

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

**IN THE MATTER OF: DONALD E. SITZES, D.D.S.**

**ORDER**

On this the 23<sup>rd</sup> day of August 2002 comes on for hearing the matter of Donald E. Sitzes, 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. Donald E. Sitzes, D.D.S. appeared together with his attorney Michael Mitchell. From the pleadings, evidence introduced, testimony of the witnesses, and argument of counsel the Board finds that:

- 1.) Donald E. Sitzes, D.D.S. is a licensed dentist under the provisions of the Dental Practice Act.
- 2.) Donald E. Sitzes, D.D.S. does not hold any permit from the Arkansas State Board of Dental Examiners allowing him to administer anesthesia or medication for purposes of general anesthesia or conscious sedation at Levels 3 and 4.
- 3.) From the testimony of the witnesses and admissions of Donald E. Sitzes, D.D.S., and evidence introduced, the Board finds that Donald E. Sitzes, D.D.S. exhibited professional incompetency in the treatment of three individual patients identified as "T.B.," "D.R.," and "N.S." more specifically in the manner in which he chose, prescribed and administered scheduled medication to achieve sedation in the individual patient.
- 4.) Donald E. Sitzes, D.D.S. administered scheduled medication and nitrous oxide and local anesthetic on three separate occasions to patients identified as "T.B.," "D.R.," and "N.S.," when he knew or should have known that said medication would achieve Level

3 or 4 conscious sedation as defined by Article XIII of the Rules and Regulations of the Board when he did not have a permit from the Board to do the same.

- 5.) Donald E. Sitzes, D.D.S. exhibited professional incompetency by prescribing scheduled medication for a family presuming that all family members would share the scheduled medication when he should have prescribed for the individual patient; all in violation of the laws of the United States and the State of Arkansas governing the prescribing of scheduled medication.
- 6.) Donald E. Sitzes, D.D.S. purchased and maintained scheduled medication in his dental clinic and administered the same to his patients, but failed to comply with the Rules and Regulations and of the State of Arkansas regulating the possession, prescribing, administering and distribution of scheduled medication; more specifically he failed to conduct by bi-annual inventories of the scheduled medication.
- 7.) Donald E. Sitzes administered scheduled medication, Nitrous Oxide and local anesthetic to three separate patients identified as T.B.", "D.R.", and "N.S." when he knew or should have known that it would achieve Level 3 or 4 sedation as defined by Article XIII of the Regulations of the Board and did not have the knowledge, medication or equipment necessary to provide for the safety and health of his patients.

**WHEREFORE it is CONSIDERED, ORDERED and ADJUDGED** that Donald E. Sitzes, D.D.S., violated the Dental Practice act more specifically Ark. Code Ann. 17-82-316(c)(3) that is:

- 1.) Exhibiting professional incompetency, by over-prescribing and administering scheduled medication, Nitrous Oxide and local anesthetic for patient "T.B."

- 2.) Exhibiting professional incompetency patient by over-prescribing and administering scheduled medication, Nitrous Oxide and local anesthetic for patient "D.R."
- 3.) Exhibiting professional incompetency by over-prescribing and administering scheduled medication, Nitrous Oxide and local anesthetic for a patient "N.S."
- 4.) Donald E. Sitzes, D.D.S. violated the Dental Practice Act more specifically Ark. Code Ann. 17-82-316(c)(6) that is he violated a regulation of the Board, more specifically Article XIII requiring him to obtain a permit from the Board before administering medication to achieve sedation at Levels 3 and 4, more specifically he administered scheduled medication Nitrous Oxide and local anesthetic to a patient identified as "T.B" knowing or having should known it would obtain Level 3 or 4 sedation, without receiving a permit from the Board to do the same.
- 5.) Donald E. Sitzes, D.D.S. violated the Dental Practice Act more specifically Ark. Code Ann. 17-82-316(c)(6) that is he violated a regulation of the Board, more specifically Article XIII requiring him to obtain a permit if he administered medication to achieve sedation at Levels 3 and 4, more specifically he administered scheduled medication Nitrous Oxide and local anesthetic to a patient identified as "D.R" knowing or having should known it would obtain Level 3 or 4 sedation, without receiving a permit from the Board to do the same.
- 6.) Donald E. Sitzes, D.D.S. violated the Dental Practice Act more specifically Ark. Code Ann. 17-82-316(c)(6) that is he violated a regulation of the Board, more specifically Article XIII requiring him to obtain a permit if he administered medication to achieve sedation at Levels 3 and 4, more specifically he administered scheduled medication

Nitrous Oxide and local anesthetic to a patient identified as "N.S" knowing or having should known it would obtain Level 3 or 4 sedation, without receiving a permit from the Board to do the same.

- 7.) Donald E. Sitzes, D.D.S. violated the Dental Practices Act, more specifically Ark. Code Ann. 17-82-316(c)(6) that is he violated a regulation of the Board, more specifically Article X section M that is violating the laws and regulations of the United States and the State of Arkansas regulating the prescribing, dispensing and administering of scheduled drugs, more specifically he prescribed scheduled medication for an entire family, when in fact he should have prescribed the scheduled medication for a specific patient.
- 8.) Donald E. Sitzes, D.D.S. violated the Dental Practices Act, more specifically Ark. Code Ann. 17-82-316(c)(6) that is he violated a regulation of the Board, more specifically Article X section M that is violating the laws and regulations of the United States and the State of Arkansas regulating the prescribing, dispensing and administering of scheduled drugs, more specifically he purchased and maintained scheduled drugs in his clinic and did not comply with the bi-annual inventory requirements of the Arkansas Department of Health.
- 9.) Donald E. Sitzes, D.D.S. violated the Dental Practice Act, more specifically Ark. Code Ann. 17-82-316(c)(3) that is he did not provide for the health and safety of his patients; and Ark. Code Ann. 17-82-316(c)(6) that is he violated a rule or regulation of the Board, more specifically Article XIII, in that he was not trained, nor did he possess the medication or the equipment in his office as required by the regulation and still prescribed medication knowing or having should known that it would bring about sedation at Level 3

and 4 to patient "T.B."

- 10.) Donald Sitzes, D.D.S. prescribed and administered scheduled medication Nitrous Oxide and violated the Dental Practice Act, more specifically Ark. Code Ann. 17-82-316(c)(3) that is he did not provide for the health and safety of his patients and Ark. Code Ann. 17-82-316(c)(6) that is he violated a rule or regulation of the Board, more specifically Article XIII, in that he was not trained nor did he possess the medication or the equipment in his office as required by the regulation and still prescribed medication knowing or having should known that it would bring about sedation at Level 3 and 4 to patient "D.R."
- 11.) Donald Sitzes, D.D.S. prescribed and administered scheduled medication Nitrous Oxide and violated the Dental Practice Act, more specifically Ark. Code Ann. 17-82-316(c)(3) that is he did not provide for the health and safety of his patients and Ark. Code Ann. 17-82-316(c)(6) that is he violated a rule or regulation of the Board, more specifically Article XIII, in that he was not trained nor did he possess the medication or the equipment in his office as required by the regulation and still prescribed medication knowing or having should known that it would bring about sedation at Level 3 and 4 to patient "N.S."
- 12.) As a result of each of the above violations on each count, Donald E. Sitzes, D.D.S., will have his license restored so that he may resume the practice of dentistry but his license will be restricted in the future, more specifically he may not prescribe or administer any medication to bring about any level of sedation other than Nitrous Oxide. Said limitation on his license will remain in full force and effect until such time as he has appeared before the Board, presented proof that he has completed one year's residency in anesthesia training and that he is capable of administering scheduled medication to achieve sedation

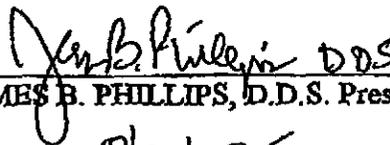
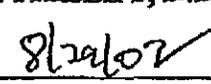
to the satisfaction of the Board and the Board grants him that privilege.

- 13.) As a result of the above violations, Donald E. Sitzes, D.D.S., will pay to the Board by the 30<sup>th</sup> of June 2003 the sum of \$5,990.97 to reimburse the Board the costs of the investigation and hearing. Said payment will be made in equal quarterly payments and will be paid in full by the 30<sup>th</sup> of June 2003. Said payment of costs will be a sanction or punishment imposed on each count, but each sanction will run concurrently with the others.
- 14.) Donald E. Sitzes as a result of the violations of the Dental Practice Act stated above, will pay to the board a fine \$500.00 per count, for a total fine of \$5,500.00. Said fine will be paid to the Board by the 30<sup>th</sup> of June 2003, and will be paid to the Board in equal, quarterly installments.
- 15.) As a result of each of the violations of the Dental Practice Act stated hereinabove, the license to practice dentistry in the State of Arkansas of Donald E. Sitzes, D.D.S. will be placed on 18 months probation under the following conditions:
  - (a) He will comply with the Dental Practice Act and the rules and regulations of the Board.
  - (b) He will comply with the terms of this Order.
  - (c) He will pay to the Board the fine assessed by the board in paragraph 14 above.
  - (d) He will pay to the board the cost of the investigation as stated in Paragraph 13 above.

- (e) He will take and successfully complete a nitrous oxide course and provide proof of the same to the Board within six months from the date of this order.
- (f) He will refrain from prescribing, administering, or dispensing schedule II medication to patients for a period of 12 months.
- (g) He will report to the Board at such meetings as the Board may require.

Said 18 month probation will run consecutively with the other counts for a maximum probation of 36 months, all other terms of probation will run concurrently with the 36 month total probation.

IT IS SO ORDERED

  
\_\_\_\_\_  
JAMES B. PHILLIPS, D.D.S. President  
  
\_\_\_\_\_  
DATE

Approved as to Form:

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