

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

D. ROSS ATKINSON, D.D.S.

ORDER

On this 25th day of October, 1991, comes on the matter of D. Ross Atkinson, D.D.S. The Arkansas State Board of Dental Examiners appeared by quorum of its membership together with its attorney, William H. Trice, III, and D. Ross Atkinson, D.D.S. appeared together with his attorney, Q. Byrum Hurst, Jr. From the statement of the parties, and agreement of the parties, the Board finds that:

1. D. ROSS ATKINSON, D.D.S. is a licensed dentist in the State of Arkansas under the provisions of the Dental Practice Act.

2. D. ROSS ATKINSON, D.D.S. has stated that he has maintained accurate records of dispensing controlled substances, but was unaware of the need to maintain records of medication drugs received in his office. Therefore, he has not complied fully and completely with the requirements of the D.E.A.

3. D. ROSS ATKINSON, D.D.S. has stated that approximately three (3) years ago he abused the medication Benzodiazepam while treating an emotional problem. At that time, he sought assistance and professional counseling for said problem.

4. D. ROSS ATKINSON, D.D.S. has cooperated fully, and has been truthful with the Arkansas State Board of Dental Examiners in all aspects of this matter.

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5. D. ROSS ATKINSON, D.D.S. together with his attorney, O. Byrum Hurst, Jr., has made the following offer to the Arkansas State Board of Dental Examiners:

- (a) The Arkansas State Board of Dental Examiners will not bring charges against D. ROSS ATKINSON, D.D.S. for DEA record keeping violations, and any alleged substance abuse violations.
- (b) That D. ROSS ATKINSON, D.D.S. will provide to the Board ongoing urinalysis report monthly for six (6) months, and that said urinalysis testing will test for controlled substances and Nubaine and Stadol.
- (c) That D. ROSS ATKINSON, D.D.S will make his controlled substance records available for inspection and review for a period of six (6) months from the date of this Order.

6. The Arkansas State Board of Dental Examiners accepts the offers as stated in Paragraph "5" above.

**WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED** that the parties have reached an informal disposition of this matter by settlement and adopts said agreement as its Order, all pursuant

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to the Administrative Procedure Act and Arkansas Code Annotated  
Section 25-15-208(b).

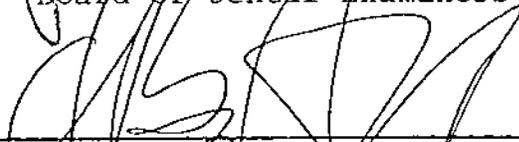
ARKANSAS STATE BOARD OF DENTAL EXAMINERS

By:  DDS  
KENNETH W. LOVERN, D.D.S., President

Dated: 2/18/92

APPROVED AS TO FORM:

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

  
O. BYRUM HURST, JR.  
Attorney for D. Ross Atkinson, D.D.S.

  
D. ROSS ATKINSON, D.D.S

**BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS**  
**IN THE MATTER OF: D. ROSS ATKINSON, D.D.S.**

**ORDER**

On this 22nd day of January, 1999, comes on for hearing the matter of D. Ross Atkinson, 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; and D. Ross Atkinson, D.D.S. appeared together with his attorney, Diane Mackey. From the pleadings, evidence introduced, and agreement of the parties, the Board finds that:

1. D. Ross Atkinson, D.D.S. is licensed to practice dentistry in the state of Arkansas under the provisions of the Dental Practice Act.

2. D. Ross Atkinson, D.D.S. has admitted in testimony that in September of 1997, he failed to observe personally and record personally the wastage of a bottle of a controlled substance, all as required by Rule 6 C(d) of the Rules and Regulations of the Arkansas Department of Health applicable to institutional practitioners and long term facilities for the possession, administration and distribution of controlled substances.

3. D. Ross Atkinson, D.D.S. has admitted in testimony that he obtained controlled substances for utilization in his practice, and failed to maintain and keep accurate two year inventories of the controlled substances, all as required by Rule 6(d) of the Arkansas Department of Health.

4. D. Ross Atkinson, D.D.S. has admitted in testimony that as of February, 1998, an audit of the controlled substances and records was conducted and approximately 23ml of Meperidine and 18.55ml of Versed, both controlled substances, were missing and unaccounted for.

5. D. Ross Atkinson, D.D.S. has admitted in testimony that he obtained medication for weight loss for his own use and benefit, that the same was obtained and taken not in the furtherance of the practice of dentistry.

6. D. Ross Atkinson, D.D.S., did not deny that on previous occasions he had prescribed antibiotic medication for either employees or family members of employees, and the same was not done in furtherance of the practice of dentistry.

6. D. Ross Atkinson, D.D.S. stated in testimony that he has changed the method of administering IV solutions and utilization of solution sets and syringes in his practice to insure that sanitation and safety standards are met by conventional methods and that the items are not reused.

7. D. Ross Atkinson, D.D.S. stated in testimony that he has revised the receipt, storage, dispensing and record accounting of controlled substances utilized in his practice.

8. At the close of the testimony of D. Ross Atkinson, D.D.S., D. Ross Atkinson, D.D.S., by and through his attorney, Diane Mackey, presented an offer to resolve the matters pending before the Board, pursuant to A.C.A. § 25-15-208(b) of the Administrative Procedure act, as follows:

(a) D. Ross Atkinson, D.D.S. would submit to voluntary monitoring of his practice for one year from the date of this Order to include inspection by authorized personnel of the Arkansas State Board of Dental Examiners.

(b) D. Ross Atkinson, D.D.S. will continue to comply with the rules of storage, inventory and accounting of controlled substances in his practice.

(c) D. Ross Atkinson, D.D.S. will continue to adhere to sanitation and safety standards in the use of syringes and IV solution sets, disposing of syringes and IV sets after each patient.

(d) D. Ross Atkinson, D.D.S. will show proof of completion of continuing education courses relating to IV procedures and controlled substance record keeping to the Arkansas State Board of Dental Examiners.

(e) D. Ross Atkinson, D.D.S. will pay to the Arkansas State Board of Dental Examiners \$2,300.00 to reimburse the Board for its out of pocket costs for the investigation and hearing.

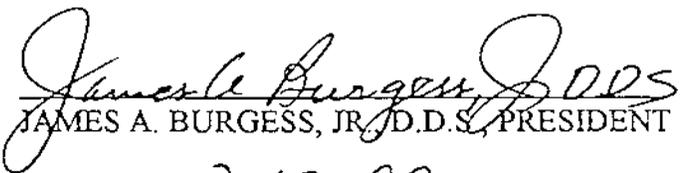
(f) D. Ross Atkinson, D.D.S. will reimburse the Arkansas State Board of Dental Examiners their out of pocket expenses not to exceed a total amount of \$1,000.00 to cover the costs of inspection during the one year monitoring period.

(g) The Arkansas State Board of Dental Examiners would dismiss these proceedings.

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED, that the Arkansas State Board of Dental Examiners accepts the offer presented by D. Ross Atkinson, D.D.S. as a resolution of the matters pending before the Board, pursuant to A.C.A. § 25-15-208(b) of the Administrative Procedure Act.

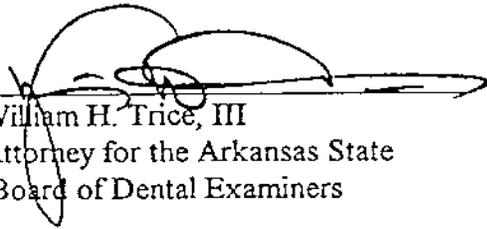
IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

  
JAMES A. BURGESS, JR., D.D.S., PRESIDENT

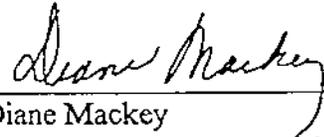
DATE: 3-12-99

APPROVED:



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



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Diane Mackey  
Attorney for D. Ross Atkinson, D.D.S.

**BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF:     D. ROSS ATKINSON, D.D.S.**

**ORDER**

On this 20th day of September 2002 comes on for hearing the matter of D. Ross Atkinson, 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. D. Ross Atkinson, D.D.S. appeared together with his attorney Michael E. Sanders. From the pleadings, testimony of the witnesses, evidence introduced and argument of counsel the Board finds that:

- 1.) D. Ross Atkinson is licensed to practice dentistry in the State of Arkansas pursuant to the provisions of the Dental Practice Act.
- 2.) D. Ross Atkinson, D.D.S. upon his request and application, has been issued a speciality license by the Arkansas State Board of Dental Examiners to practice the speciality of Periodontics as of 1982.
- 3.) D. Ross Atkinson, D.D.S. has admitted in testimony that on or about the 20th of July 2000 he extracted four impacted molar teeth, more specifically tooth numbers 1, 16, 32 and 17 from a patient identified as T.B.
- 4.) A.C.A. § 17-82-305(g)(2)(3) provides that any member granted a speciality license must limit his or her practice to the speciality to which he or she is licensed except in an emergency situation.
- 5.) A.C.A. § 17-82-316(c)(6) provides that a licensee may be disciplined if he violates the rules and regulations of the Board.
- 6.) Article XII of the rules and regulations of the Arkansas State Board of Dental Examiners provides that a licensee that has been issued a speciality license must limit his practice to that speciality.
- 7.) The definition of periodontics as given by the American Dental Association is as follows: "That speciality of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and aesthetics of these structures and tissues.
- 8.) From the testimony of D. Ross Atkinson, D.D.S., Dr. Joan Schmidt, Dr. Don

Callen, and Dr. John Svendson, all specialists in periodontics, the Board finds that the speciality of periodontics permits the extraction of teeth if the teeth are periodontically involved.

9.) The Board finds that from examining the testimony and examining the x-rays of the patient T.B. that the teeth identified, 1, 16, 32 and 17 of the patient identified as T.B. were not periodontically involved, more specifically they had sustained no bone loss, they were not mobile, and they had not been exposed to the oral cavity.

10.) The extraction of teeth 1, 16, 32 and 17 of a patient identified as T.B. by D. Ross Atkinson on the 20th of July 2000 was outside the speciality field of periodontics.

WHEREFORE, it is CONSIDERED, ORDERED, and ADJUDGED that:

1.) D. Ross Atkinson, D.D.S. has violated the Dental Practice Act more specifically A.C.A. § 17-82-305(g)(2) that is he performed services on a patient T.B. that is the extraction of the wisdom teeth as stated hereinabove, when said procedure was outside his specialty area of periodontics.

2.) D. Ross Atkinson, D.D.S. violated the Dental Practice Act more specifically A.C.A. § 17-82-316(c)(6) that is that he violated a rule and regulation of the Board, more specifically Article XII in that he performed dental procedures on a patient identified as T.B. that is the extraction of teeth number 1, 16, 32 and 17 when said procedure was outside the field of his license specialty of periodontics.

3.) As a result of the above violations of the Dental Practice Act and the rules and regulations of the Board, the Board imposes the following sanctions on D. Ross Atkinson, D.D.S.:

- a) D. Ross Atkinson, D.D.S. will pay to the Board a fine in the amount of \$1000.00 by the 30th of June 2003.
- b) D. Ross Atkinson, D.D.S. will pay to the Board the sum of \$854.00 to reimburse the Board its costs of the investigation and hearing by the 30th of June 2003.
- c) The license of D. Ross Atkinson, D.D.S. will be placed on probation for a period of 18 months and he will serve under the following conditions of probation:
  - 1) D. Ross Atkinson, D.D.S. will take and successfully complete the Juris Prudence test as administered by the Arkansas State Board of Dental Examiners within thirty days from the date of this Order.

- 2.) D. Ross Atkinson, D.D.S. will attend a meeting of the Arkansas State Board of Dental Examiners each six months as he is notified by the Board office and will at that time notify the Board as to his compliance with the Dental Practice Act and the rules and regulations of the Board.
- 3.) D. Ross Atkinson, D.D.S. will pay the fine and costs as stated hereinabove.

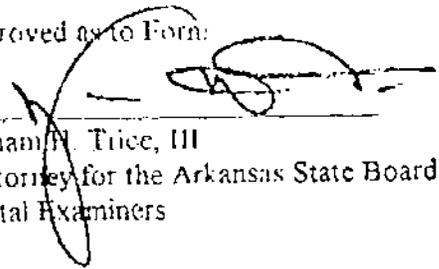
IT IS SO ORDERED.

ARKANSAS STATE BOARD OF  
DENTAL EXAMINERS

*Susan H. Wamble, D.D.S.*  
SUSAN H. WAMBLE, D.D.S. President

9/24/02  
DATE

Approved as to Form:

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