

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

SAM L. BEAVERS, D. D. S.

ORDER

On this 3rd day of April, 1987, comes on for hearing the matter of Sam L. Beavers, D. D. S. The Board appeared by a quorum of its members together with its attorney, William H. Trice, III; Sam L. Beavers appeared together with his attorney, Brent Baber. From the pleadings, testimony of the witnesses, evidence introduced, and argument of counsel, the Board finds that:

1. Sam L. Beavers is a licensed dentist in the State of Arkansas under the provisions of the Dental Practice Act, Act 14 of 1955, as amended and codified in Ark. Stat. §72-534 et. seq.

2. The Board has jurisdiction of the parties and the subject matter of this hearing.

3. Ark. Stat. §72-543 defines the practice of dentistry to include the examination, diagnosis, treatment, repair, prescription and/or surgery of or for any disease, disorder, difficiency, deformity, condition, lesion, injury or pain of the human oral cavity, teeth, gingivae, and soft tissues, and the diagnosis, the surgical adjunctive treatment of the diseases, injuries, and defects of the human jaws and associated structures, and shall also include the sale or offer for sale those articles or services of dentistry enumerated in Ark. Stat. §72-545.

4. By authority of Ark. Stat. §72-543, the Board by rule or regulation is to prescribe those acts and services, procedures and practices that may be performed by a dental hygienist and dental assistant at the direction and under the direct supervision of a licensed dentist and shall impose such requirements and restrictions on the performance thereof by such dental hygienist and dental assistant as it shall deem proper and necessary to protect and promote the public health and welfare of the citizens of the State.

5. Melissa Rollins was a dental assistant employed by Dr. Sam L. Beavers on the 26th of January, 1987, the 9th of February, 1987, and from October of 1985 through 20 February, 1987.

6. Melissa Rollins does not hold the license to practice dentistry, a license to practice dental hygiene, or a permit to perform the expanded duties of a dental assistance.

7. Melissa Rollins on the 26th of January, 1987, rendered treatment to one Shannon Hotary, more specifically, the cementing of brackets on her bottom teeth for braces.

8. The cementing of brackets for braces is not a prescribed duty permitted to be performed by a dental assistant in the Rules and Regulations of the Arkansas State Board of Dental Examiners.

9. On the 9th of February, 1987, Melissa Rollins rendered treatment to one Shannon Hotary, more specifically, the stripping of the bottom teeth of Shannon Hotary.

10. The stripping of teeth is not a prescribed function permitted to be performed by a dental assistant in the Rules and Regulations of the Arkansas State Board of Dental Examiners.

11. On the 26th of January, 1987, Melissa Rollins rendered treatment to one Lisa Maddox, more specifically, the removal of a temporary crown and the cementing of a permanent crown.

12. The cementing of a permanent crown is not a function that a dental assistant may perform as stated in the Rules and Regulations of the Arkansas State Board of Dental Examiners.

13. From October, 1985 through the 20th of February, 1987, Melissa Rollins upon occasion cemented brackets to the teeth of Dana Hearn.

14. In October of 1985 Melissa Rollins removed a temporary crown of Ron Hearn and cemented on a permanent crown.

15. Melissa Rollins was under the control or supervision of Dr. Sam L. Beavers at all times referred to hereinabove.

16. Shannon Hotary, Dana Hearn and Ron Hearn were patients of Sam L. Beavers at the time indicated hereinabove.

17. Sam L. Beavers is in violation of Ark. Stat. §72-560 (7); that is, he permitted an unlicensed person, more specifi-

ically, Melissa Rollins, who is under his supervision or control to perform an act which is considered the practice of dentistry as defined by Ark. Stat. §72-543.

WHEREFORE, IT IS, CONSIDERED, ORDERED AND ADJUDGED THAT:

1. The Board dismisses Count II of the Order and Notice of Hearing.
2. The license of Sam L. Beavers to practice dentistry in the State of Arkansas is suspended for a period of three (3) months, effective the 1st of May, 1987.
3. At the end of said three (3) months suspension Sam L. Beavers may apply to have his license reinstated upon giving satisfactory assurance of future correct conduct and the payment of \$50.00 reinstatement fee as required by Ark. Stat. §72-560.
4. At the conclusion of the three (3) months suspension of the license to practice dentistry, Sam L. Beavers will be placed on probation with the Arkansas State Board of Dental Examiners for eighteen (18) months. During said period of probation his practice will be monitored as to future correct conduct and he will be subject to on site inspection by the Board.
5. Sam L. Beavers will pay a fine in the amount of \$1,000.00 to the Arkansas State Board of Dental Examiners by the end of his 18 month probationary period.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

By: George M. Cone

PRESIDENT

PREPARED BY:

WILLIAM H. TRICE, III
ATTORNEY FOR THE ARKANSAS STATE
BOARD OF DENTAL EXAMINERS

BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF:

SAM L. BEAVERS, D. D. S.

ORDER

On this 26th day of June, 1987, comes on for hearing the motion of Sam L. Beavers, D. D. S. seeking a resolution of his disciplinary action before the Board. The Arkansas State Board of Dental Examiners were present together with their attorney, William H. Trice, III, and Sam L. Beavers appeared together with his attorney, Brent Baber. From the pleadings, agreement of the parties, the Board finds that:

1. On the 3rd of April, 1987, the Board found that Sam L. Beavers had violated the Dental Practice Act, more specifically, that he permitted an unlicensed person to practice dentistry. The Board disciplined Sam L. Beavers by suspending his license for a period of three (3) months, effective the 1st of May, 1987, and at the end of said three (3) months suspension, Sam Beavers is to apply to have his license reinstated upon giving satisfactory assurance of future correct conduct and payment of the \$50.00 reinstatement fee as required by Ark. Stat. 572-560. The Board further disciplined Sam L. Beavers by providing that at the end of said three (3) months suspension Sam Beavers would be placed on probation for a period of eighteen (18) months so that his practice could be monitored by the Board for future correct conduct and that his practice would be subject to onsite inspection by Members of the Board or their employees. The Board further disciplined Sam L. Beavers by fining him \$1,000.00 to be paid by the end of the eighteen (18) months probationary period.

2. Sam L. Beavers appealed the decision of the Board by voluntarily refraining from practicing as of the 8th of May, 1987.

3. Sam L. Beavers, after the disciplinary hearing in June of 1986, printed a release in his Newsletter to his patients in which did not correctly define the true nature of the proceedings against him.

4. Sam L. Beavers on this 26th day of June, 1987, seeks the Board to revise his suspension in the following manner:

(a) That the period of suspension for his license would run from the 8th of May, 1987, continuously for a period of ninety (90) days. At the end of said ninety (90) days his license would be automatically reinstated upon his paying the \$50.00 reinstatement fee to the Board's executive secretary.

(b) Sam L. Beavers would print in his Newsletter to his patients a retraction letter reflecting that he has accepted the decision and disciplinary order of the Board and has dismissed his appeal.

(c) That at the end of the ninety (90) days suspension, Sam L. Beavers will be placed on a period of eighteen (18) months probation. During said period of probation his practice would be monitored as to future correct conduct and his practice would be subject to onsite inspection by Members of the Board or their employees.

(d) That Sam L. Beavers be fined the sum of \$1,000.00 and that said \$1,000.00 fine would be paid by the end of his eighteen (18) months probation period.

(e) That Sam L. Beavers would voluntarily dismiss his appeal in the Pulaski County Circuit Court, Case No. 87-004263.

5. The Board has the authority to enter into an agreement for the resolution of any dispute according to the Administrative Procedure Act.


WHEREFORE, IT IS, CONSIDERED, ORDERED AND ADJUDGED that the Board revises its' disciplinary Order, entered the 3rd of April, 1987, of Sam L. Beavers, and that the decision of the Board be amended as provided in Paragraph 4 above; thus the Board accepts Sam L. Beavers' motion for the resolution of this matter.

IT IS SO ORDERED.

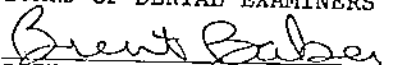
ARKANSAS STATE BOARD OF DENTAL EXAMINERS

By: _____
President

APPROVED:



WILLIAM H. TRICE, III
ATTORNEY FOR THE ARKANSAS STATE
BOARD OF DENTAL EXAMINERS



BRENT BABER
ATTORNEY FOR SAM L. BEAVERS