the RDA had worked on an expired license for 12 months on an expired license. The RDA also indicated on her application that she exposed x-rays and monitored nitrous oxide while the license was expired. As part of the consent order, Dr. Company must pay a total of \$1,000 in civil penalties as well as paying 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.

Carter, Lauren DDS- Dr. Rodriguez was recused from this order. Dr. Carter was audited as part of the requirements of her comprehensive conscious sedation permit for the years 2021-2022. She failed to provide proof of 0.5 continuing education hours required to maintain the sedation permit. As part of the order, she must make up the deficient continuing education hours, she must pay \$100 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 Dr. Tabor seconded the motion. The motion carried.

Darnell, Stacey RDA- Dr. Moody was recused from this order. Ms. Darnell submitted a reinstatement application for her RDA license which showed that she had performed the duties of an RDA including exposing x-rays and monitoring nitrous oxide for a period of 12 months on an expired license. As part of the order, she must pay a total of \$2,000 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. Kinsey made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.

Garner, Paul DDS- Dr. Moody and Dr. Rodriguez were recused from this order. Dr. Garner had worked for Aspen Dental approximately 8 years ago. In October 2022 Dr. Garner entered his previous practice location at Aspen Dental, damaged equipment and stole equipment. On March 3, 2023, he plead guilty to one misdemeanor count of vandalism and one misdemeanor count of theft. Dr. Garner is currently on probation and his sentence has been deferred. He has entered into a 5-year monitoring contract with the Tennessee Dental Wellness Foundation. As part of the order, Dr. Garner must pay \$500 in civil penalties and the costs associated with the presentation of the order. He must maintain the advocacy of the Tennessee Dental Wellness Foundation during his 5-year monitoring contract. Ms. Kinsey made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

Gomillion, Senika RDA- Dr. Rodriguez was recused from this order. In May 2022, Ms. Gomillion was notified that she was selected for the 2019-2020 continuing education cycle. Multiple notices were sent from June 2022 to February 2023 to Ms. Gomillion from the board office via certified and regular mail. Ms. Gomillion exchanged email information with board staff regarding her audit. She failed to provide proof of compliance with the continuing education requirements for 2019-2020. As part of the order, she must show proof of a current CPR certification, complete the deficient continuing education hours from the audit, pay a civil penalty of \$150, and pay the costs associated with the presentation of the order not to exceed \$1,000. Ms. Kinsey made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.

Goodlow, Dominique RDA- Dr. Moody was recused from this order. Ms. Goodlow was notified in October 2021 that she was selected for the continuing education audit for the 2019-2020 audit cycle. Ms. Goodlow was sent a second notice of the audit in December 2021 via certified mail. She was sent the agreed citation via certified mail in January 2022. Ms. Goodlow was then sent 5 more notices regarding the agreed citation for audit non-compliance from March 2022 to May 2022. She failed to show proof of compliance with the 2019-2020 audit cycle. As part of the order, she must make up the deficient continuing education hours, show proof of a current CPR certification, pay a civil penalty of \$150 for the audit violation, and pay the costs associated with the presentation of the order not to exceed \$1,000. 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.

Higdon, Mary DDS- A dental hygienist working in Dr. Higdon's office submitted their application for license reinstatement in April 2023, with the application showing the dental hygienist had performed all duties of an RDH for 14 months on an expired license. As part of the order, Dr. Higdon must pay a total of \$1,200 in civil penalties as well as 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 Dr. Tabor seconded the motion. The motion carried.

King, Shana RDA- Dr. Moody was recused from this order. Ms. King was notified in July 2021 that she was selected to be audited for the 2019-2020 continuing education cycle. From October 2021 to August 2022, Ms. King was sent 8 additional notices regarding the audit and her non-compliance status with the audit requirements. She failed to provide proof of compliance with the 2019-2020 continuing education cycle. As part of the order, Ms. King must submit proof of a current CPR certification, make up the deficient continuing education hours, 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. Ms. Kinsey made a motion to approve this order, and Dr. Tabor seconded the motion. The motion carried.

Latimer, Harvey DDS- Dr. Moody was recused from this order. Dr. Caldwell recused himself from the order. A law firm representing a patient of Dr. Latimer's requested the patient dental record from his dental office on March 16, 2021 and again on June 7, 2021. Dr. Latimer did not provide the dental record until sometime after the second request in June 2021. As part of the order, Dr. Latimer must pay \$250 in civil penalties for failing to provide the patient's dental record within 10 business days of the request, and he must pay the costs associated with the presentation of the order not to exceed \$1,500. The disciplinary action will be reported to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.

Mays, James DDS- A dental assistant working in Dr. Mays' office submitted a reinstatement application which showed the dental assisting work on an expired license for 8 months performing the functions of a RDA, including exposing x-rays and monitoring nitrous oxide. Dr. Mays also allowed the dental assistant to administer nitrous oxide in the dental office. As part of the order, Dr. Mays must pay a total of \$1,100 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. Kinsey made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.

McDaniel, Caroline RDH- Ms. McDaniel submitted her application for reinstatement of her dental hygienist license in April 2023. The application indicated that she had performed all duties of a RDH for 14 months on an expired license. As part of the order, Ms. McDaniel must pay a total of \$3,000 in civil penalties for practicing on a lapsed license, and pay the costs associated with the presentation of the order. The disciplinary action will be reported to the National Practitioner Databank. Dr. Tabor made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

Montgomery, Laura RDH- In September 2022, Ms. Montgomery was notified that she was selected for the continuing education audit for the 2019-2020 cycle. In response to the notice of non-compliance with the audit, Ms. Montgomery submitted a forged continuing education certificate. She failed to provide proof of completing 2 continuing education hours in the subject of chemical dependency taken during the 2019-2020 cycle. As part of the order, she must pay the civil penalty of \$300 for audit non-compliance, a \$500 civil penalty for submitting a forged continuing education certificate, she must make up the deficient continuing education hours, 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.

Nwizu, Uju DDS- In December 2022, a patient sought treatment from Dr. Nwizu after breaking off tooth #9. According to the pretreatment x-ray, tooth #9 was a salvageable tooth, however Dr. Nwizu broke a file in the tooth, and she removed so much tooth structure that it was no longer restorable. The temporary crown placement was unacceptable and the surrounding soft tissue damage is inconsistent with the procedure. The pre-treatment x-ray of tooth #10 shows no sign of damage, however the post treatment x-ray shows loss of tooth structure. The dental record for the patient does not reflect that the patient was notified of the adverse treatment events. As part of the order, Dr. Nwizu must complete 6 continuing education hours in the area of record keeping for dentists. Within 1 year, Dr. Nwizu must complete an endodontic and crown preparation remediation course that is pre-approved by the board consultant. The order will also require that Dr. Nwizu pay a civil penalty in the amount of \$1,000, and pay the costs



associated with the presentation of the order not to exceed \$3,000. 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.

Patterson, Thomas DDS- Dr. Moody was recused from this order. A dental assistant working in Dr. Patterson's office submitted their application for reinstatement of her license in January 2023. The application indicated that the dental assistant had been performing all duties of a registered dental assistant including exposing x-rays for 21 months on an expired license. As part of the order, Dr. Patterson must pay a total of \$1,900 in civil penalties and pay the costs associated with the presentation of the order not to exceed \$1,500. The disciplinary action is reportable to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order and Dr. Tabor seconded the motion. The motion carried.

Reddick, John DDS- Dr. Moody was recused from this order. Dr. Reddick was audited as part of the requirements for maintaining his limited conscious sedation permit for the 2019-2020 cycle. He failed to provide proof of 3 hours of continuing education required to maintain his sedation permit. As part of the order, he must complete the deficient continuing education hours, pay a total of \$300 in civil penalties, and pay the costs associated with the presentation of the order not to exceed \$2,000. 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.

Scott, Charlene RDH- Dr. Rodriguez was recused from this order. In April 2023, Ms. Scott was notified she was selected for the 2021-2022 continuing education audit. In response to the notice of audit, Ms. Scott submitted several forged continuing education certificates. She failed to provide proof that during the 2021-2022 cycle she completed 25.5 hours of continuing education and had CPR certification. As part of the order, Ms. Scott must show proof of a current CPR certification, make up the deficient continuing education hours, pay a civil penalty of \$300 for audit non-compliance, pay a civil penalty of \$500 for submitting forged certificates, and pay the costs associated with the presentation of the order not to exceed \$1,000. The disciplinary action is reportable to the National Practitioner Databank. Dr. Tabor motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.

Underwood, Lisa RDH- Dr. Moody was recused from this order. Ms. Underwood submitted an application for reinstatement of her RDH license which indicated she performed all duties of an RDH on a lapsed license for 12 months. 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 not to exceed \$1,000. The disciplinary action will be reported to the National Practitioner Databank. Ms. Kinsey made a motion to approve the order and Dr. Tabor seconded the motion. The motion carried.

Vaughn, Kristin RDA- In July 2022, Ms Vaughn was notified that she was selected for the 2019-2020 continuing education audit. She was sent 8 notices regarding the agreed citation resulting from her non-compliance with the audit. Ms. Vaughn failed to provide proof she completed 20 hours of continuing education to include 2 hours in the subject of chemical dependency and had proof of CPR before October 2019. As part of the order, she must show proof of a current CPR certification, make up the deficiency continuing education hours, pay a civil penalty of \$150 for audit non-compliance, and pay the costs associated with the presentation of the order not to exceed \$1,000. 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.

Whittemore, John DDS- Dr. Moody was recused from this order. A dental hygienist working in Dr. Whittemore's office submitted an application for license reinstatement in December 2022. The application indicated the dental hygienist had performed dental hygiene duties for Dr. Whittemore for 12 months on an expired license. As part of the order, Dr. Whittemore must pay a total of \$1,000 in civil penalties and pay the costs associated with the presentation of the order not to exceed \$1,500. The disciplinary action will be reported to the National Practitioner Databank. Dr. Tabor made a motion to approve the order, and Ms. Kinsey seconded the motion. The motion carried.

Wilkerson, Stacey DDS- In 2014, Dr. Wilkerson was arrested for driving under the influence twice. At that time, Dr. Wilkerson entered into a monitoring contract with the wellness foundation. On March 6, 2023, Dr. Wilkerson pled guilty to reckless endangerment, leaving the scene of an accident, and driving under the influence. Dr. Wilkerson entered into a voluntary lifetime monitoring contract with the Tennessee Dental Wellness Foundation. As part of the order, Dr. Wilkerson must maintain the advocacy of the Tennessee Dental Wellness Foundation and comply with all terms of their lifetime contract. A civil penalty of \$100 must be paid for the criminal conviction violations, and they must pay the costs associated with the presentation of the order not to exceed \$3,000. 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.

Prophete, Adeline DDS- Dr. Rodriguez was recused from this order. An investigator made an unannounced visit to Dr. Prophete's dental office, where they discovered that they were reusing single-use Isolite mouthpieces after placing them in cold sterile solution. The mouthpiece packaging clearly indicated that the mouthpieces were for single use only. As part of the order, Dr. Prophete must obtain a certified preventionist to develop and maintain a comprehensive infection control plan that adheres to the minimum standards outlined by the CDC. The certified infection preventionist will be required to submit 4 quarterly reports to the disciplinary coordinator which details her adherence to the infection control plan, beginning 3 months after the effective date of the order. As part of the order, Dr. Prophete must pay a total of \$1000 in civil penalties and must 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 Dr. Zambrano seconded the motion. The motion carried.

## **CONTESTED CASE HEARINGS**

The Administrative Law Judge, Kim Summers, presided over the contested case hearings. All board members identified themselves for the record, and it was confirmed there was quorum present.

1. Dr. Michael Konrad DDS- Ms. Morgan passed out the notice of hearing and notice of charge documents to the board members to be reviewed during the proceedings. Judge Summers reminded the board members that they could not have any discussions about the case unless all parties are present. They were reminded that only facts presented in the case were to be taken into consideration in deliberations. Board members are required to disclose any conflict of interest with the parties of interest in any of the cases, or if they had any prior knowledge and information of the case disclosed to them before the hearing. Dr. Konrad was present at the hearing and did not have legal advisor or representative with him. There were not any conflicts of interest reported by any of the board members.

Ms. Morgan from the Office of General Counsel was representing the state in the hearing. Ms. Morgan's opening statement gave the board members the facts of the case, stating that in October 2018 Dr. Konrad closed his dental practice without properly notifying patients. Evidence also shows that Dr. Konrad also could not produce a copy of dental records when requested by a patient. Dr. Konrad chose not to make an opening statement before the hearing continued. Judge Summers confirmed with Dr. Konrad that he had received the notice of admissions by the Office of General Counsel, prior to the hearing. The notice of admissions was entered into evidence and provided to the board members to be reviewed. The verification of licensure was admitted into evidence with no objection from Dr. Konrad. Judge Summers swore in Dr. Konrad before he made statements in the hearing. Dr. Konrad asked if the main issue was not being able to produce the dental records upon request from a former patient. Judge Summers reminded Dr. Konrad that all information regarding hearing had been stated in the notice of hearing and the notice of charges. Dr. Konrad stated that he isn't an attorney and didn't understand such things. Dr. Konrad asked if the issue was the abandonment of the practice without notice and being unable to produce dental records for patients after this occurred. Judge Summers reminded Dr. Konrad that he would have to make a statement based on his understanding of the notice of hearing and charges he had received before the hearing. Dr. Konrad stated that in October 2018 he was in debt to the IRS, which resulted in him getting locked out of his practice. He then had to retain an attorney to gain access to his dental records which had been placed in a storage facility. The dental records for that patient were searched for multiple times, but they were not found. Dr. Konrad stated he was not the person who took the records to the storage place, and it was not within his control if the patient records were not able to be found after they had been placed in storage. Dr. Konrad stated that he meant no harm to anyone, but he was not able to maintain his practice in 2018 and the records for that patient could not be found upon request.

Ms. Morgan asked the board to discipline Dr. Konrad's license based on the facts and evidence presented. Dr. Konrad stated that he did not close his practice, and he had been locked out of the office which was not within his control. He said that he was hoping to practice 3-4 more years before retiring from practice, and he asked the board not to discipline his license because he had not meant to harm anyone in the situation. Judge Summers charged the board members with reviewing the facts, and with being the exclusive judge of the statutes, rules and laws which are involved in the case. She reminded the board members that no outside parties could participate in the deliberations and decisions they would make in the case. After the discussion, the board members would be charged with crafting a disciplinary order if they choose to discipline Dr. Konrad's license after considering the facts of the case with the statutes and rules. Judge Summers reminded the board that any statements made by her are not intending to show support of either party involved in the case. All actions in the order will be made by majority vote.

As the board chair, Dr. Phillip Kemp was asked to preside over the deliberations of the case with the board members. Dr. Zambrano asked if they were able to ask Dr. Konrad questions as part of their deliberations process. Judge Summers stated the board would need to vote to open the evidentiary portion of the hearing so they could ask Dr. Konrad questions. Dr. Zambrano made a motion to open the evidentiary portion of the hearing back up. Dr. Rodriguez seconded the motion, and the motion carried. Dr. Zambrano asked Dr. Konrad if he closed his office in 2018,

and who closed the office or locked him out of the office. Dr. Konrad had tax debt and rent debt, which resulted in him being locked out of his dental practice. Ms. Morgan objected to this line of questioning because these facts were not presented in evidence and Dr. Konrad had not requested this information to be entered into evidence at the hearing. Dr. Zambrano asked how long the length of time Dr. Konrad had no access to the dental records. Dr. Konrad replied that he had no access to his records for a period of 3 weeks, in which time the records had been moved to storage facility when the patient record had been misplaced. The patient had not requested those records during that 3-week period, but when the record could not be found upon request. Dr. Moody asked who locked Dr. Konrad out of his practice. He replied that the landlord locked him out due to rent debt. The practice was then merged with another dental practice. Dr. Rodriguez asked if the record which could not be found was for patient SW, and who paid to store the records. The dental office Dr. Konrad stated the dental practice he merged with paid for the storage of the records. Ms. Kinsey asked if Dr. Konrad himself went to search for the dental records for patient SW. Dr. Konrad stated he did not look for the records himself at any point. Dr. Rodriguez asked if Dr. Konrad knew that he had to notify the patients of the office closure. He replied that he knew of the requirement, but the letter of notice was slow in getting sent out.

The board members were then ready to resume deliberations since they had no further questions. They discussed obtaining a copy of the proposed disciplinary order from the Office of General Counsel. Dr. Moody stated that based on the information provided, Dr. Konrad's office did close abruptly and without notice to the patient, and there was no access to the patient records. The information provided also showed proof of the patient records not being able to be produced, once the records could be accessed in storage. The board members could not find any evidence to contradict these facts, and the rules do not specify an exception being made in a circumstance of Dr. Konrad being locked out of his office by the landlord. Judge Summers asked for the proposed order to be presented to the board members, to assist with the drafting of the order. After a review of the order, Dr. Tabor made a motion to approve the proposed order as written, and Ms. Kinsey seconded the motion. The motion carried. The matter for Dr. Konrad was then adjourned by Judge Summers.

2. Amanda Shelton RDA- Ms. Shelton appeared at the hearing without legal counsel representing her. The board members reviewed the notice of hearing and charges provided by Ms. Morgan. With Ms. Shelton being present at the hearing, it was evident that she had received at least one of the notices of hearing and charges. There were no disclosures on the record by the board members. Ms. Shelton failed to provide proof of continuing education for the 2019-2020 audit cycle, by not completing the required 24 hours of continuing education to include the 2 hours in the subject of chemical dependency, and proof of CPR certification for the 2-year cycle. Ms. Morgan requested that the board members reprimand Ms. Shelton's license and allow her to make up the required continuing education hours, along with showing proof of a current CPR certification as part of the requirements. Ms. Morgan entered in to evidence a copy of the licensure certification for Ms. Shelton's RDA registration. The affidavit from Ms. Macias for the audit file of Ms. Shelton was then requested to be entered into evidence. Ms. Shelton reviewed

the document, as she stated she had not reviewed it before the hearing. The affidavit was provided to the board members for review upon approval from Judge Summers.

Ms. Shelton was sworn in before approaching the podium to speak to the board members. Ms. Shelton stated she was not there to contest anything but instead wanted to appear before the board because she wanted to show that she cared about her license. She stated that Ms. Morgan had given her many opportunities to submit documentation for the audit, and she failed to submit the information. She claimed to have completed continuing education hours during the audit period, but she did not have the documents on hand to submit for the audit. Ms. Shelton stated her former employer had stored all the staff's continuing education in the office. When her employment was terminated during pandemic, she did not take copies of her documents with her. When contacting her former supervising dentist, he was in the middle of selling his practice and did not have the continuing education documents on hand to provide Ms. Shelton for her audit. Ms. Shelton believed that her supervising dentist was putting her continuing education hours into CE Broker for her. She stated that she just didn't respond to some of the notices from Ms. Morgan reminding her of the audit, because she forgot. Ms. Shelton claimed she attempted to send the continuing education hours via email to Ms. Morgan, and the emails were returned to her for non-delivery and she did not send them in another format. She claims to have completed 17 of the 24 hours of continuing education during the audit cycle, so she would have been non-compliant for the requirements of the audit. Dr. Phillip Kemp asked what Ms. Shelton was hoping for the outcome of the hearing to be. Ms. Shelton asked that the board members let her submit the continuing education she did have, and only discipline her license for what she didn't have for the audit. Dr. Zambrano asked if Ms. Shelton brought her proof of continuing education with her that day to the hearing. She informed the board members that she had not brought copies of proof of her continuing education with her, but she could send them by the end of the day.

After closing statements, Judge Summers turned the meeting over to Dr. Phillip Kemp for deliberations. Dr. Tabor asked what was different about this audit compared to other audits in which other licensees were found non-compliant. Dr. Tabor believed Ms. Shelton should need to submit her 17 hours of continuing education, then have the final order drafted to reflect what she was missing from the audit. Dr. Rodriguez requested a timeframe to be added to the order, for a final date in which Ms. Shelton could submit any proof of continuing education hours. Dr. Phillip Kemp requested a copy of the proposed order from Ms. Morgan, to take into consideration when crafting the language for the final order. Dr. Moody made a motion to approve the proposed order, but would modify section 8 to allow 30 days for Ms. Shelton to submit her continuing education hours. If she failed to submit proof of the hours taking during the audit cycle, she would then need to make up all 24 of the continuing education hours and show proof of a current CPR certification. She would be allowed 90 days to complete and send the make up hours to Ms. Morgan, as part of the board order. Dr. Tabor seconded the motion, and the motion carried. The matter of Ms. Shelton was adjourned.

3. Nicole Perry RDA- Ms. Perry was not present for the hearing, and there was no legal representative appearing on her behalf. The board members reviewed the notice of hearing for the case, and they were asked to report any prior knowledge or communications on the matter which

needed to be disclosed on the record. There was a prior and outstanding motion, without proof of service being confirmed. Ms. Perry was sent notices to her address of record, and other attempts to contact her with the notice of hearing being scheduled. Judge Summers found that reasonable efforts were made to notify Ms. Perry of the hearing. Ms. Morgan made a motion to proceed with the hearing in default. Dr. Tabor made a motion to proceed in default with the hearing, in the absence of Ms. Perry. Ms. Martin seconded the motion, and the motion carried. Ms. Morgan discussed the findings of the case, including the submission of forged continuing hour documentation to the board office for the 2017-2018 continuing education audit cycle. Ms. Perry also submitted forged continuing education documentation to the board office in response to the 2019-2020 audit cycle. Ms. Morgan requested that the board members suspend the license of Ms. Perry, due to her determination to violate board rules on multiple occasions. Ms. Morgan entered in to evidence the affidavit of licensure, and a copy of the 2014 board order in which Ms. Perry had previously had her license disciplined for submitting a forged CPR card to the board office. The case at hand was concerning the combined 2 continuing education cycles, in which Ms. Perry submitted multiple forged documents. Evidence was submitted showing proof from the course provider verifying the continuing education documents were forged for both cycles. With the continued defiance of the board rules, Ms. Morgan requested the registration of Ms. Perry be suspended, and the board require Ms. Perry to take continuing education courses in ethics as part of the order. The board members requested a copy of the proposed order from Ms. Morgan to review.

Dr. Rodriguez made a motion to accept the proposed order, but she requested to amend the requirements to have Ms. Perry complete 16 hours of continuing education in the subject of ethics. Ms. Kinsey seconded the motion, and the motion carried. Judge Summers adjourned the matter of Ms. Perry.

4. Connor Howell, RDA- Ms. Howell was not present at the hearing, and there was no legal representative there to speak on her behalf. Judge Summers reminded the board members to advise of any disclosures for the case. It was discussed that the family of Ms. Howell confirmed that she is currently incarcerated, which contributed to her being unable to attend the hearing. Dr. Rodriguez asked how long Ms. Howell will be incarcerated for, but it was unknown when she would be released. Dr. Tabor made a motion to move forward in default, and Dr. Rodriguez seconded the motion. The motion carried. Ms. Howell was audited for the 2019-2020 continuing education audit cycle and she failed to show proof of compliance with the audit. Multiple requests were sent to Ms. Howell to submit proof of compliance with the audit, and she failed to respond to the notices. Ms. Morgan requested that the board reprimand Ms. Howells registration, assess the fines and penalties, and require her to make up the deficient hours of continuing education from the audit. After evidence was presented and the board members discussed in their deliberations. The board members requested a copy of the proposed order from Ms. Morgan, to be taken into consideration in the drafting of the final order.

Dr. Moody expressed concern with the 90-day requirement for Ms. Howell to make up the continuing education hours since she is incarcerated, and the board did not know when she would be released. The board members decided to keep special consideration should not be made for

Ms. Howell given her current circumstances. Ms. Kinsey made a motion to approve the final order as written in the draft. Ms. Martin seconded the motion, and the motion carried. The matter of Ms. Howell was adjourned.

The hearing and meeting was adjourned at 3:16 p.m.