BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF MARTY J. HARDERSON, D.D.S.

ORDER

On this 24th day of February, 1995 comes on for hearing the Motion of Marty J. Harderson, D.D.S. seeking an Order of the Board lifting the emergency order of suspension of his license to practice dentistry in the State of Arkansas. The Arkansas State Board of Dental Examiners appears together by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, D.D.S. appeared together with his attorney, Samuel A. Ferroni. From the pleadings, testimony of the witnesses, and evidence introduced, the Board finds that:

1. The Board entered an Order, signed 6 February, 1995 suspending, on an emergency basis, the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. In that same Order, the Board scheduled a disciplinary hearing for Marty J. Harderson, D.D.S. alleging, among other things, that he had given anesthesia by IM method, to patients without being permitted by the Board to do so and without having the proper equipment in his office, as required by the Rules and Regulations of the Arkansas State Board of Dental Examiners.

2. Marty J. Harderson, D.D.S. has testified that all intramuscular medication, to include the versed, referred to in the original Order and Notice of Hearing of 2 February, 1995 has been removed from his office.
3. Marty J. Harderson, D.D.S. voluntarily stated that he will no longer administer IM injectable of any substances to patients during the pendency of this action.

4. This matter will continue to be on the docket for a hearing on the 30th of March, 1995, 1995.

5. The public health and safety of the citizens of Arkansas is not in jeopardy if, in fact, Marty J. Harderson, D.D.S. does cease administering anesthesia by IM.

WHEREFORE, it is Considered, Ordered and Adjudged that:


2. Marty J. Harderson, D.D.S., pursuant to his own sworn statement to the Board and the Order of the Board, is ordered not to administer any medication to patients by IM and will continue not to have any versed in his office or administered to patients.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY: [Signature]

J. WALKER LORD, D.D.S., President

DATE: 3/9/95

APPROVED AS TO FORM:

[Signature]

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 MARTY J. HARDERSON, D.D.S.

ORDER

On this 18th day of August, 1995 comes on for hearing the matter of Marty J. Harderson, D.D.S. The Arkansas State Board of Dental Examiners appears together by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, D.D.S. appeared together with his attorney, Samuel A. Perroni. From the pleadings, agreement of the parties, testimony of the witnesses, evidence introduced, and argument of counsel, the Board finds that:


2. Marty J. Harderson, D.D.S. admits that on or about the 31st of October, 1994, the 21st of October, 1994, and December 7, 1994, he performed the following procedures on patient, J.B.: stainless steel crown on teeth R & S, Pulpotomy on tooth I, a BGI on teeth II & MI, extractions of teeth K & L, and stainless steel crowns on tooth A, and administered 2mg of Versed IM and 5mg of Versed IM, 6mg Versed IM, and Nitrous Oxide.

3. Marty J. Harderson, D.D.S. admits that on or about the 9th of November, 1994 and the 28th of November, 1994, he performed the following procedures on patient, M.B.: stainless steel crowns on teeth A & I, extractions of teeth D, B, F and G, and stainless steel crowns on teeth L, N., O, P, Q, and S, and administered 2mg Versed IM and 6mg Versed IM.

4. Marty J. Harderson, D.D.S. admits that on or about the 31st of October, 1994,
he performed the following procedures on patient, R.B.: stainless steel crowns on teeth E & F, and administered 2mg Versed IM.

5. Marty J. Harderson, D.D.S. admits that on or about the 18th of November, 1994, he performed the following procedures on patient, J.C.: stainless steel crowns on teeth D, E, F & G, and administered 3mg Versed IM.

6. Marty J. Harderson, D.D.S. admits that on or about the 23rd of November, 1994, he performed the following procedures on patient, J.R.C.: extraction of tooth F, and administered 4mg Versed IM.

7. Marty J. Harderson, D.D.S. admits that on or about the 31st of November, 1994, he performed the following procedures on patient, S.D.: stainless steel crowns on teeth E & F, and administered 5mg Versed IM.

8. Marty J. Harderson, D.D.S. admits that on or about the 23rd of November, 1994, he performed the following procedures on patient, C.F.: stainless steel crowns on teeth D, E, G & F, and administered 5mg Versed IM.

9. Marty J. Harderson, D.D.S. admits that on or about the 8th of December, 1994, 28th of December, 1994, and 16th of January, 1995, he performed the following procedures on patient, N.G.: stainless steel crowns on teeth A & B; stainless steel crowns on teeth I & J, occlusal fillings on teeth K & L, stainless steel crowns on teeth D, E, F, & G, and occlusal fillings on teeth S & T, and administered 4mg Versed IM, 1000 units of Chloral Hydrate, 5mg of Versed IM, 1000 units of Chloral Hydrate, 5mg Versed IM, and 15mg Valium.

10. Marty J. Harderson, D.D.S. admits that on or about the 29th December, 1994, he performed the following procedures on patient, H.H.: occlusal-Buccal fillings on teeth 19
& 30, and administered 1500 units of Chloral Hydrate, 20mg Valium, and nitrous oxide sedation.

11. Marty J. Harderson, D.D.S. admits that on or about the 2nd December, 1994, he performed the following procedures on patient, J.L.: stainless steel crown on teeth A, B, S, & T, and administered 3mg of Versed IM and nitrous oxide sedation.

12. Marty J. Harderson, D.D.S., together with his attorney, Samuel A. Perroni, admits that on or about 24 of August, 1994, 23 November, 1994 and 30 December, 1994, he performed the following procedures on patient, E.M.: Pulpotomy on tooth K, Stainless steel crowns on teeth K & L, stainless steel crowns on teeth I & J, and stainless crown on tooth M, and administered 10mg of valium, 500mg of Chloral Hydrate, 5mg of Versed IM, and 1500 units of Chloral Hydrate.

13. Marty J. Harderson, D.D.S. admits that on or about 22 November, 1994, 13 December, 1994, 27 December, 1994, 10 January, 1995, he performed the following procedures on patient, K.M.: Stainless crowns on teeth A & B, stainless crowns on teeth I, J., K, & L, stainless steel crowns on teeth S & T, and stainless steel crowns on teeth D, E, F, & G, and administered 5mg Versed IM, 6mg of Versed IM, nitrous oxide, 1000 units of Chloral Hydrate, 2.5mg of Versed IM, 3mg of Versed IM.

14. Marty J. Harderson, D.D.S. admits that on or about 22 November, 1994, 13 December, 1994, 27 December, 1994, and 10 January, 1995, he performed the following procedures on patient, P.M.: extraction of tooth I, stainless steel crown on tooth J, stainless steel crowns on teeth D, E, F & G, stainless steel crowns on teeth A & B, and stainless steel crowns on teeth K, L., S, & T, and administered 5mg Versed IM, 6mg of Versed IM, nitrous
oxide, 7.5mg of Versed IM, 1000 units of Chloral Hydrate, and 4mg of Versed IM.

15. Marty J. Harderson, D.D.S. admits that on or about 2 July, 1993, 12 July, 1993, 27 October, 1994, 21 November, 1994, he performed the following procedures on patient, B.M.: extractions of teeth 23, 24, and 25, facial composites on teeth 7, 8, 9, and 10, extractions of teeth 9, 19, and L, occlusal-lingual filling on tooth 14, stainless steel crown on tooth 3, and extraction of tooth 30, and administered 25mg Valium, 25mg Valium, and 2mg Versed IM, 5mg Versed IM.

16. Marty J. Harderson, D.D.S. admits that on or about the 7th December, 1994, he performed the following procedures on patient, K.R.: stainless steel crowns on teeth A & J, and administered 6mg Versed IM.

17. Marty J. Harderson, D.D.S. admits that on or about the 10th January, 1995, he performed the following procedures on patient, A.S.: stainless steel crowns on teeth A & B, and administered 2mg Versed IM.

18. Marty J. Harderson, D.D.S. admits that on or about the 14th November, 1994, he performed the following procedures on patient, J.S.: occlusal filling on tooth 14, extraction of tooth 19, stainless steel crown on tooth L, and administered 5mg Versed IM.

19. Marty J. Harderson, D.D.S. admits that on or about the 5th December, 1994, he performed the following procedures on patient, L.S.: office exam-roprophylaxis, and administered 5mg Versed IM.

20. Marty J. Harderson, D.D.S. admits that on or about the 15th December, 1994 he performed the following procedures on patient, E.W.: extraction of tooth I, stainless steel crown on teeth J, K, & L, and occlusal filling on tooth 19, and administered nitrous oxide and
1000 units of Chloral Hydrate.

21. Marty J. Harderson, D.D.S. admits that on or about the 8th November, 1994 and 29th November, 1994, he performed the following procedures on patient, S.W.: stainless steel crowns on teeth D, E, & F, occlusal fillings on teeth A & J, and administered 2mg of Versed IM and 5mg of Versed IM.

22. Patients referred to in Paragraphs 2 through 21 ranged from ages 3 through 10.

23. Marty J. Harderson, D.D.S. admits that Versed is a Schedule IV narcotic.

24. Marty J. Harderson, D.D.S. admits that Valium is a Schedule IV narcotic.

25. Marty J. Harderson, D.D.S. admits that Chloral Hydrate is a Schedule IV narcotic.

26. Marty J. Harderson, D.D.S. admits that the above medications, as referred to in Paragraphs 23 through 25 above were administered by intramuscular injection and that the same were given without possessing a permit from the Arkansas State Board of Dental Examiners, thus in violation of Ark. Code Ann. § 17-82-503.

27. Marty J. Harderson, D.D.S. administered the above medications by intramuscular injection to achieve general anesthesia, or conscious sedation, without submitting to an on-site inspection.

28. Marty J. Harderson, D.D.S. administered the above medications by intramuscular injection to achieve general anesthesia or conscious sedation without possessing the necessary equipment for the monitoring of patients pursuant to Article XIII(d)(1) of the Rules and Regulations of the Arkansas State Board of Dental Examiners.

29. Marty J. Harderson, D.D.S. administered the above medications referred to in
Paragraphs 23 through 25 above by intramuscular injection to achieve general anesthesia or conscious sedation without having emergency drugs on hand in his office pursuant to Article XIII(d)(3) of the Rules and Regulations of the Arkansas State Board of Dental Examiners.

30. The Board accepts the expert testimony of Henry C. Farrar, III, M.D. and Priscilla Johns Bond, D.M.D. as true, thus, the Board finds that the administering of the medications by intramuscular injection by Marty J. Harderson, D.D.S. as referred to in Paragraphs 2 through 21 and without the necessary monitoring equipment, rescue drugs and educational training demonstrate professional incompetency on the part of Marty J. Harderson, D.D.S.

31. The Board finds that the administering of the medication by intramuscular injection to achieve general anesthesia or conscious sedation as referred to in Paragraphs 2 through 21 above and without the necessary monitoring equipment and medicine demonstrates that Marty J. Harderson, D.D.S. failed to maintain adequate safeguards for the health and safety of his patients.

32. Marty J. Harderson, D.D.S. admits that he has failed to conduct an inventory every two (2) years of his schedule drugs kept in his office, thus violating 21 CFR, Chapter II, Section 1304.13.

33. Marty J. Harderson, D.D.S. admits that he has failed to maintain records reflecting the receipt, distribution and administration of scheduled or controlled drugs in his practice as required in Section 6 of the Rules and Regulations of the Department of Health.

34. Marty J. Harderson, D.D.S. admits that he failed to obtain a DEA registration number for an office located in the City of Marmaduke where he stored and administered
scheduled or controlled drugs, thus violating 21 CFR Chapter II, Section 1301.23.

WHEREFORE, it is CONSIDERED, ORDERED, and ADJUDGED that:

1. Marty J. Harderson, D.D.S. has violated the Dental Practice Act, more specifically, administering medications to achieve general anesthesia or conscious sedation without obtaining a permit from the Arkansas State Board of Dental Examiners, pursuant to Ark. Code Ann. § 17-83-503, during the particular incident referred to in Paragraph 2 above. The Board would impose a sanction of $1,000 fine payable in ninety (90) days and place the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. on probation for a period of eighteen (18) months beginning from the date of this Order with the terms of said probation being as follows:

   a. That he will refrain from administering to any patient any drug for the purpose of mood altering except nitrous oxide for a period of two (2) years.

   b. That he will complete, within ninety (90) days prior to when he resumes administering mood altering drugs, a course of continuing dental education in the administration of parenteral conscious sedation with said course being approved by the American Dental Association.

   c. He will pay all monetary fines due the Arkansas State Board of Dental Examiners as a result of this Order within ninety (90) days from the date of this Order.

   d. That he will obey and comply with the Dental Practice Act of the State of Arkansas, all Rules and Regulations of the Arkansas State Board of Dental Examiners, and all federal and state laws concerning the acquisition, distribution and administration of controlled substances.
e. He will make his records and office available for inspection by authorized Board personnel for review.

2. Marty J. Harderson, D.D.S. has violated the Dental Practice Act, more specifically, administering medications to achieve general anesthesia or conscious sedation without obtaining a permit from the Arkansas State Board of Dental Examiners, pursuant to Ark. Code Ann. § 17-83-503, during the particular incident referred to in Paragraph 3 above. The Board would impose a sanction of $1,000 fine payable in ninety (90) days and place the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. on probation for a period of eighteen (18) months beginning from the date of this Order with the terms of said probation being the same as Paragraph 1 above. Said fine will be consecutive to the fine referred to in Paragraph 1 above and said probation will run consecutively with the period of probation stated in Paragraph 1 above.

3. Marty J. Harderson, D.D.S. has violated the Dental Practice Act, more specifically, administering medications to achieve general anesthesia or conscious sedation without obtaining a permit from the Arkansas State Board of Dental Examiners, pursuant to Ark. Code Ann. § 17-83-503, during the particular incident referred to in Paragraph 4 above. The Board would impose a sanction of $1,000 fine payable in ninety (90) days and place the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. on probation for a period of eighteen (18) months beginning from the date of this Order with the terms of said probation being the same as Paragraph 1 above. Said fine will be consecutive to the fine referred to in Paragraph 1 above and said probation will run consecutively with the period of probation stated in Paragraph 2 above.
4. Marty J. Harderson, D.D.S. has violated the Dental Practice Act, more specifically, administering medications to achieve general anesthesia or conscious sedation without obtaining a permit from the Arkansas State Board of Dental Examiners, pursuant to Ark. Code Ann. § 17-83-503, during the particular incident referred to in Paragraph 5 above. The Board would impose a sanction of $1,000 fine payable in ninety (90) days and place the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. on probation for a period of eighteen (18) months beginning from the date of this Order with the terms of said probation being the same as Paragraph 1 above. Said fine will be consecutive to the fine referred to in Paragraph 1 above and said probation will run concurrently with the period of probation stated in Paragraph 2 above.

5. Marty J. Harderson, D.D.S. has violated the Dental Practice Act, more specifically, administering medications to achieve general anesthesia or conscious sedation without obtaining a permit from the Arkansas State Board of Dental Examiners, pursuant to Ark. Code Ann. § 17-83-503, during the particular incident referred to in Paragraph 6 above. The Board would impose a sanction of $1,000 fine payable in ninety (90) days and place the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. on probation for a period of eighteen (18) months beginning from the date of this Order with the terms of said probation being the same as Paragraph 1 above. Said fine will be consecutive to the fine referred to in Paragraph 1 above and said probation will run concurrently with the period of probation stated in Paragraph 2 above.

6. Marty J. Harderson, D.D.S. has violated the Dental Practice Act, more specifically, administering medications to achieve general anesthesia or conscious sedation
without obtaining a permit from the Arkansas State Board of Dental Examiners, pursuant to Ark. Code Ann. § 17-83-503, during the particular incidents referred to in Paragraphs 7 through 21 above. The Board would impose a sanction of $1,000 for each incident and place the license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. on probation for a period of eighteen (18) months for each incident beginning from the date of this Order with the terms of said probation being the same as Paragraph 1 above; and that said fine and punishment will run concurrent with the fine punishment referred in Paragraph 1 above.

7. Marty J. Harderson, D.D.S. violated Ark. Code Ann. § 17-82-316(c), demonstrating professional incompetency, by administering controlled substances as described in Paragraph 2 through 21 above on twenty (20) different occasions, thus, twenty (20) different violations. He will be fined $1,000 on each violation with said $1,000 fine to run concurrent with Paragraph 1 above. The license to practice dentistry in the State of Arkansas of Marty J. Harderson, D.D.S. will be placed on probation for a period of eighteen (18) months under the terms stated in Paragraph 1 above on each violation and said probation will run concurrently with the probation in Paragraph 1 above.

8. Marty J. Harderson, D.D.S. violated Ark. Code Ann. § 17-82-316(c) in that he failed to comply with safety standards in failing to comply with the Rules and Regulations of the Department of Health, more specifically, Regulation XI requiring him to maintain records reflecting the receipt, distribution and administration of schedule or controlled drugs. Marty J. Harderson, D.D.S. will be fined $1,000 with said fine running concurrently with the monetary fine stated hereinabove in Paragraph 1. His license will be placed on probation for a period of eighteen (18) months with the terms of said probation being the same as and running
concurrently with the probation stated in Paragraph 1 above.

9. That Marty J. Harderson, D.D.S. violated Ark. Code Ann. § 17-82-316(c) in not providing adequate standards for the safety and benefit of his patients by failing to maintain an inventory of schedule drugs every two (2) years, thus violating 21 CFR Chapter II, Section 1304.13. Marty J. Harderson, D.D.S. will be fined $1,000 with said fine running concurrently with the monetary fine stated hereinabove. His license will be placed on probation for a period of eighteen (18) months with the terms of said probation being the same as and running concurrently with the probation stated in Paragraph 1 above.

10. Marty J. Harderson, D.D.S. violated Ark. Code Ann. § 17-82-316(c) by failing to obtain a DEA registration number for his Marmaduke office, thus violating 21 CFR, Chapter II, Section 1301.23. Marty J. Harderson, D.D.S. will be fined $1,000 with said $1,000 running concurrently with the monetary fine stated hereinabove. His license will be placed on probation for a period of eighteen (18) months with the terms of said probation being the same as and running concurrently with the probation stated in Paragraph 1 above.

11. In summary, Marty J. Harderson, D.D.S. is to pay a monetary fine as a result of all said violations contained in this Order of a combined total of $5,000 to the Arkansas State Board of Dental Examiners within ninety (90) days from the date of this Order. Marty J. Harderson, D.D.S. will be placed on a total probationary period of fifty-four (54) months under the following provisions:

   a. That he will refrain from administering to any patient any drug for the purpose of mood altering except nitrous oxide for a period of two (2) years.

   b. That he will complete a course of continuing dental education in the
administration of parenteral conscious sedation with said course being approved by the American Dental Association ninety (90) days prior to when he resumes the full practice of dentistry or administering said sedation.

c. He will pay all monetary fines due the Arkansas State Board of Dental Examiners as a result of this Order within ninety (90) days from the date of this Order.

d. That he will obey and comply with the Dental Practice Act of the State of Arkansas, all Rules and Regulations of the Arkansas State Board of Dental Examiners, and all federal and state laws concerning the acquisition, distribution and administration of controlled substances.

c. He will make his records and office available for inspection by authorized Board personnel for review.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

BY:  

J. WALKER LOYD, D.D.S., President

DATE:  8/81/95

APPROVED AS TO FORM:

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: MARTY HARDERSON, D.D.S.

CONSENT ORDER

On this 18th day of November 2005 comes on for hearing the matter of Marty J. Harderson, D.D.S. The Arkansas Board of Dental Examiners appeared together by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, D.D.S. appeared together with his attorney, Glenn Lovett Jr., PLC. From the pleadings, testimony of witnesses, evidence introduced, and agreement of the parties, the Board finds that:


2. The Board entered an Emergency Order of Suspension and Notice of Hearing dated September 22, 2005 alleging that Marty J. Harderson, DDS has administered medication to a patient achieving a level of sedation which would have required him to have a Level 3 sedation permit from the Board. Marty J. Harderson did not have said permit thus allegedly violating the Rules and Regulations of the Board and the Dental Practice Act.

3. The Board received testimony and evidence, but prior to the hearing being concluded, Marty J. Harderson, D.D.S., by and through his attorney, made the following offer to the Board to resolve all issues pending before the Board pursuant to A.C.A. §25-15-208(b) as follows:

   A. The disciplinary hearing as a result of the Order and Notice of Hearing dated September 22, 2005 will cease and the matter will be resolved pursuant to this agreement.
   
   B. The license to practice dentistry in the state of Arkansas of Marty J. Harderson, DDS, will be reinstated and the Emergency Order of Suspension lifted.
C. Marty J. Harderson, DDS, agrees that he will not administer any oral sedation to any patient until such time he has been issued a Conscious Sedation Permit (Level 3) or a Deep Sedation Permit (Level 4) by the Board.

D. Marty J. Harderson, DDS agrees that in order to receive either a Level 3 or Level 4 Permit, he must submit the application form required by the Arkansas State Board of Dental Examiners, submit the required application fee, and submit documentation showing that the educational requirements have been met. In addition to the educational requirements set forth in the regulations of the Arkansas State Board of Dental Examiners for obtaining a Level 3 or Level 4 Permit, it is agreed that in the event Harderson's application and documentation of educational requirements is determined to be satisfactory by the Board, the Board may require Dr. Harderson to complete up to 20 hours of additional education on the administration of sedation, and to submit documentation showing that the Board's additional requirements have been met, prior to the issuance of a Permit.

E. Marty J. Harderson, DDS, will reimburse the Board its cost of the investigation and disciplinary hearing up to a maximum of $1,000.00 after receiving an itemized bill for the costs from the Executive Director of the Arkansas Board of Dental Examiners. Said payment will be made to the Board within six months from the date of this Order.

F. Marty J. Harderson, DDS, will pay to the Arkansas State Board of Dental Examiners a fine of $1,000.00 within six months from the date of this Order.

4. Pursuant to A.C.A. 25-15-208(b) of the Administrative Procedures Act, the Arkansas State Board of Dental Examiners accepts said offer stated in paragraph 3 above.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED that the agreement of the parties stated in paragraphs 3 and 4 above, is a fair and equitable agreement and
protects the health and safety of the citizens of Arkansas and the rights of Marty J. Harderson, DDS.

The Board adopts said agreement of the parties as stated in paragraphs 3 and 4 above as the Board's own Order.

**IT IS SO ORDERED.**

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

[Signature]

E. Wayne Looney, D.D.S., PRESIDENT

[Signature]

DATE

December 15, 2005

Approved as to Form:

[Signature]

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

[Signature]

Glenn Lover
Attorney for Marty J. Harderson, DDS

[Signature]

Marty J. Harderson, DDS
BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: MARTY J. HARDERSON, D.D.S.

CONSENT ORDER

On this 12th day of May 2006 comes on for hearing the matter of Marty J. Harderson, 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. Marty J. Harderson, D.D.S. appeared together with his attorney, Glenn Lovett, Jr., PLC. From the pleadings and agreement of the parties, the Board finds that:


2. The Board entered an Emergency Order of Suspension and Notice of Hearing dated the 17th of February 2006, alleging that Marty J. Harderson, DDS, had violated the Dental Practice Act, more specifically, ACA § 17-82-316(3)(C) that is, he exhibited professional incompetency, more specifically, the over prescribing of scheduled medication for patients.

3. Prior to the Board receiving testimony and evidence, the Arkansas State Board of Dental Examiners and Marty J. Harderson, DDS, by and through his attorney, reached the following agreement to resolve all issues pending before the Board, pursuant to ACA § 25-15-208(B), as follows:

   A. The disciplinary as a result of the Emergency Order of Suspension and Notice of Hearing dated 17 February 2006 will cease and the matter will be resolved pursuant to this agreement.

   B. The license to practice dentistry in the State of Arkansas of Marty J. Harderson, DDS, will be reinstated and the Emergency Order of Suspension entered
on the 17th of February 2006 will be lifted.

C. Marty J, Harderson, DDS, will refrain from holding a Drug Enforcement Administration Permit permitting him to administer, possess or prescribe scheduled medication while practicing dentistry in the State of Arkansas, until such time as this Board restores that privilege to him.

D. Marty J, Harderson, DDS, will pay to the Board within one year from the date of this Order $3684 to reimburse the Board the cost of the investigation and hearing.

E. Marty J, Harderson, DDS, will instruct and require his medical doctor to provide the Board quarterly reports as to a diagnosis of his condition and the need for any scheduled medication that his medical doctor may prescribe for him.

WHEREFORE, it is considered, ordered, and adjudged that the agreement of the parties stated in paragraph 3 above, is a fair and equitable agreement and protects the health and safety of the citizens of Arkansas and the rights of Marty J. Harderson, DDS. The Board adopts said agreement of the parties as the Board’s own Order.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

E. Wayne Looney, D.D.S., PRESIDENT

JUNE 5, 2006

Date
Approved as to Form:

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

Glenn Lovett, Jr. PLC  
Attorney for Marty J. Harderson, DDS

Marty J. Harderson, DDS
BEFORE THE ARKANSAS STATE BOARD OF DENTAL

IN THE MATTER OF: MARTY J. HARDERSON, DDS

ORDER

On this 16th day of January 2009 comes on for hearing the matter of Marty J. Harderson, DDS. The Arkansas State Board of Dental Examiners appeared together, by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, DDS, appeared in person with his attorney, Michael Emerson, of Barber, McCaskill, Jones & Hale, P.A. From the pleadings, testimony of the witnesses, evidence introduced, and other matters properly before the Board, the Board finds that:

I.

Marty J. Harderson, DDS, is licensed to practice dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

The Board entered an Order on November 26, 2008, wherein the Board found that Marty J. Harderson, DDS, exhibited professional incompetency in the treatment of a patient, ZW, and suspended his license to practice dentistry until such time as he presented proof, as to his ability to resume the active practice of dentistry under the direct and personal supervision of a licensed and practicing dentist and, further, submits a plan of personal supervision to the Board.

III.

Dr. David Zarlingo, a licensed dentist in the state of Arkansas, who practices in Booneville, Arkansas, appeared before this Board and stated that he was desirous of supervising Marty J. Harderson, DDS, and to provide such information and reports to the Board as to his monitoring and
supervising of Dr. Harderson in the future.

WHEREFORE, it is considered, ordered, and adjudged that:

1. The suspension of Dr. Harderson's license to practice dentistry in the State of Arkansas is lifted for so long as Dr. Harderson participates in a supervision and monitoring program as outlined in this Order.

2. Dr. Harderson will practice only under the direct and personal supervision of Dr. David Zarlingo, DDS; specifically Dr. Zarlingo will be present in the office or treatment facility, will personally diagnose the conditions to be treated or personally authorize the procedures to be performed, and will remain in the office or treatment facility while the procedures are being performed, and will evaluate the performance of Dr. Harderson before the dismissal of the patient.

3. Dr. Harderson and Dr. Zarlingo will attend such meetings of the Arkansas State Board of Dental Examiners as required by the Board, and will present to the Board proof of Dr. Harderson's compliance with the monitoring and supervision of his practice, as follows:

A. Dr. Harderson will prepare a treatment plan for each patient he renders treatment to, giving the age, sex, diagnosis and procedures to be performed on the patient, as well as the outcome, or complications, if any, from the procedures.

B. Dr. David Zarlingo will sign off on the treatment program, after reviewing and confirming the treatment plan by examining the patient.

C. Dr. Harderson will provide to the Board at least 24 hours prior to each Board meeting a sampling of 3 or 4 cases of the various areas of dentistry, more specifically, pediatric endodontic or restorative. He will provide a copy of the treatment plan redacting the name of the patient but keeping the age and sex of the patient so that
the Board may review the treatment plan and X-Rays reflecting the actual treatment performed.

IT IS SO ORDERED:

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

Mark Muncy, D.D.S., PRESIDENT

Date

Approved as to Form:

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: MARTY J. HARDERSON, DDS

ORDER

On this 14th day of January 2011 comes on for hearing the matter of Marty J. Harderson, DDS. The Arkansas State Board of Dental Examiners appeared together, by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, DDS, appeared pro se. From the pleadings and agreement of the parties, the Board finds that:

I.

Marty J. Harderson, DDS, is licensed to practice dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

The Board entered an Order dated 22nd January 2009, as a result of a disciplinary hearing conducted on the 16th January, 2009, requiring Marty J. Harderson, DDS, to limit his practice to the requirements set forth in that Order, more specifically that he would practice under the supervision and guidance of Dr. David Zarlingo, DDS, and that he would attend such meetings of the Board and provide treatment plans for the Board to review as to his ongoing practice.

III.

Pursuant to A.C.A. §25-15-208(d) of the Administrative Procedure Act, Marty J. Harderson, DDS, makes the following offer to the Arkansas State Board of Dental Examiners:

a. Marty J. Harderson, DDS, will be relieved from the terms of the Order of the Board of 22 January 2009.

b. Marty J. Harderson, DDS, is and will remain in dental practice with Dr. David
Zarlingo, in Booneville, Arkansas, providing general dental services to the public.

c. Marty J. Harderson, DDS, will not change his practice setting to include the location, type of dentistry practiced and his practice arrangements with Dr. David Zarlingo, without first appearing before the Arkansas State Board of Dental Examiners and obtaining their approval of his proposed practice setting.

d. Marty J. Harderson, DDS, acknowledges that a violation of this Consent Order will be considered as a violation of the Dental Practice Act, subjecting him to possible disciplinary action and sanction of his license to practice dentistry by the Arkansas State Board of Dental Examiners.

IV.

Pursuant to ACA §25-15-208(b) of the Administrative Procedure Act, the Board finds that the offer of Marty J. Harderson, DDS, as stated in Paragraph III, protects the health and safety of the citizens of Arkansas and agrees to the same.

WHEREFORE, it is considered, ordered, and adjudged that the agreement of the parties as stated in Paragraph II and III above is a fair and equitable agreement, protects the health and safety of the citizens of Arkansas, and the rights of Marty J. Harderson, DDS, and the Board adopts said Agreement as the Board’s own Order.

IT IS SO ORDERED:

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

H. Warren Whitis, D.D.S., PRESIDENT

Date
Approved:

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

Marty J. Harderson, DDS
BEFORE THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS

IN THE MATTER OF: MARTY J. HARDERSON, DDS

ORDER

On this 18th day of March, 2011 comes on for hearing the matter of Marty J. Harderson, DDS. The Arkansas State Board of Dental Examiners appeared together, by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, DDS, appeared pro se. From the pleadings and agreement of the parties, the Board finds that:

I.

Marty J. Harderson, DDS, is licensed to practice dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

The Board entered an Order dated 22nd January 2009, as a result of a disciplinary hearing conducted on the 16th January, 2009, requiring Marty J. Harderson, DDS, to limit his practice to the requirements set forth in that Order, more specifically that he would practice under the supervision and guidance of Dr. David Zarlingo, DDS, and that he would attend such meetings of the Board and provide treatment plans for the Board to review as to his ongoing practice.

III.

On 1 February 2011, the Board entered a Consent Order, finding that:

a. Marty J. Harderson, DDS, will be relieved from the terms of the Order of the Board of 22 January 2009.

b. Marty J. Harderson, DDS, is and will remain in dental practice with Dr. David Zarlingo, in Booneville, Arkansas, providing general dental services to the public.
c. Marty J. Harderson, DDS, will not change his practice setting to include the location, type of dentistry practiced and his practice arrangements with Dr. David Zarlingo without first appearing before the Arkansas State Board of Dental Examiners and obtaining their approval of his proposed practice setting.

d. Marty J. Harderson, DDS, acknowledges that a violation of this Consent Order will be considered as a violation of the Dental Practice Act, subjecting him to possible disciplinary action and sanction of his license to practice dentistry by the Arkansas State Board of Dental Examiners.

IV.

Marty J. Harderson, DDS seeks the Board’s approval to amend his practice setting to remain in practice with Dr. David Zarlingo, DDS, in Booneville, Arkansas, and to open a satellite clinic in Clarksville, Arkansas.

WHEREFORE, it is considered, ordered, and adjudged that the Board approves of the amended practice setting of Marty J. Harderson, DDS.

IT IS SO ORDERED:

Arkansas State Board of Dental Examiners

H. Warren Whitis, D.D.S., President

3-29-2011

Date

Approved:

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: MARTY J. HARDERSON, DDS

ORDER

On this 24th day of June, 2011 comes on for hearing the matter of Marty J. Harderson, DDS. The Arkansas State Board of Dental Examiners appeared together, by a quorum of its membership, together with its attorney, William H. Trice, III. Marty J. Harderson, DDS, appeared pro se. From the pleadings and testimony, the Board finds that:

I.

Marty J. Harderson, DDS, is licensed to practice dentistry in the state of Arkansas pursuant to the provisions of the Dental Practice Act.

II.

The Board entered an Order dated 29th March, 2011, amending the Board’s previous Orders involving the practice setting of Marty J. Harderson, DDS dated 22 January 2009 and 1 February 2011. The Arkansas State Board of Dental Examiners approved Marty J. Harderson, DDS, continuing to have his dental practice setting in conjunction with Dr. David Zarlingo, DDS, but authorized him to practice in a satellite clinic in Clarksville, Arkansas, while Marty J. Harderson, DDS and David Zarlingo DDS, would practice in Booneville, Arkansas as well.

III.

Marty J. Harderson, DDS, appears this day to request permission of the Board to obtain a Drug Enforcement Administration permit, authorizing him to prescribe, dispense and administer Schedule medication in either the Bonneville, Arkansas, clinic and/or the Clarksville, Arkansas clinic.
IV.

The Arkansas State Board of Dental Examiners approves Marty J. Harderson, DDS applying for a Drug Enforcement Administration permit to prescribe, administer and dispense Schedule medication, but only under the following conditions:

a. Marty J. Harderson, DDS, will only be authorized to dispense Schedule III controlled substances.,

b. All prescriptions will be written in duplicate form, requiring Marty J. Harderson, DDS to submit to the Arkansas State Board of Dental Examiners on a monthly basis a copy of all the duplicate prescriptions for Schedule medication that he writes, at least a week prior to any given meeting of the Board.

c. That Marty J. Harderson, DDS will appear before the Board as required to show compliance with this Order.

WHEREFORE, it is CONSIDERED, ORDERED, and ADJUDGED that the Board approves amending the practice setting of Marty J. Harderson, DDS, as described in Paragraph IV above.

IT IS SO ORDERED:

ARKANSAS STATE BOARD OF DENTAL EXAMINERS

H. Warren Whitis, D.D.S., PRESIDENT

Date

Approved:

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