

Minutes of the Meeting
August 15, 2003

On the 15th of August 2003, Dr. Susan H. Wamble, President, called the meeting of the Arkansas State Board of Dental Examiners to order. The following members were present:

Susan H. Wamble, D.D.S.
Joseph Deatherage, D.M.D., M.D.
W. Gene Jines, D.D.S.
Jan K. Blancett, R.D.H.
Ruby Faulconer
Barbara Fletcher
Thomas Isbell, D.D.S.
E. Wayne Looney, D.D.S.
David E. Walker, D.D.S.

Ms. Judith Rickard, Executive Director, and William H. Trice, Board Attorney, were also present.

Dr. Wamble asked for a motion for approval of the Minutes from June 27, 2003. A motion was made and seconded to accept the draft of the minutes as presented. The motion passed.

Kelly Kuznicki appeared before the Board to interview for a dental hygiene license by credentials. With all paperwork in, a motion was made and seconded to accept her application for licensure. The motion passed.

Next on the agenda was a discussion about a letter and questionnaire from Dr. Ronald R. Zentz of DENTSPLY Pharmaceutical concerning a "new combination anesthetic product called Oraqix®". After a short discussion, the Board members orally agreed to the following:

- The application of Oraqix® will be integral to the procedures performed by the dental hygienist. The site of action is similar to other products now within the hygienist's scope of practice, such as benzocaine and other topical anesthetics.
- The delivery method is consistent with other techniques performed by the hygienist such as scaling, probing and irrigation of the pocket.
- Training, other than standard directions for use, should not be necessary for dentists or hygienists.
- Dental hygienists may apply Oraqix® to periodontal tissues within our State/Territory.

The Board then discussed Dr. James R. Minish's application for a dental license. At the last meeting, the Board discussed Dr. Minish's request for a dental license, since his was forfeited by non-renewal 2 ½ years ago. At that meeting, a motion was made and seconded to have Dr.

Deatherage tailor a clinical exam for Dr. Minish; the motion passed. Dr. Minish was tested and, according to Dr. Deatherage, he passed the exam. A motion was made and seconded to issue an Arkansas dental license to Dr. Minish; the motion passed. Dr. Minish submitted applications for a specialty license and general anesthesia permit. The Board asked Ms. Rickard to inform him that he would have to take a specialty exam (written test) for a specialty license. Since he will not have his own office, he is not eligible for a general anesthesia permit.

Next on the agenda was a letter from Dr. Lynn Mouden, director of the Office of Oral Health. In his letter, Dr. Mouden stated that a licensed dental hygienist working in a public health setting should be qualified to conduct dental screenings under any level of supervision. Dr. Mouden was in attendance to elaborate. With little discussion, the Board took Dr. Mouden's letter under consideration.

The Board briefly discussed a letter from Donna Hughey and Jerron Wilbanks. The writers felt that it is not specifically stated in Article XVII of the Rules and Regulations that dental assistants are prohibited from removing plaque with hand instruments. The Board reaffirmed that registered dental assistants cannot scale under any circumstances.

A letter from Dr. Tony Shaw requesting early release from his probation was the next topic of discussion. On May 21, 1999, the Board placed Dr. Shaw on five years of probation because he violated the Dental Practice Act by diverting hydrocodone for his own use and for non-dental reasons. A motion was made and seconded to deny Dr. Shaw's request; the motion passed.

In his Attorney's Report, Mr. Trice stated that the changes to Article XI (Dental Hygienists functions) would be discussed at the September 26th Board meeting. Also, the Public Hearing on the proposed changes to Article IX (Credentials licensure) will be scheduled for the November 21st meeting.

Mr. Trice also reported on his meeting at Attorney General Mike Beebe's office on publishing website information. Act 1653 of 2001 requires that each board have a website and that the full text of an Order must be published on the website. Health information is not subject to the Freedom of Information Act in other situations, but if it is a part of a Board Order, then it is not exempted from the Freedom of Information Act.

Next was a conference with Dr. George Lay. Dr. Lay appeared with his attorney, Clayton Blackstock, to request that the Board allow him to return to active practice until his Hearing in September. On July 29, 2003, the Board issued an emergency suspension of Dr. Lay's dental license for failing to implement adequate infection control standards and procedures for the benefit and safety of his patients. After some discussion, a motion was made and seconded to allow Katy Warren of Dental Occupational Consultants to inspect Dr. Lay's office and, if he is in compliance, he may resume to practice until his Hearing on September 26th. The motion passed.

D. Ross Atkinson, D.D.S., and his attorney, Alston Jennings, appeared before the Board to discuss the treatment of one of his patients, referred to as S.B. On February 6, 2003, the Board

office received a letter from the patient's father, Frank Barksdale, who was upset because he felt that the Rules and Regulations of the Dental Practice Act disallowed Dr. Atkinson, a periodontist, from removing his son's tooth during surgery for a periodontal matter. After some discussion and questioning by Mr. Trice, the Board decided not to take any action against Dr. Atkinson at this time.

David L. Ouellette, D.D.S., and his attorney, Don Bacon, appeared before the Board in response to an Order and Notice of Hearing. According to the Order, Dr. Ouellette is charged with exhibiting professional incompetency in the treatment of a patient by providing restorative work on various teeth without eliminating and treating the decay on said teeth, thus requiring the need for additional treatment and monetary expenses on the part of the patient to correct his work. Dr. David Alford and Dr. Jack Porter provided testimony. After discussion and questioning by Mr. Trice, Mr. Bacon, and the Board, the Board made and seconded a motion that Dr. Ouellette was not in violation for professional incompetency; the motion passed.

In her Director's Report, Ms. Rickard informed the Board about some changes to the proposed newsletter to be mailed in the next two weeks. She also gave the statistics on the progress of the RDA renewals. Last, Ms. Rickard reported on the financial reports for June 2003 and the 2003 fiscal year. She also reviewed the multiyear income comparison and overall comparison.

Dr. W. Gene Jines gave the Complaint Committee report. The Committee met the previous evening in the Board office and reviewed twenty complaints. Eighteen complaints were found to have no apparent violation or were closed. Two complaints were continued for further investigation and/or additional information.

William R. Garrison, D.D.S., and his attorney, Don Mixon, appeared before the Board in response to an Emergency Order of Suspension and Notice of Hearing issued in April of 2003. According to the Order, Dr. Garrison endangered the health and safety of his patients by inhaling nitrous oxide for non-dental reasons, rendering him debilitated, and on occasion, unconscious. In his testimony, Dr. Garrison admitted to inhaling nitrous oxide and having problems with alcohol. After some discussion, a motion was made and seconded to revoke Dr. Garrison's license to practice dentistry in the State of Arkansas, with the revocation being stayed for five years for so long as Dr. Garrison complies with the following conditions of stay:

- He will enter into a contract for monitoring and rehabilitation with the Arkansas Medical Foundation.
- He will comply with the terms of the contract for monitoring and rehabilitation with the Arkansas Medical Foundation and said terms of the contract are terms of his conditions of stay.
- He will provide the Arkansas State Board of Dental Examiners with ongoing documentation and information as to his compliance or failure to comply with the terms of his contract and authorize the Arkansas State Medical Foundation to provide information as to his compliance or failure to comply with his contract.

- Dr. Garrison will appear at all meetings of the Arkansas State Board of Dental Examiners until excused from the same.
- Dr. Garrison will refrain from the use of scheduled drugs or any other mind-altering substances except as prescribed for treatment by a licensed physician, dentist, or optometrist and in compliance with the terms of notification to the Arkansas Medical Foundation.

Also, upon appearing before the Board and presenting proof that he has complied with the terms of his contract for rehabilitation and monitoring for two months, the Emergency Suspension of Dr. Garrison's dental license will be lifted, pending approval from the Board.

The report from the Rules and Regulations committee was given by Jan Blancett. The committee will not meet again until after the new CDC guidelines are published later in the year. Article XV will be reviewed at that time. Some corrections to Article VIII will need to be made in the next publication of the Dental Practice Act and Rules and Regulations due to some inadvertent omissions in the May 2003 edition.

In his SRTA report, Dr. Looney briefly discussed his written report that was distributed to the Board members. He also thanked Dr. Wamble for her hard work and dedication that she contributed as a SRTA examiner.

Next, Dr. Isbell gave his report on the July meeting of the Oral Health Coalition that he attended.

The following requests for approval of a fictitious name were approved:

Arkansas Oral Surgery (Donny L. Quick, D.D.S. to use at his Conway and West Memphis offices)
Fields Family Dentistry (Drs. Patrick and Ashley Fields)

In other business, Dr. Jines asked if there was a way to allow Board members to get paid for each specialty exam supervised when two exams were administered on the same day. Mr. Trice will research if this is allowable and report back to the Board.

The next meeting of the Board will be held September 26, 2003 at 8:30 am.

Respectfully submitted,

W. Gene Jines, D.D.S.
Secretary/Treasurer

