

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: JOHN STEVEN HARGETT, D.D.S.

ORDER

On this 25th day of January, 2002, comes on for hearing the matter of John Steven Hargett, D.D.S. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, William H. Trice, III. John Steven Hargett, D.D.S. appeared together with his attorney, Clayton Blackstock. From the pleadings, testimony of the witnesses, evidence introduced, and admissions of John Steven Hargett, D.D.S., the Board finds that:

1. John Steven Hargett, D.D.S. is licensed to practice dentistry in the State of Arkansas pursuant to the provisions of the Dental Practice Act.
2. John Steven Hargett, D.D.S. has acknowledged in testimony that while practicing dentistry in the State of Arkansas he permitted a dental assistant to fill a root canal access with IRM or temporary filling for a patient identified as PM in June of 2001. He has further admitted in testimony that after reviewing regulation XVII(c)(6), he realizes that he is not permitted to delegate to a registered dental assistant that function.
3. John Steven Hargett, D.D.S. has admitted in testimony that he permitted a non-dentist, more specifically, Annette Weinfurtner, to seat temporary crowns without him being in the dental office and evaluating the performance of said dental auxillary.
4. John Steven Hargett, D.D.S. has admitted that he is permitted a non-dentist, more specifically, Paul E. Robinson, Jr., to seat temporary crowns without him being in the dental office and evaluating the performance of the dental auxillary.
5. John Steven Hargett, D.D.S. has admitted that after reviewing Article XVII(a)(2)(w), he has violated said regulation in that he permitted a dental assistant

to perform basic supportive dental procedures to include the seating of temporary crowns which would be examined and approved by a dentist under the personal supervision of the dentist and that the personal supervision as required by the rule means that the dentist personally diagnoses the condition to be treated, personally authorizes the procedure, and before, the dismissal of the patient, evaluates the performance of the dental auxiliary.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED THAT:

1. John Steven Hargett, D.D.S. has violated the Dental Practice Act, more specifically, Arkansas Code Annotated § 17-82-316(c)(5), that is permitting an unlicensed person under his supervision to perform an act of service which constitutes the practice of dentistry, more specifically, he permitted a dental assistant to fill a root canal access with IRM.
2. John Steven Hargett, D.D.S. has violated the Dental Practice Act, more specifically, Arkansas Code Annotate § 17-82-316, that is he permitted an unlicensed person under his supervision or control to perform a service on any patient without the proper supervision, more specifically, he violated the regulation XVII(a)(2)(w), that is he permitted a dental assistant, Annette Weinfurtnr, to seat a temporary crown without personal supervision by the dentist and failed to evaluate the performance of the dental auxiliary before the patient left his care.
3. John Steven Hargett, D.D.S. has violated the Dental Practice Act, more specifically, Arkansas Code Annotate § 17-82-316, that is he permitted an unlicensed person under his supervision or control to perform a service on any patient without the proper supervision, more specifically, he violated the regulation XVII(a)(2)(w), that is he permitted a dental assistant, Paul E. Robinson, to seat a temporary crown without personal supervision by the dentist and failed to evaluate the performance of the dental auxiliary before the patient left his care.

4. As a result of the above three violations of the Dental Practice Act and/or the Rules and Regulations of the Board, the license to practice dentistry in the State of Arkansas of John Steven Hargett, D.D.S. is placed on probation for a period of one year with the terms of said probation being as follows:

- a. John Steven Hargett, D.D.S. will take and successfully complete the jurisprudence test administered by the Arkansas State Board of Dental Examiners within 90 days from the date of this Order.
- b. That he will pay to the Board \$1,000.00 for each of the three violations for a total of \$3,000.00 within one year from the date of this Order.
- c. That he will pay to the Board \$971.00 to reimburse the Board for expenses and costs of the investigation and hearing within one year from the date of this Order.
- d. That he will comply with the Dental Practice Act and the Rules and Regulations of the Board.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: James MS DOS
JAMES B. PHILLIPS/D.D.S., PRESIDENT

DATE: 2/11/02

APPROVED AS TO FORM:

WILLIAM H. TRICE, III
Attorney for the Arkansas State

Board of Dental Examiners

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: JOHN STEVEN HARGETT, D.D.S.

ORDER

On this 29th day of October, 2004 comes on for hearing the matter of John Steven Hargett, D.D.S. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, William H. Trice. John Steven Hargett, D.D.S., appeared together with his attorney, Clayton Blackstock. From the pleadings, testimony of the witnesses, and evidence introduced, the Board finds that:

1. John Steven Hargett, D.D.S. is licensed to practiced dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

2. John Steven Hargett, D.D.S. has admitted in testimony that he entered into a contract for substance abuse rehabilitation, and monitoring with the Arkansas Medical Foundation on the 16th of November, 1998, and violated the terms of that contract by abusing hydrocodone. He further has admitted that he sought in-house treatment for substance abuse at Talbot's Recovery Center in the State of Georgia for three months, ending in September of 2003. He further has admitted that he entered into an additional contract for substance abuse rehabilitation, and monitoring with the Arkansas Medical Foundation upon release from Talbot's Recovery Center, and violated the terms of that contract in May of 2004 by testing positive for Darvocet.

3. John Steven Hargett, D.D.S. has admitted in testimony that he has exhibited an addiction to narcotics or scheduled medication.

WHEREFORE, it is considered, ordered, and adjudged that:

1. John Steven Hargett, D.D.S. has violated the Dental Practice Act, more specifically, ACA §17-82-316 (c)(3), that is, he has exhibited an addiction to scheduled medication.

2. As a result of the above violation of the Dental Practice Act, the license to practice Dentistry in the State of Arkansas of John Steven Hargett, will remain suspended until on or about

the 1st of March, 2006; with the Board taking into consideration that his license has been suspended on an Emergency Basis, and he has not practiced dentistry since the 1st of March, 2004. The Board further finds that prior to the suspension being lifted effective the 1st of March, 2006, that John Steven Hargett will appear before the Board and show proof of the following:

A. That he has remained under contract with the Arkansas Medical Foundation for substance abuse rehabilitation and monitoring, and that he has been in compliance with the terms of that contract continuously since the 29th of October, 2004.

B. That John Steven Hargett, D.D.S. will authorize the Arkansas Medical Foundation to report to the Board quarterly reports as to the compliance of John Steven Hargett with his contract for rehabilitation and monitoring; further, that he authorize the Arkansas Medical Foundation to report immediately to the Board evidence of non-compliance with the terms of his contract.

C. That John Steven Hargett, D.D.S. will take and pass the clinical examination for the practice of dentistry at the Southern Regional Testing Agency and provide proof of the passing of said examination.

D. That he will pay to the Board a monetary fine of \$1,000.00 by the 1st of March, 2006.

3. As a further result of John Steven Hargett, D.D.S. violating the Dental Practice Act as stated hereinabove, the license to practice dentistry in the state of Arkansas of John Steven Hargett, D.D.S. will remain on probation with this Board for five years on the following terms:

A. That he will enter into a five-year contract with the Arkansas Medical Foundation and will comply with said terms of the contract for rehabilitation and monitoring as though they were terms of this probation.

B. That he will authorize the Arkansas Medical Foundation to provide the Board proof of compliance or failure to comply with the contract for rehabilitation and monitoring.

C. That he will appear at such meetings of the Arkansas State Board of Dental

Examiners as the Board may require of him.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: W. Gene Jines, DDS
DR. GENE JINES, D.D.S., PRESIDENT

DATE: 11-08-04

APPROVED AS TO FORM:


WILLIAM H. TRICE, III
Attorney for the Arkansas State Board of Dental Examiners

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: JOHN STEVEN HARGETT, D.D.S.

CONSENT ORDER

On this 18th day of September 2009 comes on for hearing the matter of John Steven Hargett, D.D.S. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, William H. Trice, III. John Steven Hargett, D.D.S., appeared *pro se*. From the pleadings, evidence introduced, and agreement of the parties the Board finds that:

I

John Steven Hargett, DDS, is licensed to practice dentistry in the State of Arkansas, pursuant to the provisions of the Dental Practice Act.

II.

The Arkansas State Board of Dental Examiners entered an Order dated 8 November 2004 requiring John Steven Hargett, DDS, to enter into a Contract for Rehabilitation and Monitoring with the Arkansas Medical Foundation, and to comply with the terms of that Contract for a period of five years. Said Contract required John Steven Hargett, DDS, to refrain from the use of controlled substances, or any mood altering substances, and to submit to random drug screens.

III.

John Steven Hargett, DDS, has admitted in today's hearing that on or about 29 June 2009 and 3 August 2009, he submitted to a drug screen, in which he tested positive for hydrocodone within his system. Said medication had not been prescribed by any physician, and thus said conduct on the part of John Steven Hargett, DDS, was a violation of his Contract for Rehabilitation and Monitoring

with the Arkansas Medical Foundation, and in violation of the Orders of this Board dated 8 November 2004.

IV.

Pursuant to A.C.A. §25-15-208(b) of the Administrative Procedure Act, John Steven Hargett, DDS, makes the following offer to the Arkansas State Board of Dental Examiners to resolve all issues pending before the Board:

- A. The Arkansas State Board of Dental Examiners will not pursue disciplinary charges against John Steven Hargett, DDS, arising out of the facts stated above in Paragraph III.
- B. John Steven Hargett, DDS, will sign a new 5 year Contract for Rehabilitation and Monitoring with the Arkansas Medical Foundation, and will comply with the terms of that contract.
- C. John Steven Hargett, DDS, will attend 90 AA Meetings within 90 days and provide proof of said attendance to the Arkansas Medical Foundation, and to this Board.
- D. John Steven Hargett, DDS, will initiate 5 contacts each week with his sponsor for the first 90 days from the 18th of September 2009, and then 2 contacts per week for the first 2 years after that period of time, and provide proof of said contacts to the Arkansas Medical Foundation and to this Board.
- E. John Steven Hargett, DDS, will participate in regularly scheduled exercise and leisure activities.
- F. John Steven Hargett, DDS, will attend 3 additional in-house treatment visits to Palmetto Addiction Recovery Center, one at 3 months after 18 September 2009, and

one at 6 months, and one at 12 months, and provide his admission and discharge summaries to the Arkansas Medical Foundation and to this Board. John Steven Hargett, DDS, will have scheduled appointments with Dr. Jay Weiss, and will attend group therapy sessions along with attendance at professional group meetings as part of his involvement with the Palmetto Addiction Recovery Center.

G. John Steven Hargett, DDS, will authorize the Arkansas Medical Foundation to provide proof of compliance with his Contract for Monitoring and Rehabilitation and this Order to the Arkansas State Board of Dental Examiners.

H. John Steven Hargett, DDS, will attend such meetings of the Arkansas State Board of Dental Examiners as required by the Board to show proof of compliance with the terms of this Order, and his Contract for Monitoring and Rehabilitation, with the Arkansas Medical Foundation.

I. John Steven Hargett, DDS, agrees that upon his complying with the terms of this Order and his Contract for Monitoring and Rehabilitation with the Arkansas Medical Foundation for a period of 5 years, his license will become unencumbered. John Steven Hargett, DDS, further agrees that should he fail to comply with his Contract for Monitoring and Rehabilitation and the terms of this Order, his license to practice dentistry in the State of Arkansas will be revoked or other sanctions imposed as authorized by the Board.

V

Pursuant to A.C.A. §25-15-208(b) of the Administrative Procedure Act, the Arkansas State Board of Dental Examiners finds that the offer of John Steven Hargett, DDS, stated in Paragraph IV

above, protects the health and safety of the citizens of Arkansas, and accepts said offer.

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED, that the agreement of the parties, as stated in Paragraph IV above, is a fair and equitable agreement, and protects the health and safety of the citizens of Arkansas and the rights of John Steven Hargett, DDS. The Board adopts said agreement in Paragraph IV above.

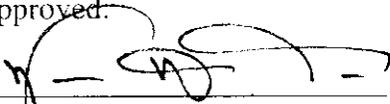
IT IS SO ORDERED

ARKANSAS STATE BOARD OF
DENTAL EXAMINERS


ROBERT L. JOLLY, Sr., D.D.S. President

10-15-09
DATE

Approved.


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


John S. Hargett, D.D.S.