

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS**IN THE MATTER OF: BENJAMIN BURRIS, D.D.S.****CONSENT ORDER**

On this day comes on for hearing the matter of Benjamin Burris, D.D.S. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership together with its attorney, Kevin M. O'Dwyer. Benjamin Burris, D.D.S. appeared together with his attorney, David P. Glover. From the pleadings, evidence introduced, and agreement of the parties, the Board finds that:

1. Benjamin Burris, D.D.S. is licensed to practice dentistry in the State of Arkansas pursuant to the provisions of the Dental Practice Act, with a specialty in orthodontics.

2. The Arkansas State Board of Dental Examiners has received information that Benjamin Burris, D.D.S. employed Dental Hygienists who are providing hygienic services to patients who are not orthodontic patients which is a violation of A.C.A. §17-82-305.

3. Pursuant to Arkansas Code Annotated §25-15-208(b) of the Administrative Procedure Act, permitting the settlement of any controversies before the Board, Benjamin Burris, D.D.S. has offered to resolve the matter pending before the Board, as follows:

a. Benjamin Burris, D.D.S. acknowledges that providing dental hygienic services to patients who are not orthodontic patients is a violation of §17-82-305 of the Dental Practice Act.

b. Benjamin Burris, D.D.S. understands the provisions of ACA §17-82-305(g)(1) which state:

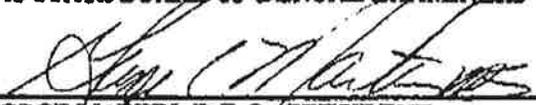
- (g) (1) The issuing of a specialist license by the board is a special privilege granted to that member which allows him or her to announce to the public that he or she is especially qualified in a particular branch of dentistry.
- (2) Any member granted this special privilege must limit his or her practice to the specialty in which he or she is licensed except in an emergency situation.
- (3) The failure to limit his or her practice as provided in subdivision (g)(2) of this section described by the appropriate national specialty board shall be cause for the specialist license to be revoked or suspended.

- c. Benjamin Burris, D.D.S. agrees to suspend his dental hygiene program at all of his Arkansas clinics with the exception that he may continue to employ dental hygienists in his practices for the purpose of providing hygienic services to existing orthodontics patients as those service pertain directly to his orthodontic practice only. Specifically, he may provide hygiene services to existing patients that have appliances on their teeth or may provide hygiene services to patients in conjunction with brackets placement or immediately following removal of the orthodontic appliances. All hygienic services shall all be performed as part of the orthodontic treatment and shall not interfere with the patient's regular visits for checkups with their general dentists or pediatric dentists. Any and all services generally and specifically performed by non-orthodontic practitioners shall be referred to the patient's regular dentist of record or referred to a general dentist to perform. Dr. Burris, any hygienist employed by him or any of his clinics and all of his office staff shall ensure that any services that are provided to the orthodontic patients does not interfere with the individual patient's ability to seek services from the patient's regular dentist of record or a dentist to which the patient is referred.
- d. The Arkansas State Board of Dental Examiners agrees that no disciplinary hearing concerning this matter will be held and this Order will resolve this case before the Board.

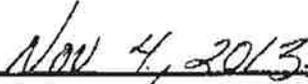
WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED THAT the agreement of the parties stated hereinabove in paragraph 3 is a fair and equitable agreement and the Board adopts the same as its own Order.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

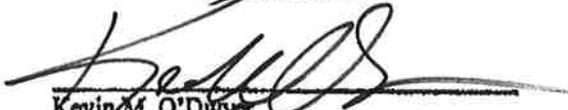


GEORGE MARTIN, D.D.S., PRESIDENT



DATE

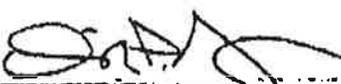
APPROVED AS TO FORM:



Kevin M. O'Dwyer
Attorney for the Arkansas State
Board of Dental Examiners



Benjamin Burris, D.D.S.



David Glover, Attorney for Benjamin Burris, D.D.S.