

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: G. CLIFFORD HAYS, DDS

ORDER

On this 14th day of September, 2007, comes on for hearing the matter of G. Clifford Hays, DDS. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership together with its attorney, William H. Trice, III. G. Clifford Hays, DDS, appeared together with his attorney, Clinton E. May. From the pleadings, testimony of the witnesses, evidence introduced, argument of counsel and agreement of the parties, the Board finds that:

I.

G. Clifford Hays, DDS, is licensed to practice dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

G. Clifford Hays, DDS has admitted in testimony that he failed to maintain the safeguards for the health and safety of his patients, more specifically, the manner that he was prescribing scheduled medication for patients; thus violating ACA § 17-82-316(3)(c).

III.

Pursuant to ACA § 25-15-208(b), G. Clifford Hays has made the following offer of settlement to resolve all issues pending before the Board involving the disciplinary hearing and Order and Notice of the Board dated 12 April 2007, as follows:

A. G. Clifford Hays, DDS acknowledges that he has violated the Dental Practice Act as stated hereinabove.

B. As a sanction, G. Clifford Hays, DDS will refrain from utilizing his Drug

Enforcement Administration (DEA) permit, that is, he will not write scheduled medication or dispense or administer scheduled medication to patients until such time as he complies with the following:

1. G. Clifford Hayes, DDS will attend and complete a continuing education course at Vanderbilt involving substance abuse in patients and the prescribing of medication for patients.
2. G. Clifford Hays, DDS will attend and complete a continuing education course in record keeping and how it relates to the practice of dentistry and the prescribing of scheduled medication.
3. G. Clifford Hayes, DDS will attend a meeting of the Arkansas State Board of Dental Examiners, after his completion of the continuing education courses described hereinabove, to discuss with the Board what he has learned from said courses.
4. G. Clifford Hayes, DDS, at the meeting with the Arkansas State Board of Dental Examiners, will bring with him a dentist who will agree to monitor his prescribing of scheduled medication and his record keeping, for a year and he will submit to the Board the proposed program for monitoring Dr. Hays' practice.
5. G. Clifford Hayes, DDS, after complying with the above requirements will be permitted to utilize his DEA permit and prescribe, administer and dispense scheduled medication but will be monitored for one year by the Arkansas State Board of Dental Examiners. During that year the Board will receive, not only written reports, but copies of the prescriptions that he writes for patients from his monitoring dentist.
6. G. Clifford Hayes, DDS, will attend such meetings of the Board, as he is required to, to give reports as to his practice of prescribing scheduled medication for his patients during that one year monitoring period.
7. G. Clifford Hayes, DDS, will reimburse the Arkansas State Board of Dental Examiners, the cost of the investigation and hearing of \$2,495.82, within one (1) year from the date of this Order.

IV.

Pursuant to ACA § 25-15-208 of the Administrative Procedure Act, the Arkansas State Board of Dental Examiners finds that the offer of G. Clifford Hayes, DDS is a fair and equitable agreement

and the Board adopts and accepts the same.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED that:

A. G. Clifford Hayes, DDS has violated the Dental Practice Act, more specifically, ACA § 17-82-316(3)(c) that is he has exhibited professional incompetency by failing to maintain safeguards for the health and safety of his patients in the manner in which he prescribed scheduled medication for his patients.

B. As a result of the above violation of the Dental Practice Act, the Arkansas State Board of Dental Examiners finds that the agreement of the parties stated in paragraph III and IV above, is a fair and equitable agreement and protects the health and safety of the citizens of Arkansas and the rights of G. Clifford Hays, DDS, and the Board adopts said agreement as the Board's own Order.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS



JOHN W. ROSS, D.D.S., PRESIDENT

9-21-07

DATE

APPROVED AS TO FORM:



William H. Trice, III
Attorney for the Arkansas State
Board of Dental Examiners