

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF JAMES E. MOORE, D.D.S.

ORDER

On this day comes before the Board the matter of James E. Moore, D.D.S and the emergency suspension of his license to practice dentistry in the State of Arkansas. From the pleadings and evidence, the Board finds that:

1. On the 8th of May, 1997, the Arkansas State Board of Dental Examiners entered an Emergency Order of Suspension, suspending the license to practice dentistry in the State of Arkansas of James E. Moore, D.D.S. pending a disciplinary hearing in this matter, or pending further orders of the Board. The subject matter of the disciplinary hearing, among other things, was failure to maintain proper standards of sanitation pursuant to A.C.A. § 17-82-316(b)(3)(c) and Regulation Article XV of the Arkansas State Board of Dental Examiners.

2. Dr. Wharton Nichols of the Arkansas Department of Health has conducted a second inspection of the office of James E. Moore, D.D.S. since the 8th of May, 1997, and will be submitting a report to the Arkansas State Board of Dental Examiners relating to the compliance with standards of sanitation in the office.

3. If the report of Dr. Wharton Nichols of the Arkansas Department of Health relates that the office of James E. Moore, D.D.S. is now in substantial compliance with the standards of sanitation, and there is no longer a reason to continue with the Emergency Order of Suspension.

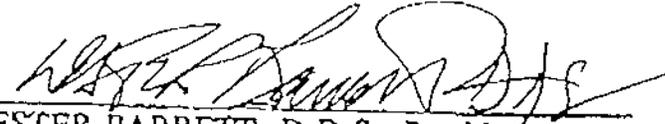
WHEREFORE, it is Considered, Ordered and Adjudged that:

1. The Emergency Order of Suspension of the license to practice dentistry in the State of Arkansas of James E. Moore, D.D.S. will be lifted pending the Board's receipt from Dr. Wharton Nichols', of the Arkansas Department of Health, evaluation that the office of James E. Moore, D.D.S. now complies with the standards of sanitation and safeguards for the health and safety of the patients as required by Regulation Article XV and A.C.A. § 17-82-316(b)(3)(C).

2. It is further Ordered and Adjudged that the disciplinary hearing in this case, as previously Ordered, will be conducted on the 8th of August, 1997.

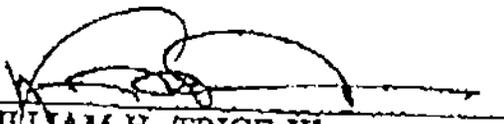
IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: 
LESTER BARRETT, D.D.S., President

DATE: 5-21-97

APPROVED AS TO FORM:


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

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BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF JAMES E. MOORE, D.D.S.

ORDER

On 8th day of August, 1997 comes on for hearing the matter of **James E. Moore, 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; **James E. Moore, D.D.S.** appeared *pro se*. From the pleadings, testimony of the witnesses and evidence introduced, the Board finds that:

I

James E. Moore, D.D.S. is licensed to practice dentistry in the State of Arkansas under the provisions of the Dental Practice Act.

II

On or before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation in the maintaining of safeguards for the health and safety of his patients by not always changing surgical gloves between patients and/or between procedures, all in violation of Article XV(B)(2)(a).

III

On and before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by not always using protective masks when working on a patient and did not always change masks after patients, all in violation of Article XV(B)(2)(b).

IV

On and before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by not using puncture-resistant and leak-proof containers in each operatory for the disposal of sharp instruments, all in violation of Article XV(C)(1).

V

On and before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by not providing a resuscitation device and making it readily available with all of the necessary mouthpieces, all in violation of Article XV(C)(2).

VI

On and before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by not maintaining a clean ultrasonic cleaner, all in violation of Article XV(C)(3)(a).

VII

On and before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by not performing biological monitoring and testing, nor documentation of same, all in violation of Article XV(C)(3)(a).

VIII

On and before the 27th of March, 1997, **James E. Moore, D.D.S.** failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients

by not sterilizing all instruments, all in violation of Article XV(C)(3)(b).

IX

On and before the 27th of March, 1997, James E. Moore, D.D.S. failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by not disinfecting items prior to sending said items to a dental lab, all in violation of Article XV(C)(3)(e).

X

On and before the 27th of March, 1997, James E. Moore, D.D.S. failed to provide proper standards of sanitation and to maintain safeguards for the health and safety of his patients by failing to provide adequate safeguards for the health and safety of his patients.

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED that:

1. James E. Moore, D.D.S. has violated the Dental Practice Act, more specifically, A.C.A. § 17-82-316(b)(3)(c) by failing to maintain proper standards of sanitation or failure to otherwise maintain adequate safeguards for the health and safety of his patients as exhibited in nine (9) different violations as reflected in Paragraphs II through X above.

2. As a result of the above violations of the Dental Practice Act and the Rules and Regulations of the Board, James E. Moore, D.D.S. is fined \$50 per violation for each of the nine (9) violations stated herein, for a total fine of \$450, with said fine to be paid within sixty (60) days of the date of this Order to the offices of the Arkansas State Board of Dental Examiners.

3. Also as a result of the above violations as stated in Paragraph II above, the license to practice dentistry of James E. Moore, D.D.S. is placed on one (1) year probation with the

following conditions:

- a. That he will submit himself to unannounced random inspections for safety and sanitation standards in his office.
- b. That he will comply with the Rules and Regulations of the Arkansas State Board of Dental Examiners and the Dental Practice Act.

4. As a result of the violation of Paragraph III above, the license to practice dentistry in the State of Arkansas of **James E. Moore, D.D.S.** is placed on one year probation, with said one (1) year probation to run consecutively with the probationary period above, with the following terms of said probation:

- a. That he will submit himself to unannounced random inspections for safety and sanitation standards in his office.
- b. That he will comply with the Rules and Regulations of the Arkansas State Board of Dental Examiners and the Dental Practice Act.

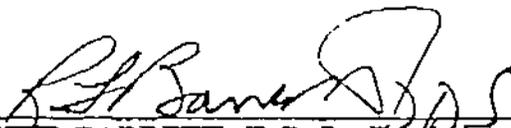
5. As a result of the violation as stated in Paragraph IV above, the license to practice dentistry in the State of Arkansas of **James E. Moore, D.D.S.** is placed on probation for a period of one (1) year, with said one (1) year to run consecutively to the probationary periods stated immediately above, for a total probationary period of three (3) years, with the terms of probation being as follows:

- a. That he will submit himself to unannounced random inspections for safety and sanitation standards in his office.
- b. That he will comply with the Rules and Regulations of the Arkansas State Board of Dental Examiners and the Dental Practice Act.

6. As a result of the violation as stated in Paragraph V, VI, VII, VIII, IX and X above, the license to practice dentistry in the State of Arkansas of James E. Moore, D.D.S. is placed on probation for a period of one (1) year, for each violation, with said probation of one-year to run concurrently to the probationary periods stated above, for a total probationary period of three (3) years, with the terms of probation being as stated above.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: 
LESTER BARRETT, D.D.S., President

DATE: 8-26-97

APPROVED AS TO FORM:


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