



## MINUTES OF THE MEETING November 17, 2006

On the 17<sup>th</sup> of November 2006, Dr. Thomas M. Isbell, President, called the meeting of the Arkansas State Board of Dental Examiners to order. The following members were present:

Thomas M. Isbell, D.D.S.  
John W. Ross, D.D.S.  
Marc Muncy, D.D.S.  
David Walker, D.D.S.  
E. Wayne Looney, D.D.S.  
Robert L. Jolly, Sr., D.D.S.  
Jan K. Blancett, R.D.H.  
Ruby Falconer  
Barbara Fletcher

Executive Director Donna Cobb and Attorney William Trice were also present.

A Public Hearing was conducted concerning proposed Article XVI, Administration of Local Anesthesia by a Dental Hygienist. With no one speaking for or against, the Public Hearing was closed. A motion was made and seconded to approve the proposed Article. The motion passed.

Dr. Isbell requested a motion for approval of the Minutes from September 8, 2006. A motion was made and seconded to accept the Minutes as written. The motion passed.

Dr. William Jarrod Stewart appeared before the Board to report his progress. Dr. Stewart reported he was in complete compliance with his contract. Ms. Walters from the Medical Foundation verified his compliance. Due to Dr. Stewart's recent health problems, the Board asked him to send a report on his condition

to the January meeting. The Board thanked Dr. Stewart and told him to reappear in March.

Next, the Board reviewed a request from Ms. Katy Warren, Associate Professor at the UAMS Department of Dental Hygiene, concerning an on-line nitrous oxide course. The Board asked Ms. Warren to develop a prototype for the Board's approval.

Dr. Jon M. Zajicek appeared before the Board for an Arkansas dental license by credentials. With all paperwork in, a motion was made and seconded to issue a license to Dr. Zajicek. The motion passed.

Linell Harrison, Jennifer Hulse, Terrienne Kenny, Lora Liska and Lael Dawn Whitlock each appeared before the Board for an Arkansas dental hygiene license by credentials. With all paperwork in, motions were made and seconded to issue a license to each. The motions passed.

Per Board Orders, the following persons appeared before the Board to give an update on their progress:

- Andy Allen Cobb, D.D.S.  
Dr. Cobb reported compliance and that his wife was not working in his office. The Board thanked Dr. Cobb and instructed him to return to the January 12, 2007 Board meeting.
- John Steven Hargett, D.D.S.  
Dr. Hargett reported doing well and in compliance with his Medical Foundation contract. The Board thanked Dr. Hargett and instructed him to return to the March 2, 2007 Board meeting.
- Deana Priest, R.D.H.  
Ms. Priest reported that she remains in compliance with her Medical Foundation contract and Board Order. She was instructed to return in January.
- Ann Slaughter Smith, D.D.S.  
Dr. Smith reported that she was working full time at UT Department of Pediatric Dentistry and is in compliance with her contract. The Board instructed her to return in January.
- Rebecca Conine, D.D.S.  
The Board called an Executive Session and spoke with Dr. Conine. Dr. Conine will return in March.

The following provisional licensees appeared before the Board to give an update on their progress:

- Dr. Lilliam Prado

Dr. Prado appeared without her sponsor, Dr. James E. Moore. Dr. Moore was unable to attend due to an emergency, but sent a written statement verifying that Dr. Prado was continuing to perform excellent work. They will revisit the Board in January.

- Dr. Alberto Sandoval (with his sponsor, Dr. Martin Zoldessy)  
Dr. Zoldessy reported that Dr. Sandoval is doing very well. A motion was made and seconded to amend his license to practice dentistry in the state of Arkansas from provisional to non-restricted effective December 15, 2006. The motion passed. The Board congratulated Dr. Sandoval and wished him well.
- Dr. Alejandra Taveras (with her sponsor, Dr. Tom Kennedy)  
Dr. Kennedy reported that Dr. Taveras is continuing to do very well in his dental practice and has received her DEA permit. Dr. Brian Runsick appeared to request permission to sponsor Dr. Taveras three days a week at Pershing Dental Clinic. A motion was made and seconded to grant Dr. Runsick's request. Dr. Taveras will revisit the Board on January 12<sup>th</sup>.
- Dr. Patricia Zarruk (with her sponsor, Dr. James Bevans)  
Dr. Bevans reported that Dr. Zarruk continues to do well in his practice. Dr. Zarruk will also revisit the Board on January 12<sup>th</sup>.

Dr. Mark Davis and Mandy Miles appeared before the Board asking for an exception to be made concerning the requirement for a dental hygienist to work for one year before being able to work under general supervision. After some discussion a motion was made and seconded to deny their request. The motion passed.

A Hearing was held for Misty Tenney, RDA, for the commission of a criminal operation (attempting to obtain a scheduled medication by fraud). Ms. Tenney failed to appear for the Hearing. After hearing testimony, a motion was made and seconded to find Ms. Tenney in violation of A.C.A. §17-82-316(3)(c). The motion passed. Ms. Tenney's RDA permit was revoked and she was ordered to pay all costs of the investigation.

A Hearing was held for Tony Wayne Shaw, DDS, for exhibiting professional incompetency by the over-prescribing of scheduled medication for his patients and failing to maintain adequate safeguards for the health and safety of his patients by prescribing scheduled medication for his patients without having proper justification documented in the patient records. Dr. Shaw failed to appear for the Hearing. After hearing testimony, a motion was made and seconded to find Dr. Shaw in violation of A.C.A. §17-82-316(3)(c). The motion passed. Dr. Shaw's license was revoked and he was fined \$8,000.00 plus expenses.

The Board reviewed an email from Kimberly Denham asking the Board's decision regarding dermal fillers. The Board instructed Ms. Cobb to draft a letter quoting the definition of the practice of dentistry from the Dental Practice Act and state that in the event of a complaint the Board would, on a case by case basis, determine if the dentist was properly trained and if the dermal filler was used on those areas of the body included in the definition.

The Board reviewed a letter from the Mississippi State Board of Dental Examiners requesting acceptance of their examination for initial licensure. The Board instructed Ms. Cobb to send a letter stating that they only accept the SRTA examination for initial licensure or licensure by credential if the candidate has practiced consecutively for the past five years.

Next the Board reviewed an email and letters from Oral and Maxillofacial Surgeons concerning dispensing. Mr. Trice drafted a bill which would allow dentists to dispense after obtaining a permit from the Board. A motion was made and seconded to forward the draft to Percy Malone. The motion passed. Ms. Cobb was instructed to write to the Oral and Maxillofacial Surgeons, thank them for their input and send them a copy of the draft.

In his Attorney Report, Mr. Trice reported the position paper concerning grills and letters was sent to the Arkansas Attorney General, Pulaski County Prosecuting Attorney, Little Rock Police Department, and Pulaski County Sheriff's Department. Mr. Trice also asked if the Board would like for him to draft a Bill concerning the discipline of a licensee by another state. This would allow the Board to discipline the licensee solely based on the other state's Order. The Board by consensus agreed and Mr. Trice will draft the Bill. Mr. Trice informed the Board that Dr. Kurt Solera had an appeal pending in Pulaski County Court. The Board instructed Mr. Trice to proceed.

In her Board office update, Ms. Cobb informed the Board of the financial reports in their packets for review and any questions regarding them should be directed to Kris Palmer. Ms. Cobb also asked if the Board would like to have shirts made similar to the ones worn by the Arkansas State Dental Association. After some discussion, the majority opted not to order shirts. Ms. Cobb asked to attend the American Association of Dental Administrators meeting in March. A motion was made and seconded to allow Ms. Cobb to attend. The motion passed. The Board was reminded to complete and submit a Statement of Financial Interest form before January 31, 2007.

Dr. Marc Muncy gave the Complaint Committee Report. The Committee met the previous evening and reviewed seventeen complaints. Fifteen of the complaints were found to have no apparent violation. Two were tabled for

further investigation and/or information. The next Complaint Committee meeting is scheduled for January 11, 2007, at 6 pm.

Jan Blancett gave the Rules and Regulations Committee Report. The Committee met the previous evening and reviewed the proposed Bill concerning dispensing, discussed the Ad Hoc Committee meeting on implants, on-line nitrous oxide course, dermal fillers, laser usage by dental hygienists and spore testing. The Committee asked Ms. Cobb to send an invitation to Dr. Fred Church to present a ten minute presentation on lasers. The Committee will look into drafting a new Rule and Regulation concerning spore testing and bring back to the Board at a later date.

In his SRTA report, Dr. Looney announced that he is chair of the SRTA examination committee and informed the Board that he, Dr. Isbell and Ms. Blancett will be attending the UT Mock Boards in January. Dr. Looney also reminded the Board of the Southern Conference of Dental Deans and Examiners to be held in January at Lake Oconee, Georgia.

Ms. Fletcher reported that the Oral Health Coalition meeting reports for September 25 and October 25, 2006 were in the Board members' packets for review. Dr. Mouden reported receiving a grant to be used to attract dentists and dental hygienists to the State.

The Board reviewed and approved the following fictitious name requests:

*Arkansas Dental Associates, PLLC* by Drs. Allen Summerlin and Kent Nance  
*Just 4 Kidds Dentistry, PA* by Dr. Bryan Angel  
*Lowder-Storms Orthodontics* by Drs. Tom Lowder & Darrin Storms  
*The Meadows Dental Care* by Dr. Andrew Schneider

The following fictitious name request was tabled:

*Carmical & Lenderman Dental* by Douglas A. Carmical, DDS, PA William R. Lenderman, DDS

A request from the Commission on Dental Accreditation for a Board member to participate on an accreditation site visit was next on the agenda. A motion was made and seconded to submit the names of Ms. Jan Blancett and Dr. Marc Muncy. The motion passed.

A letter from Dr. Gerald Avillion asking for approval for an endodontist to extract teeth with pulpal or periapical disease once initiating endodontic treatment and finding a vertical root fracture or after excavating decay and discovering that a tooth is not restorable. A motion was made and seconded to respond to Dr. Avillion and inform him that the Board feels that according to the ADA's

definition extractions by an endodontist is not within their scope of practice. The motion passed. Ms. Cobb was instructed to send Dr. Avillion their response.

Dr. Isbell recognized Dr. Bob Carter from Batesville and thanked him for his attendance.

The next meeting of the Board will be held Friday, January 12, 2007. With no other business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marc Muncy", followed by the year "2007".

Marc Muncy, D.D.S.  
Secretary/Treasurer