BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF
WILLIAM L. HUMPHRIES, D.D.S.,
AND JAMES L. BEVANS, D.D.S.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the State Board of Dental Examiners on December 6, 1975, at the State Capitol Building, Little Rock, Arkansas. Board members Billy G. West, C. W. Nickels, Harold B. Grumbles, J. B. Hays, and L. D. Redden, Jr., were present. The Board was represented by its attorney, Deputy Attorney General Bill D. Etter. Drs. William L. Humphries and James L. Bevans, (hereinafter referred to as "Respondents"), appeared in person and by their counsel, Mr. Jack Holt, Jr.

All parties announced ready to proceed, and a hearing was held. Based upon the testimony and other evidence presented, and the stipulations of counsel, the Board hereby makes and enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Respondents are, and were at all times relevant hereto, dentists duly licensed as such by this Board, and jointly engaged in the practice of dentistry.

2. During the latter part of 1973, all of 1974, and the first part of 1975, Respondents did consistently and regularly permit and direct their unlicensed assistants to (A) polish patients' teeth and (B) place amalgam restorations (fillings) in patients' teeth.

3. Such acts constitute the practice of dentistry or dental hygiene and are not now, and have never been, services or acts permitted or authorized by the Board to be performed by unlicensed persons.

4. Respondents did not, at any time prior to or during the time they permitted their unlicensed assistants to perform the unauthorized acts, seek information from the Board or other definitive source as to whether or not such acts were authorized by the Board.

CONCLUSIONS OF LAW

Respondents are guilty of violating Ark. Stat. Ann. §72-560 (7).

ORDER

It is therefore ordered that Respondents' licenses to practice dentistry in the State of Arkansas be, and they hereby are, suspended for a period of 180 consecutive days beginning at 12:01 A.M., February 1, 1976.

It is further ordered that the final 120 days of such suspension be set aside and held in abeyance upon Respondents' satisfaction of the following conditions: (A) That Respondents transmit to the Board in writing their agreement to permit, allow, and cooperate with such reasonable inspections of their office and practice during the 180 day period as the Board may, by its designee, wish to make; (B) That Respondent in fact fulfill and abide by such agreement for the entire 180 day period.

It is ordered this 29 day of December, 1975.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

By: Harold B. Grumbles
HAROLD B. GRUMBLES
Secretary-Treasurer

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

WILLIAM L. HUMPHRIES, JR. and
JAMES L. BEVANS — PETITIONERS

VS. — No. 76-850

THE ARKANSAS STATE BOARD OF
DENTAL EXAMINERS — RESPONDENT

ORDER

On this day, this matter comes on for review by the Court, and the Court, having reviewed the entire record of this matter and being otherwise well and sufficiently advised, hereby finds that the findings of fact and conclusions of law made by the Respondent are supported by the evidence and should be affirmed in all respects; the Court further finds that the Order entered by the Respondent herein is too severe and harsh under the circumstances of this case, and such Order should be, and is hereby modified to require the Petitioners' licenses to practice dentistry in the State of Arkansas be, and they hereby are, suspended for a period of six consecutive weeks (42 consecutive days), beginning at 5:00 p.m. on Friday, February 11, 1977, and ending at 5:00 p.m. on Friday, March 25, 1977; provided, however, that Petitioner Humphries should be given credit for the 29 days of suspension served by him pursuant to the Respondent's first amended Order, and that the suspension of his license shall, therefore, be effective for a period beginning at 5:00 p.m. on Friday, February 11, 1977, and ending at 5:00 p.m. on Thursday, February 24, 1977.

IT IS, THEREFORE, CONSIDERED, ORDERED, AND ADJUDGED that Petitioner Bevans' license to practice dentistry in Arkansas be, and it hereby is, suspended from 5:00 p.m., February 11, 1977, to 5:00 p.m., March 25, 1977; that Petitioner Humphries' license to practice dentistry in the State of Arkansas be, and it hereby is, suspended from 5:00 p.m., February 11, 1977, to 5:00 p.m., February 24, 1977; and

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the Respondent's finding of fact, conclusions of law, and order be, and they hereby are, in all other respects, affirmed.

IT IS SO ORDERED

Approved as to form

CIRCUIT JUDGE

DATE Feb 4, 1977