

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: ROCKY D. CULLENS, D.D.S.

ORDER

On this 16th day of March, 2012, comes on for hearing the matter of Rocky D. Cullens, DDS. The Arkansas State Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, William H. Trice, III. Rocky D. Cullens, DDS, appeared together with his attorney, David M. Donovan, of the law firm of Watts, Donovan and Tilley, PA.

From the pleadings, and agreement o the parties, the Board finds that:

I.

Rocky D. Cullens, 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 issued General Anesthesia/Deep Sedation Permit (#GA-0047) to Rock D. Cullens, DDS, as well as a Facility Permit (#FP-0037).

III.

The Arkansas State Board of Dental Examiners entered an Emergency Order of Suspension of the permits to administer anesthesia previously issued to Rocky D. Cullens, DDS, and further alleged in the Order that Rocky D. Cullens, DDS, had violated the Dental Practice Act and the Rules and Regulations of the Board, by an Order of 9 December 2011.

IV.

The Arkansas State Board of Dental Examiners since the entry of the Emergency Order of Suspension and Notice of Hearing, conducted an additional inspection and evaluation of the office of Rocky D. Cullens, DDS, and reinstated his facility permit to administer deep sedation anesthesia to his patients. The Board further permitted Rocky D. Cullens, DDS, to practice dentistry but if deep sedation was to be administered to his patients it was to be done by an anesthesiologist or nurse

anesthetist.

V.

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

- a. Rocky D. Cullens, DDS, has applied for accreditation for his dental clinic as an office based surgery center with the Accreditation Association for ambulatory Health Care (AAAHC).
- b. Rocky D. Cullens, DDS, will utilize the supervision and proctoring of Dr. James B. Phillips, MS, DDS, in obtaining the accreditation from the AAAHC.
- c. Rocky D. Cullens, DDS, will utilize the services of Board certified anesthesiologists for the administration of general anesthesia/deep sedation until such time as he presents proof to the Board that he has obtained accreditation with the AAAHC; prior to that, Rocky D. Cullens, DDS, will refrain from personally administering general anesthesia/deep sedation to his patients.
- d. Rocky D. Cullens, DDS, upon presenting to the Board proof of his attaining the accreditation with the AAAHC, may, at that time, resume administration of general anesthesia/deep sedation to his patients, but only under the direct supervision of Board Certified Anesthesiologists who are present. He will continue to administer general anesthesia/deep sedation under the direct supervision of Board certified anesthesiologists who are present until he is relieved from this obligation by the Board.
- e. Dr. Rocky D. Cullens, DDS, agrees to attend, complete and provide the Board proof of completion of the following Continuing Education courses and seminars:

1. American Society of Dentist Anesthesiologists (ASDA)
 "Two's and Three's: ASA II's and III's for Ambulatory Anesthesia"
 2012 Annual Scientific Session and General Assembly of Members
 May 3-5 2012
 Tremont Plaza Hotel Baltimore, MD;
 2. AAOMS Preconference Anesthesia Update for the OMS
 September 11-12, 2012
 San Diego Convention Center Hilton
 San Diego Bayfront
 San Diego, CA
 3. ASDA 2012 Dental Anesthesiology Review Course
 September 22-23, 2012
 Dallas, TX
 4. AAOMS Anesthesia Assistants Review Course (AARC)
 November 30-December 1, 2012
 Sheraton Chicago Hotel and Towers
 Chicago, IL
 5. AAOMS Anesthesia Assistants Skills Lab (ASSL)
 December 2, 2012
 Sheraton Chicago Hotel and Towers
 Chicago, IL
- f. Rocky D. Cullens, DDS, will maintain his current certifications in: Pediatric Advanced Life Support (PALS) program with the American Academy of Pediatrics; Advanced Cardiac Life Support (ACLS) program sponsored by the American Heart Association; and Basic Life Support (BLS) sponsored by the American Heart Association.
- g. Rocky D. Cullens, DDS, agrees to pay to the Arkansas State Board of Dental Examiners \$5,916 within one year from the date of this Order to reimburse the Board its out of pocket expenses for the investigation and hearing in this matter.
- h. Rocky D. Cullens, DDS, agrees to attend such meetings of the Board to show compliance or explain failure to comply with the terms of this agreement.

Upon Rocky D. Cullens, DDS, providing proof to the Board that he has complied with all

of the terms of this Order, and received the Board's permission to restore his personal permit to administer deep sedation anesthesia to his patients without direct supervision of a Board certified anesthesiologist, his personal permit to administer deep sedation anesthesia will be released from any suspension or sanction of this Board, as well as the pending charges referenced in the Emergency Order of Suspension and Notice of Hearing of 9 December 2011 will be dismissed, and his license will become unencumbered. Upon the Board finding that Rocky D. Cullens, DDS, has failed to comply with the terms of this Order and that he has violated the Dental Practice Act and the Rules and Regulations of the Board, the Board may take further action as allowed by law or regulation against Rocky D. Cullens, DDS.

VI.

Pursuant to A.C.A. §25-15-208(B) of the Administrative Procedure Act, the Arkansas State Board of Dental Examiners accepts the offer of Rocky D. Cullens, DDS, as stated in Paragraph V above.

WHEREFORE, it is CONSIDERED, ORDERED, AND ADJUDGED that the agreement of the parties as stated in Paragraphs V above is a fair and equitable agreement, and protects the health and safety of the citizens of Arkansas and the rights of Rocky D. Cullens, DDS. The Board adopts said agreement as the Board's own Order.

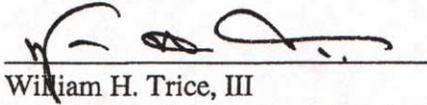
IT IS SO ORDERED.

ARKANSAS STATE BOARD OF
DENTAL EXAMINERS

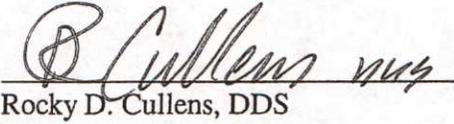
H. Warren Whitis DDS
H. Warren Whitis, DDS, President

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Date

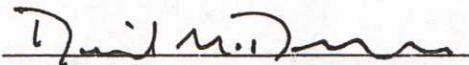
Approved as to Form:



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



Rocky D. Cullens, DDS



David M. Donovan
Attorney for Rocky D. Cullens, DDS