

## MINUTES

### TENNESSEE BOARD OF DENTISTRY MEETING

**Date:** April 11, 2023

**Location:** Tennessee Department of Health  
665 Mainstream Drive  
Nashville, Tennessee 37243

**Members Present:** Phillip Kemp, DDS – President  
Robert Caldwell, DMD  
Greg Kemp, DDS  
Naomi Martin, RDA  
Edward Moody, DDS  
Jayson Tabor, DDS  
Maricela Rodriguez, DDS

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

The board meeting came to order at 9:06 a.m.

#### **RULEMAKING HEARING**

The conflict-of-interest statement was reviewed by Ms. Morgan before the meeting. Dr. Moody recused himself, due to having sat on the ADA Commission which dealt with both specialties in question. There was still a quorum present to move forward with the rule making hearing. The board members reviewed the economic impact statement and flexibility acknowledgements, as part of the rule making hearing process. Dr. Greg Kemp made the motion to accept the impact statement and flexibility acknowledgement. Ms. Martin seconded the motion, and the motion carried.

The proposed rule was to add Oral Medicine and Orofacial Pain as board recognized dental specialties, which are now also recognized specialties by the ADA. The rules in question were amendments to rules 0460-01-.01 and 0460-02-.06. Dr. Tabor made a motion to approve the proposed rule change to recognize Oral Medicine and Orofacial Pain as dental specialties, and Ms. Martin seconded the motion. The motion carried.

## **MINUTES**

Ms. Martin made a motion to approve the meeting minutes from the January 2023 Board Meeting. Dr. Tabor seconded the motion, and the motion carried.

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

Dr. Phillip Kemp explained the April 12<sup>th</sup> meeting date was cancelled due to lack of quorum. He stressed the importance of the attendance of the Board Members at the quarterly meetings. The board discussed there was still the need for the consumer board member replacement, and 3 other board member seats that were up for replacement or reappointment.

## **RATIFICATIONS**

Dr. Rodriguez made a motion to approve the following:

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

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

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

Dr. Tabor made a motion to approve the following:

1. Bailey, Jaime RDA
2. Burton, Melissa DMD
3. Cassidy, Deborah RDA
4. Elliott, Cheryl RDH
5. Im, Patrick DDS
6. Masso, John DDS
7. McKenzie, William DMD
8. Mesich, Lawrence DDS
9. Nash, Vanessa RDA
10. Solly, Michael DDS
11. Warrington, Amber RDA

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

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

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

1. Green Orthodontics- "Treatment of 12 Year Molars and Lasering of Impacted Canines."

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

## **DENTAL ASSISTING PROGRAMS**

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

1. Chattanooga College- Medical, Dental & Technical Careers
2. Dental Staff School- Chattanooga
3. Dental Staff School- Johnson City
4. Dental Staff School- Knoxville
5. Dental Staff School of Tennessee
6. Dyersburg Academy of Dental Assisting, LLC
7. Remington College- Dental Assisting
8. Revive Dental Assisting
9. TN College of Applied Technology- Murfreesboro
10. TN Professional Training Institute
11. Walters State Community College- Greenville
12. Walters State Community College- Morristown
13. Walters State Community College- Sevierville
14. Walters State Community College- Tazewell

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

## **PROGRAMS AND CERTIFICATION COURSES**

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

### Administration of Local Anesthesia

1. Chattanooga Community College

### Coronal Polishing

1. Chattanooga College Dental, Medical & Technical Careers
2. Competitive Edge Dental Assisting Academy, LLC
3. Dental Pro ED
4. TN College of Applied Technology at Nashville
5. Volunteer State Community College

### Dental Radiology

1. Dental Pro ED

Sealant Application

1. Chattanooga College Dental, Medical & Technical Careers
2. Dental Pro ED
3. TN College of Applied Technology at Nashville
4. Volunteer State Community College

Nitrous Oxide Monitoring Course

1. Chattanooga College Dental, Medical & Technical Careers
2. Chattanooga College Dental, Medical & Technical Careers
3. Dental Pro ED
4. Dr. Bob Dalsania Family & Cosmetic Dentistry
5. Dyersburg Academy of Dental Assisting, LLC
6. Volunteer State Community College

Restorative Functions Course

1. Meharry Medical College, School of Dentistry

**EQUIVALENCY OF COURSES**

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

Local Anesthesia

1. Jenkins, Sylvia- Purple Pen Seminars
2. Marconi, Mary- University of AR for Medical Sciences- CE Course
3. Turpin, Jacqueline- Concorde Career College- Kansas City, MO

Administering and Monitoring Nitrous Oxide

1. Arain, Uswa- VA Western Community College
2. Diaz, Jordyn- Northern WY Community College
3. Ennis, Audrey- Taft College
4. Fauth, Christy- VCU School of Dentistry Continuing Education
5. Hilligoss, Alyson- Lake Land College
6. Jenkins, Sylvia-Purple Pen Seminars
7. Rodriguez, Corinna-Taft College
8. Schlafke, Emily- Western KY University
9. Turpin, Jacqueline- Concorde Career College- Kansas City, MO

Radiology

1. Beck, Destiny Beck- Dalton Dental Assistant School
2. Breznicki, Amaisha- Lorain County JVS
3. Davis, Amanda – American Medical Technologies

4. DiBenedetto, Anna – Dental Assistant Services
5. Figueroa, Yzaira - Florida Career College
6. Jethva, Shelby - Dental Careers Institute
7. King, Marah - The Medical Institute of Kentucky
8. Shay, Savannah - Houston Dental Assistant School
9. Wright, Jordyn- Virginia Commonwealth University

#### Coronal Polishing

1. Johnson, Laura- Central Oregon Community College

#### Nitrous Oxide Monitoring

1. DiBenedetto, Anna – Dental Studies Institute of New Jersey
2. Feexico, Sonni – Grayson College
3. Shay, Savannah - Houston Dental Assistant School

#### Multiple Courses

1. Drew, Desiree’ – Jonesboro School of Dental Assisting – Radiology, Nitrous, and Coronal
2. Holland, Olivia- University of Southern Indiana- Radiology, Restorative, and Coronal Polishing
3. Merrell, Ashley – Rio Salado College – Coronal Polishing, Restorative, and Sealants

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

#### Denied

Dr. Greg Kemp made a motion to confirm the denial of the following courses:

1. DiBenedetto, Anna – Dental Assistant Services – Coronal Polishing, Restorative, Prosthetic, Sealants
2. Figueroa, Yzaira – Florida Career College – EFDA
3. Jimenez-Espinal, Irma –Academy for Dental Assisting– Dental Radiology and Expanded Functions
4. Sledge, Alexandra – The Ohio State University- Dental Radiology, Nitrous Oxide Monitoring

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

## **CORRESPONDENCE**

Ms. Denise Moran, the Executive Director of Affiliated Monitors, discussed the importance of the program, which serves as an option for mentorship to Dentistry professions and educational gaps to those individuals in need of remediation.

The Office of General Counsel would refer a licensee to this program as part of their agreement for remediation during the disciplinary action process. This program is used as a recommendation to the individual for monitoring requirements through a settlement agreement. The fee is paid by the licensee, which includes payment of a stipend to the dentist monitoring the individual.

## **REPORTS**

Executive Director's Report – Ms. Macias informed the board members of the future meeting dates for 2023 being scheduled for July 13-14 and October 5-6. Since April 3, 2023, new licenses have been issued totaling 47 for dentists, 40 for dental hygienists, 347 for dental assistants, and 10 dental facility permits. Most dental professionals are opting to renew their licenses online, instead of through paper application sent by mail. There have been 33 dentist licenses retired, 34 dental hygienists, and 72 for dental assistants. As of March 31, 2023, there are a total of 20,947 active dental professional licenses.

Office of Investigations Report – As of April 3, 2023, there were a total of 112 complaints opened, and 80 total complaints has been closed.

### Updates from the Schools of Dentistry

Meharry School of Dentistry – Meharry praised their “Spring Oral Health Day” that was held on March 4<sup>th</sup>, where approximately 340 patients were served with free dental care, which included exams, cleanings, and fillings. Meharry will hold their graduation ceremony on May 20 at the Grand Ole Opry. There are 68 students (10 international students) will be graduating. 50% of the graduating class will be pursuing a specialty degree/certification. Starting July 1, four students will begin the 2-year residency program for Pediatric Dentistry.

UT School of Dentistry – UT spoke to celebration of their new 68,000 square building which will have the floss cutting ceremony on April 12, 2023. The Delta Dental building on the UT campus will house a special needs clinic, being the first of its kind in the state. There are currently 112 students enrolled and 120 incoming students. This year, UT will be offering 6 restorative functions certification class sessions. Upon the completion of the new Delta Dental building, the student enrollment will be increased to 130 students.

Tennessee Dental Wellness Foundation Update- Dr. Sain came before the board to discuss the meetings which have been taking place over the last year to explore the idea of setting up a federation for state dental health programs which would be similar to the Federation of State Physicians Health Programs (FSPHP). For the time being, the FSPHP has invited the Wellness Foundation to join their organization. The first FSPHP meeting that a group of dentists will

participate in will be May 2<sup>nd</sup> through May 6<sup>th</sup> where Dr. Sain will be representing Tennessee. Dr. Sain has presented courses on substance abuse disorders and prescription writing in the dental office to approximately 1,093 dental professionals in this quarter. The annual Dr. Mac Wellness conference will be held September 30<sup>th</sup> and October 1<sup>st</sup> in Murfreesboro. The Wellness Foundation currently has 47 clients on contract, and 2 people in treatment. The flyer for the Wellness Foundation to be sent out by all licensees by email was approved, pending a correction of a typo found on the flyer. Dr. Tabor made a motion to approve and send the flyer, and Dr. Caldwell seconded the motion. The motion carried.

OGC Report- Ms. Morgan reported there are 78 open cases in OGC and no appeals in Chancery Court. The fee decrease rules would be going into effect on April 26, 2023.

CE Broker Report- The report from CE Broker there are 9,841 TN dental professionals with registered accounts in their site.

## **DENTAL FACILITY INSPECTOR REQUESTS**

The request from Dr. Charles Felts III to be removed as a facility inspector was reviewed by the board. No vote was needed by the board to remove Dr. Felts officially as a facility inspector.

## **OTHER BUSINESS, RULE CHANGES, AND/OR POLICY CHANGES**

A request was submitted by an instructor from a dental school which inquired about whether the hours spent teaching in courses such as Endodontics and Prosthodontics would count as CE hours for the instructor. The board members agreed that if students would get CE hours counted for attending these courses in a dental school, the instructor should also get CE credit, in accordance with the board rules for presenters/instructors of a CE course. Dr. Tabor made a motion to accept these hours as CE credit in accordance with the board rules, and Ms. Martin seconded the motion.

## **COMMITTEE AND TASKFORCE UPDATES**

Dr. Tabor gave a summary of the last Anesthesia Committee meeting. Dr. Tabor stated that most of the discussion during the meeting were concerning the idea of sedation courses needing to be re-credentialed after a certain period of time. He expressed concerns about some of the courses on the board website showing as an approved course, are no longer being offered anymore. Dr. Phillip Kemp asked if the sedation rules could be interpreted during the meeting to require re-credentialing for sedation courses. Ms. Morgan stated there are no rules regarding re-credentialing or reapplication for sedation course approval, so this would require a new rule change process to create/add those rules. Dr. Tabor asked if a rule change would be needed to remove courses from the board website showing course approval, if the course is no longer available. Ms. Morgan stated the website heading is "Approved Courses" and the removal of a course from the website without notice would give the appearance the approval being retracted by the board. Dr. Tabor stated a re-credentialing process for the sedation courses would fix the problem for courses being removed from the website if they are no longer available/offered.

Ms. Morgan reminded the board members the entire legal process would be required for a rule making hearing/process to put re-credentialing rules into place for sedation courses. She stated the wording on the board website heading could possibly be changed to “currently offered courses” instead of “approved courses” for sedation course options for dentists. Ms. Morgan had the opinion that it would be inappropriate to remove a course from the board website listing for “approved courses” if the approval had not been retracted by the board for that course, just because they course may not be available for a certain period of time from that provider. She added that should the board website only have a current list of which courses were offered during certain parts of each year, the board administrative staff would then be responsible for attempting to keep up with every provider’s course schedules to update the website properly. Ms. Macias stated that the board administrative staff would be unable to keep up with “currently offered” sedation courses to be listed on the website by semester or quarter by the course providers, due to the burden it would put on the staff to attempt to keep up with the course schedules for every course provider listed on the website. Dr. Tabor stated the Anesthesia Committee members tasked him with coming up with proposed rule changes for these ideas, and he was unsure about how to get the ball rolling for that process to begin. He also felt the current rule requirement for a course provider to report changes to the board for their course, should mean that the providers should have to report to the board if their course has been discontinued.

Ms. Morgan reminded the board that Dr. Tabor had agreed during the committee meeting to draft a proposal for the potential rule changes, and those proposed changes could be sent to her for review to assist with the process. She stated that she had not yet received any proposed changes or documentation to review before it would be sent to the committee members. Ms. Morgan stated the proposed rule changes would then go before the committee, who could then amend the proposal before deciding to recommend any sedation rule changes which would be sent to the board for the first step of the rule making process. She stated the drafting of a proposed rule change would be the phase which would get the ball rolling for any potential rule making process. Dr. Tabor stated he would draft the proposed rule changes to be reviewed by Ms. Morgan, the committee, and the board.

## **AGREED CITATIONS**

### *Continuing Education*

Dr. Tabor made a motion to approve the following agreed citations for continuing education:

1. Blakely, Rosalind RDA
2. Breeden, Melissa RDA
3. Bunch, Charles DDS
4. Burghardt, Spring RDA
5. Byrd, Daryl DDS
6. Cockrell, Amy RDH
7. Corlew, Amanda RDH
8. Davis, Angela RDH
9. Flannigan, Rebekah RDH
10. Flores, Maria RDA
11. Gravatt, Kelli RDH
12. Groce, Alexandra RDA
13. Guion Jr., Edwin DDS
14. Haynie, April RDA
15. Honeycutt, Kimberly RDA
16. Jones, Robert DDS



17. Juhn, David DDS
18. Key, Shannon RDA
19. Lawson, Jessica RDH
20. Lekic, Celeste RDA
21. Manning, Hanna RDA
22. Maples, Kelly RDA
23. Meyer, Nicole RDH
24. Mitchell, Latasha RDA
25. Norman, Laurlin RDH
35. Wilcox, Melissa RDA
36. Williams Jr., Michael DDS

26. Payne, Paula RDA
27. Raines, Kayle RDA
28. Sapala, David DDS
29. Spencer, Mary RDH
30. Stephens, Valerie RDH
31. Terry, Holly RDA
32. Throckmorton, Kristy RDA
33. Torres, Liliana RDA
34. White, Teela RDA
37. Wright, Natasha RDA

Dr. Greg Kemp seconded the motion, and the motion carried.

#### Lapsed Licenses

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

1. Brown, Maeghan RDA
2. Harris, Kayla RDA
3. Kirby, Amber RDA
4. Latham, Jasmine RDA
5. Martinez, Astrid RDA
6. Seeber, Kaitlyn RDA
7. Tindell, Lindsay RDA

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

#### **ORDERS OF COMPLIANCE**

1. *Armstrong, Damien DMD* – Dr. Armstrong had previously had his license placed on probation in 2022 due to failing to provide proof of ACLS certification from September 2015 through October 2015 and for failing to complete 2.5 hours in continuing education in sedation and/or anesthesia. Dr. Armstrong appeared before the board to request that the probation be lifted from his license. Dr. Rodriguez made a motion to lift the probation from the license, and Dr. Caldwell seconded the motion. The motion carried.
2. *Nash, Nathan DDS* – Dr. Nash license was suspended his license, which required him to undergo an evaluation with the Tennessee Dental Wellness Foundation. The Board issued an order of compliance, which lifted the suspension but placed the license on probation for 5 years that would expire on April 26, 2023. Dr. Tabor made a motion to lift the probation from the license, and Ms. Martin seconded the motion.

## CONSENT/AGREED ORDERS

1. *Arnold, Shauna RDA*– Ms. Arnold was selected for the 2019-2020 Continuing Education audit and submitted completion documents that were suspicious of forgery. As part of the board order, she must sign the agreed citation, pay the civil penalty of \$750, and complete 4 continuing education hours in dental ethics. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Dr. Greg Kemp seconded the motion. The motion carried.
2. *Baker, Shelley RDA* –Ms. Baker was selected to be audited for the 2019-2020 cycle. As part of the board order, she must submit proof of completing 6.5 continuing education hours and proof of current CPR certification. It was reported that Ms. Baker only paid \$50 of the \$150 civil penalty as part of the original agreed citation process with the board office. As part of the order, she must pay the remaining \$100 for the civil penalty and pay the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Dr. Tabor made a motion to approve the order, and Dr. Greg Kemp seconded the motion. The motion carried.
3. *Bass, Alia RDH* – Dr. Moody was recused from this order. Ms. Bass failed to provide proof of compliance with the 2019-2020 continuing education cycle. Of the documentation Ms. Bass submitted for the audit, it was found that there were 3 forged continuing education certificates. As part of the order, she must pay a civil penalty of \$300 for non-compliance with the audit cycle requirements, and a civil penalty of \$500 for submitting forged continuing education documents. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Dr. Greg Kemp seconded the motion. The motion carried.
4. *Clodfelter, Janet DDS* – Dr. Caldwell was recused from this order. Dr. Clodfelter was unable to provide proof of the 4 continuing education hours in the subject of sedation/anesthesia, which is required to maintain a limited conscious sedation permit. As part of the order, she must pay a civil penalty for each anesthesia/sedation continuing education hours totaling \$400, and she must complete of those hours she was deficient in the audit. This disciplinary action is reportable to the National Practitioner Databank. Dr. Tabor made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
5. *Durante, Catherine DDS* – Dr. Durante was granted a license contingent upon her authorizing the Tennessee Dental Wellness Foundation to freely share information with the Board. In December 2022, Dr. Durante entered into an order with the Alabama Board of Dentistry which indefinitely suspended her license in that state due to a substance abuse relapse. The board order to suspend her license until all terms of the Alabama Consent Order had been met, the Alabama Dental Board has lifted the suspension from her license as well as lifting probation from her dental license, she would then need to obtain the advocacy of the Tennessee Dental Wellness Foundation and authorizes them to notify the Board if there was a loss of advocacy. The disciplinary action is reportable to

the National Practitioner Databank. Dr. Greg Kemp made a motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

6. *Green, Hillary RDA* – Dr. Moody was recused from this order. Ms. Green was selected to be audited by the Continuing Education Compliance Unit for the continuing education cycle for years 2019-2020. Ms. Green submitted 4 forged continuing education certificates and was unable to provide proof of completing 20 continuing education hours and failed to provide proof of CPR certification. As part of the order, she must pay a civil penalty in the amount of \$500 for the forged certificates, and pay civil penalty of \$150 for failure to comply with the audit requirements. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Dr. Rodriguez seconded the motion. The motion carried.
7. *Kimbrough, Keria RDA* – Dr. Rodriguez was recused from this order. Ms. Kimbrough was selected for the continuing education audit for the 2019-2020 cycle. She failed to provide proof for the continuing education for the audit cycle. As part of the order, Ms. Kimbrough must pay a civil penalty in the amount of \$150, she must make up the deficient continuing education hours, and must show proof of a current CPR certification. The disciplinary action is reportable to the National Practitioner Databank. Dr. Tabor made the motion to approve order, and Ms. Martin seconded the motion. The motion carried.
8. *Kistner, Lisa RDH* – Dr. Caldwell was recused from this order. Ms. Kistner entered a Consent Order in April 2018 with the Board of Dentistry, and she failed to complete the requirement of that order by not paying all civil penalties and costs of the presentation of the order. As part of the order presented at this meeting, Ms. Kistner's license was placed in an indefinite probationary status. Her license will remain in a probationary status until she complies with the April 2018 order, and she must pay the costs associated with the presentation of the new Consent Order. Also, she must appear before the board to request the probation be lifted from her license once all requirements have been met. The disciplinary action is reportable to the National Practitioner Databank. Dr. Rodriguez made a motion to approve the order, and Dr. Tabor seconded the motion. The motion carried.
9. *Latimer, Harvey DDS* – Dr. Caldwell and Dr. Moody were recused from this order. This item was tabled due to a lack of a quorum to vote on the order.
10. *Lewis, Cristin DDS* – Dr. Moody was recused from this order. Dr. Lewis' dental assistant license expired in August 2012. The dental assistant performed the duties of a registered dental assistant for 35 months on an expired registration, including monitoring nitrous oxide, radiology, expanded restorative functions, coronal polishing, and sealant application Dr. Lewis allowed the dental assistant to solely handle emergency calls for the dental office on weekends and send e-prescriptions to pharmacies for patients. Dr. Lewis repeatedly self-administered or asked a supervisee to administer nitrous oxide to her while on duty as a dentist. As part of the order, Dr. Lewis' registration will be placed on probation for at least three years, she must undergo an evaluation coordinated through

the Tennessee Dental Wellness Foundation, and she must follow recommendations from the Wellness Foundation. The order also requires Dr. Lewis to pay \$3,500 in civil penalties for allowing a dental assistant to practice on an expired license, she must also pay \$1,000 for using nitrous oxide while on duty as a dentist, as well as paying the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Dr. Rodriguez made the motion to approve the order, and Ms. Martin seconded the motion. The motion carried.

11. *McCoy, Mariah RDA* -Dr. Moody was recused from this order. Ms. McCoy was selected to be audited for the 2019-2020 audit cycle. An Agreed Citation was sent for non-compliance with the audit, and in response Ms. McCoy submitted several forged continuing education certificates. She failed to provide proof that during the 2019-2020 continuing education cycle she completed 18 continuing education hours. As a part of the order, Ms. McCoy must pay a civil penalty of \$150 for failure to comply with the audit requirements, she must pay \$500 for the forged continuing education certificates, and she must make up the deficient continuing education hours from the audit cycle. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made the motion to approve the order, and Dr. Greg Kemp seconded the motion. The motion carried.
12. *Patel, Ricky DDS* – Dr. Rodriguez was recused from this order. Dr. Patel was selected to be audited by the Continuing Education Compliance Unit for the 2019-2020 continuing education cycle. Dr. Patel failed to provide proof that during the 2019-2020 continuing education cycle he completed 40 continuing education hours including 2 hours in the subject of chemical dependency and proof of CPR certification. The disciplinary action is reportable to the National Practitioner Databank. As a part of the order, Dr. Patel must pay a civil penalty in the amount of \$600, he must submit proof of a current CPR certification, and make up the deficient continuing education hours. Dr. Tabor made the motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
13. *Peterson, Senyetta RDA* – Ms. Peterson was selected to be audited by the Continuing Education Compliance Unit for the 2019-2020 continuing education cycle. Ms. Peterson submitted proof of completing the 24 deficient continuing education hours but failed to provide proof CPR certification and pay the \$150 civil penalty. As a part of the order, Ms. Peterson must pay the \$150 civil penalty, provide proof of current CPR certification, and pay the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Dr. Tabor made the motion to approve the order, and Ms. Martin seconded the motion. The motion carried.
14. *Rittenberry, Sheri RDA* – Dr. Caldwell was recused from this order. Ms. Rittenberry entered a Consent Order in April 2020 with the Board of Dentistry, and she failed to complete the requirements of that order by not paying all civil penalties and costs for the presentation of the order, she did not complete the 24 continuing education hours, and she has not provided proof of current CPR certification. As part of the order presented at this meeting, Ms. Rittenberry’s registration was placed in an indefinite probationary status. The registration will remain in a probationary status until she complies with the April

2020 order, and she must pay the costs associated with the presentation of the new Consent Order. Ms. Rittenberry must appear before the board to request the probation be lifted from her registration once all requirements have been met. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Dr. Greg Kemp seconded the motion. The motion carried.

15. *Smith, Kayla RDA* – Dr. Caldwell was recused from this order. Ms. Smith entered a Consent Order in January 2020 with the Board of Dentistry, and she failed to complete the requirement of that order by not paying all civil penalties and costs of the presentation of the order. As part of the order presented at this meeting, Ms. Smith’s registration was placed in an indefinite probationary status. The registration will remain in a probationary status until she complies with the January 2020 order, and she must pay the costs associated with the presentation of the new Consent Order. Ms. Smith must appear before the board to request the probation be lifted from her registration once all requirements have been met. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Dr. Rodriguez seconded the motion. The motion carried.
16. *Stowe, Allie RDA* – Dr. Moody was recused from this order. In September 2021, all staff at Davis Dentistry were subjected to a urine drug screen due to rumors about drug use in the dental office, including Ms. Stowe. She tested positive for cocaine and marijuana. In June 2021, Ms. Stowe was arrested for DUI and she was convicted of DUI first offense in January 2022. As a part of the order, Ms. Stowe’s registration was placed on probation for at least one year, must undergo an evaluation coordinated through the Tennessee Dental Wellness Foundation, which recommendations from the Foundation should be followed, civil penalty in the amount of \$1,000 for testing positive for marijuana and cocaine while on duty, and the costs associated with the presentation of the order. The disciplinary action is reportable to the National Practitioner Databank. Ms. Martin made a motion to approve the order, and Dr. Rodriguez seconded the motion. The motion carried.

There were no public comments or questions after the agenda items were all covered.

Dr. Phillip Kemp asked Ms. Morgan and Ms. Macias to explain the rule making process. He stated the board members were concerned about the lack of ability for the board members to converse outside of a meeting, to brainstorm and discuss ideas for issues the board members had to change rules or policies which affect the profession. Ms. Morgan discussed the board had previously created task forces for various projects or issues, for the purpose of that group getting together to brainstorm ideas to present to the board. All task force, committee, and board meetings must be publicly noticed and sunshined in accordance with the statutes. Ms. Morgan mentioned the Anesthesia Committee asked Dr. Tabor to bring a proposal to them for any recommendations to go to the board for any possible changes to the sedation course rules and approval process. Ms. Morgan said if the board wished, they could allow the Anesthesia Committee to handle this issue to give recommendations to the board, or they

could create a new task force for a similar purpose. Dr. Phillip Kemp asked how a board member could propose a rule change, without having to have a task force or a committee meeting. Ms. Morgan discussed the many steps and approvals needed as part of the legal rule making process for a new rule or a rule change to be put into place.

Dr. Phillip Kemp asked about a change to a statute which would allow for committees and boards to meet via an online meeting, instead of an in-person meeting being held. Ms. Morgan stated a physical quorum would still need to be present in the board meeting room to allow for other members to participate electronically. She stated unless there was necessity such as an extenuating circumstance or emergency, an entirely online meeting would not be possible. Under normal circumstances, an all-online meeting could not be held, to allow for public participation and comments.

The board members discussed attendance at board meetings if there would be any way to know further in advance if the contested case hearings would be cancelled, which would cancel the second day of the meeting. Ms. Morgan reminded the board members that for the quarterly board meetings, the board members are asked to plan to attend both scheduled days of the meeting, so that a quorum would be available for both meeting days and the contested cases which would be scheduled. She stated those scheduled for a contested case hearing can settle right before the meeting or request a continuance, so there may not be an advance notice for the board members if the second day of the meeting may not be necessary any longer. The board members were reminded of the need of a quorum for both days of the meeting because a lack of a quorum would result in a meeting or hearing cancelation. The board members were asked to contact Ms. Morgan if they are unsure if they need to attend the contested case hearings due to potential recusals being required if they acted as a consultant for that licensee's case. The board members spoke about the need to fill empty board member seats, to help with the quorum issues/concerns which the board had recently been encountering.

Ms. Morgan then spoke on the fact that it would be up to the judge presiding over the hearings to determine if the board members would be able review a proposed final order from OGC during the hearings. In situations where the board members cannot review a proposed final order, they still can review the notice of charges to assist with crafting their order document. Ms. Morgan stated the notice of charges will be the first documents given to them at the start of the hearings, and this document can be used as a guide to the board members to craft their final order language. She reminded the board members that during contested case hearings, she cannot serve as their legal counsel and/or assist with the language of the proposed order. Ms. Morgan spoke about the use of screening panels to help with reducing the number of contested case hearings which would be scheduled to come before the board.

The meeting was adjourned at 12:10 p.m.