



VOLUME 14 JULY 2009



The Mississippi State Board of Dental Examiners is charged with the responsibilities of examining, licensing, registering, and regulating dentistry and dental hygiene to ensure competency and ethics among all dental professionals in the State of Mississippi, for the ultimate goal of safeguarding and enhancing the health and welfare of the citizens of this State. As such, the Board is neither affiliated with nor functions as a subsidiary of any private or professional organization.



# The Dental Digest



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Welcome to the July 2009 edition of The Dental Digest! As you can see, our newsletter is sporting a brand new look, and the Board hopes you'll find it as enjoyable and refreshing as a good brushing and cleaning! As with prior newsletters, we have a wealth of information for our licensees and permit holders. For instance, take a peek at the newest addition to our family of articles, "Bad Ad--Good Ad," which will be making regular appearances in our newsletter. In this feature, we are showcasing an advertisement from Sunshine Dental, wherein we take an otherwise unacceptable advertisement and revamp it to ensure compliance with the Board's advertising regulations. Our "Things to Note" section always provides timely and relevant information regarding the Board's laws and regulations, as well as its determinations, all of which impact the dental profession in our State. Additionally, the Council of Interstate Testing Agencies (CITA) continues to request qualified dentists and dental hygienists as deputy examiners for administering Mississippi's clinical licensure ex-

aminations. CITA's wanted poster provides contact information to determine your eligibility to assist with administering these most important examinations. Just around the corner is the Board's 2009-2011 dental biennial renewal, which runs from 09/01/2009 through 10/31/2009, followed by a two-month penalty period. Check your mailbox soon for your renewal form, and don't forget that you also can renew on-line via the State's e-commerce portal. Enjoy our July 2009 newsletter, and, as always, feel free to contact our office if you have any questions.



## COVER TO COVER

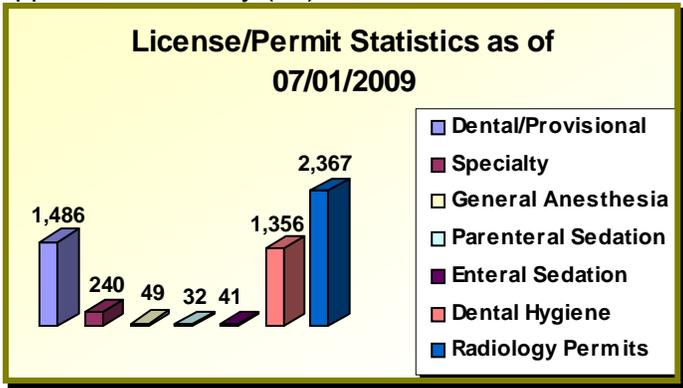


REGULATION HIGHLIGHT .....	2
BAD AD – GOOD AD .....	4
MSBDE BOARD MEMBERS .....	5
IMPORTANT DATES .....	5
THINGS TO NOTE .....	6
RED FLAGS RULE.....	7
CITA WANTS YOU.....	7
MSBDE STAFF .....	7
DISCIPLINARY ACTIONS.....	8
MSBDE PICTORIAL .....	11
CHANGE OF ADDRESS FORM.....	16

As part of its legislatively-mandated regulatory responsibilities, the MSBDE must enforce the laws of this State and enact any regulations necessary to ensure consistent and ethical compliance with these laws. Accordingly, when deemed appropriate and as a means of establishing uniform policies for all dental professionals in Mississippi, the MSBDE enacts and/or amends regulations. Whenever a regulation is enacted or amended, it must be filed immediately with the Mississippi Secretary of State and is not considered approved until thirty (30) days after filing. At that time, a "final filing" must be effected with the Mississippi Secretary of State, and the adopted or amended regulation becomes final thirty (30) days after that filing date. Also, interested parties may visit the administrative procedures section of the Mississippi Secretary of State's web site (<http://www.sos.state.ms.us/busserv/AdminProcs/Default.asp>) and select the Mississippi State Board of Dental Examiners and appropriate month

from the pull-down menus to view amendments to or adoption of MSBDE regulations.

As a regular feature of The Dental Digest, the MSBDE highlights regulations that have been amended/enacted. Since the May 2008 newsletter, the MSBDE has amended Regulations 14, 29, and 45. When possible, amended regulations are reprinted in their entirety; however, depending on the amendments, a synopsis for some regulations may be provided for your review.



A fee of \$10.00 per copy is charged for bound copies of the Mississippi Dental Practice Act and the MSBDE's rules and regulations; however, copies of individual regulations may be obtained by calling or writing the MSBDE's office. Also, copies of the MSBDE's laws and regulations may be obtained from its web site (<http://www.msbde.state.ms.us>) in Adobe Acrobat format. Just click on the "Laws and Codes" link to view or print the MSBDE's laws and regulations.

### BOARD REGULATION 14 CANDIDATE PARTICIPATION IN LICENSURE EXAMINATION

At its 05/08/2009 meeting, the Board amended Section 5.a. of Board Regulation 14 concerning remediation and failures of licensure examinations in parts versus as an entire unit to ensure greater consistency with the examination failure policy of the Council of Interstate Testing Agencies (CITA) and other Board-approved licensure examinations. Section 5.a. was amended to read as follows:

- 5.a. Candidates for licensure to practice dentistry or dental hygiene in the State of Mississippi who fail any part(s) of a Board-approved licensure examination will be required to adhere to all examination guidelines of the testing entity responsible for administering the Board-approved licensure examination. Further, in those instances where the testing entity requires remediation following failure(s) of Board-approved licensure examinations, a candidate for licensure to practice dentistry must take and successfully complete one (1) academic year of clinical training in an approved dental school before being allowed to take the same Board-approved licensure examination again. In the case of a candidate for licensure to practice dental hygiene, the candidate must take and successfully complete six (6) months of clinical training in an approved dental hygiene

*(Continued on page 3)*

school before being allowed to take the same Board-approved licensure examination again.

*This regulation is not being reprinted in this newsletter but is available on the Board's web site (<http://www.msbd.state.ms.us>).*

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## **BOARD REGULATION 29 ADMINISTRATION OF ANESTHESIA**

At its 05/16/2008 meeting, the Board amended Board Regulation 29 to comport with amendments made by the American Dental Association (ADA) to its anesthesia guideline definitions at its 2007 annual meeting in San Francisco, CA. The following definitions were amended:

- Under Section 1, Definitions of Terminology Used Herein, for Item 1.c., the words “Minimal Sedation” were added in parenthesis following the word “Anxiolysis,” and verbiage that the total dosage cannot exceed 1.5 MRD (maximum recommended dosage) was added following the definition of Anxiolysis. For Item 1.i., the words “Moderate Sedation” were added in parenthesis following the words “Conscious Sedation.”
  
- All instances of the phrase “patient airway” were amended to read “patent airway” in the Definitions of Terminology Used Herein and other areas of Board Regulation 29.

*This regulation is not being reprinted in this newsletter but is available on the Board's web site (<http://www.msbd.state.ms.us>).*

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## **BOARD REGULATION 45 CARDIOPULMONARY RESUSCITATION**

At its 05/08/2009 meeting, the Board amended Sections 2 and 5 of Board Regulation 45, as well as approved minor capitalization changes to the words “Cardiopulmonary Resuscitation” to ensure consistency throughout the Regulation. The amendments to Sections 2 and 5 involved (a) deleting the last part of the last sentence of Section 2 regarding a 180-day timetable due to a former amendment, as it no longer is applicable; and (b) requiring a hands-on mannequin component for Cardiopulmonary Resuscitation courses to be approved by the Board in Section 5. Sections 2 and 5 were amended to read as follows:

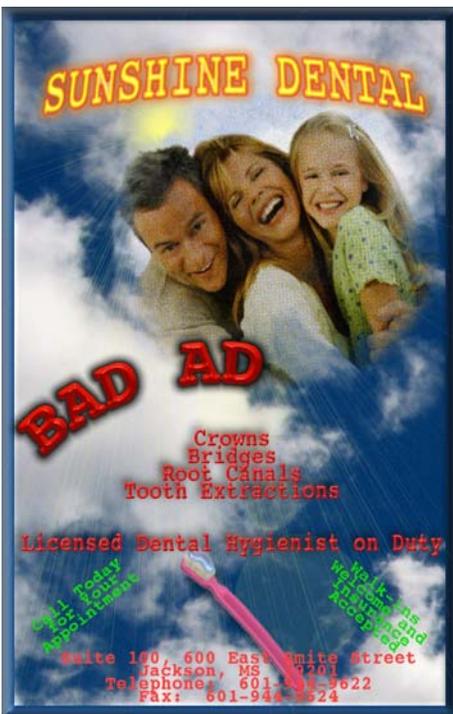
2. All dentists and dental hygienists licensed by the State of Mississippi and holding active licenses shall be currently certified in Cardiopulmonary Resuscitation. Further, all auxiliary personnel involved in direct patient care must be certified in Cardiopulmonary Resuscitation. All auxiliaries must be certified in CPR within one hundred eighty (180) days of employment.

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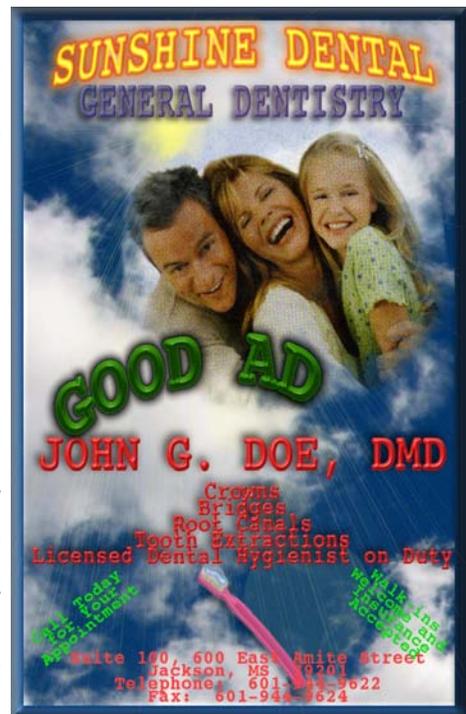


- Participation in approved Advanced Cardiac Life Support (ACLS), Pediatric Advanced Life Support (PALS), American Heart Association (AHA), or American Red Cross (ARC) courses may be used to fulfill the requirements of this Regulation. All other equivalent courses shall be approved by the Board on a case-by-case basis; however, in no instance shall any course be approved by the Board that does not contain a hands-on mannequin component.

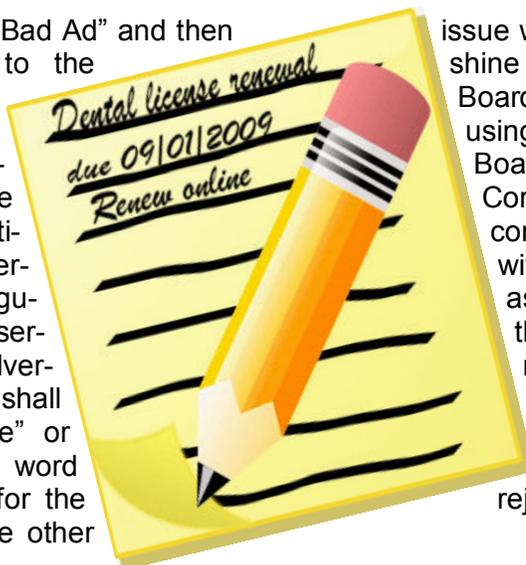
*This regulation is not being reprinted in this newsletter but is available on the Board's web site (<http://www.msbd.state.ms.us>).*



Issues regarding compliance with Board Regulation 43 (Advertising) arise on a daily basis; therefore, with publication of this edition of The Dental Digest, the Board has added "Bad Ad -- Good Ad" as a regular feature. To assist licensees in understanding the requirements of Board Regulation 43, we will provide an example of an advertisement which fails to comply with advertising requirements and show how that same advertisement can be fine-tuned to comply with the Board's advertising guidelines. Sunshine Dental is the name of our sample dental clinic, and we'll take Sunshine Dental through various advertising scenarios in each edition of The Dental Digest. Each of these scenarios is based on actual disciplinary actions for advertising violations, etc.



First, take a look at the "Bad Ad" and then compare its content to the "Good Ad." What do you see? Board Regulation 43 requires that advertisements contain the full name and degree of the practitioner(s) who will provide services. Additionally, Board Regulation 43 requires that if any services are referenced in the advertisement, the advertisement shall state either "general practice" or "general dentistry," and the word "family" may be substituted for the word "general." There is one other



issue with Sunshine Dental—the name "Sunshine Dental" has not been approved by the Board as a corporate/trade name prior to using the name for advertising purposes. Board Regulation 55 (Trade Names and Corporate Practice) requires that each corporate or trade name be registered with the Board by any licensed dentist(s) associated with the dental facility. Furthermore, each corporate or trade name must be approved by the Board **PRIOR** to using the name. Names in the judgment of the Board that are false, misleading, or deceptive will be rejected. The aforementioned problems

*(Continued on page 5)*

with the “Bad Ad” are quite common, and licensees are encouraged to thoroughly review Board Regulations 43 and 55 **PRIOR** to drafting, approving, and running any form of advertising, which includes, but is not limited to, telephone books, newspapers, television, radio, Internet web sites, business cards, brochures, letterhead, etc. Don’t forget, too, that even if a dentist is not the owner of a practice, i.e., a dentist is associated with the practice and/or paid a salary for providing dental services, that dentist still assumes responsibility for all advertisements drafted, approved, and run by the practice, inasmuch as the dentist will be providing services at that practice loca-

tion. Also, be very careful when running “canned” advertisements and consulting with your advertising professionals as to the form and content of any advertisements, as these companies and individuals may or may not be aware of the stipulations of Board Regulations 43 and 55. By far, the best approach to good advertising is a cautious approach, and if statements in an advertisement seem to have a somewhat laudatory tone, odds are those statements may be in violation of the Board’s advertising guidelines. If in doubt, leave it out. If in doubt, contact the Board office, and we’ll be happy to answer any questions you may have.

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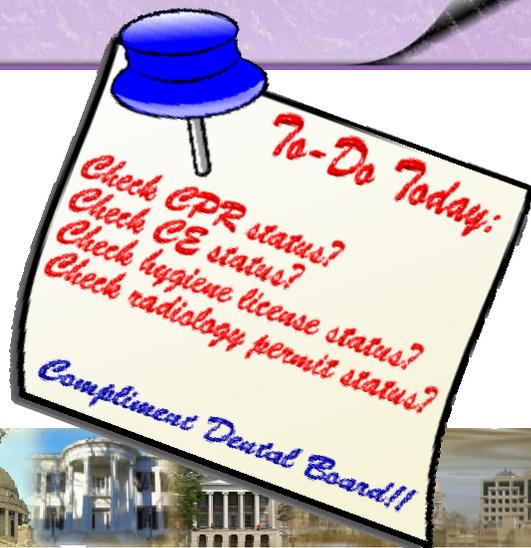
**ROBERT T. WATTS, JR., DMD**  
DISTRICT V, BILOXI



**A**s the Mississippi State Board of Dental Examiners is a legislatively-mandated regulatory agency, its meetings are open to the public. However, due to the confidential and/or sensitive nature of certain aspects of the Board's business, the Board may vote to go into "Executive Session." Also, no items will be added to the agenda of any Board meeting as of two (2) weeks prior to the date of that meeting. All meetings are held at Suite 100, 600 East Amite Street, Jackson, Mississippi; however, please call the office prior to any meeting to verify the correct date and time. You also may check the Board's web site (<http://www.msbde.state.ms.us>) to verify Board meeting and other dates by clicking the “Dental Board Calendar” link. The following are dates for Board meetings through December 2010:

- November 13, 2009**
- February 26, 2010**
- May 14, 2010**
- August 6, 2010**
- November 5, 2010**

Please visit the Board’s web site to familiarize yourself with upcoming dates for the Board’s clinical licensure examinations and Board-approved radiology permit seminars. Examinations are administered through the Council of Interstate Testing Agencies (CITA), and radiology permit seminars are offered through Hinds Community College, Louisiana State University, Meridian Community College, Mississippi Gulf Coast Community College, Northeast Mississippi Community College, Pearl River Community College, and Taylor Dental Assisting School. Remember that no one, other than a currently licensed Mississippi dentist or dental hygienist, may administer radiographs in the dental office without first obtaining a radiology permit from the Board.



✓ At its 08/01/2008 meeting, the Board, again, clarified its determination regarding procedures a dental hygienist is allowed to perform on **NEW** patients-of-record before the dentist conducts an initial oral examination on these patients. This clarification was requested to provide guidance as to how this determination pertains to dental hygiene instruction at the State's dental hygiene schools. Previously, the Board had determined that a dental hygienist is allowed to take the health history and blood pressure; however, no intraoral procedures or radiographs shall be performed by the dental hygienist on any **NEW** patients until the dentist performs an initial oral examination prior to referring these **NEW** patients for dental hygiene treatment. The Board further determined that for the private sector or teaching institutions, the Board expects the dentist to perform a cursory examination on **NEW** patients of record prior to all treatment being rendered to the patient which would involve any intraoral procedure and prior to referring these patients for dental hygiene treatment.

ment until its 05/08/2009 meeting, wherein the Board determined that it does not have sufficient information to deem Dentox/Botox as an appropriate treatment modality for TMD.

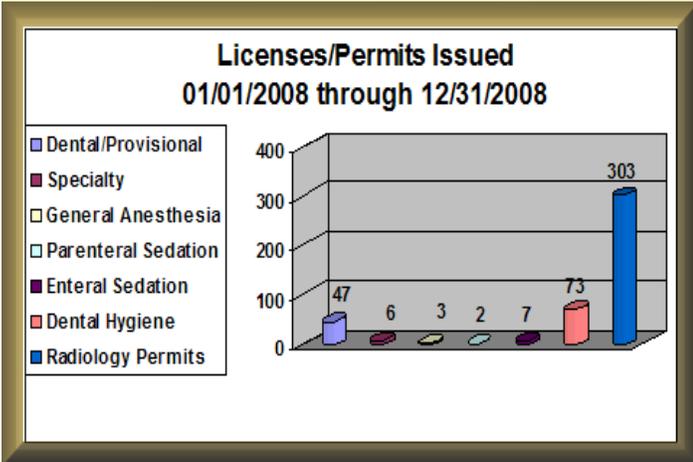
✓ Remember to **ALWAYS** maintain radiographs in a patient's file even if the patient is referred to another dentist or if the patient requests a copy of his/her complete file. Failure to maintain copies of **ALL** documents in a patient's file, including diagnostic quality radiographs, could be a violation of Board Regulation 53. Furthermore, dentists **MAY NOT** refuse to give a patient his/her records upon request if the patient still owes a balance for services rendered. Both the ADA's "Code of Ethics" and Board Regulation 53 prohibit this.

✓ Biennial renewal for dentists is just around the corner! Renewal notices will be mailed the last week of August for the 2009-2011 biennial period. Renewal occurs September 1 through October 31, followed by a two-month penalty phase. Further-



✓ Remember to mail, fax, or e-mail address, employer, employee, and name changes, etc., immediately after such changes take effect. Also, when available, notify the Board of these changes just prior to the effective date, as this will allow sufficient time for the changes to be made. The Board has an information change form available on its web site by pressing the "Applications and Forms—Change of Information" links and following the instructions. An e-mail confirmation is sent by the Board once all changes submitted via e-mail have been made.

✓ A continuing area of concern encountered by the Board is the fact that a few dental hygienists and radiology permit holders whose licenses/permits have been voided attempt to gain employment by presenting original licenses/permits without a current certification card issued by the Board indicating the license or permit has been renewed. Also, there have been several instances where dental hygienists who had graduated from dental hygiene school, but who had not yet been issued Mississippi dental hygiene licenses, began working as dental hygienists without a current and valid license. Dentists should remember that no dental hygienists may practice dental hygiene without a current dental hygiene license, and no dental assistants may administer radiographs without a current radiology permit, both of which **MUST** be accompanied by a current certification card from the Board indicating the license/permit has been renewed. This includes those dental assistants who have been hired and are awaiting the next available radiology permit seminar. Dentists are encouraged to request that dental auxiliaries present a current certification card after each renewal period or when considering hiring new auxiliaries. Additionally, all licensees and permit holders can check the Board's web site to determine the current status of licenses/permits.



more, any licenses/permits not renewed on or before December 31 will be voided on January 1, 2010 for failure to re-register. Also, licenses and permits can be renewed on-line via the State of Mississippi's e-commerce portal, and the Board's web site (<http://www.msbde.state.ms.us>) has a link to this portal. The State of Mississippi accepts VISA, MasterCard, American Express

✓ At its 02/06/2009 meeting, the Board considered an inquiry as to whether Dentox/Botox could be utilized by licensed Mississippi dentists in the treatment of TMD. Previously, at its 10/19/2007 meeting, the Board determined that all "extraoral cosmetic procedures" must be performed only by licensed Mississippi oral and maxillofacial surgeons. Since TMD is considered a "dental" condition and not in the same category as an "extraoral cosmetic procedure," the Board took this request under advise-

(beginning just recently), debit cards, and electronic checks for license/permit renewal. There is a small convenience fee for on-line renewal which is based on the total amount due, and the Board **DOES NOT** receive any of these monies. The convenience fee is split among the State (again, not the Board), the payment processor, and the credit card company and is based upon a sliding scale according to the amount being renewed; however, these fees are fairly nominal. A currently valid e-mail address is required for on-line renewal.



Are you aware of the “Red Flags Rule” from the Federal Trade Commission (FTC)? Basically, if you fall within the definition of a “creditor,” you should contact the FTC immediately to determine how you should ensure compliance with this most important fraud detection and prevention law. The FTC’s definition of “creditor” is broad and includes businesses or organizations that regularly

defer payment for goods or services or provide goods or services and bill customers later. Utility companies, **HEALTH CARE PROVIDERS**, and telecommunications companies are among the entities that may fall within this definition, depending on how and when they collect payment for their services. The Rule also defines a “creditor” as one who regularly grants loans, arranges for loans or the extension of credit, or makes credit decisions. Examples include finance companies, mortgage brokers, real estate agents, automobile dealers, and retailers that offer financing or help consumers get financing from others, say, by processing credit applications. In addition, the definition includes anyone who regularly participates in the

decision to extend, renew, or continue credit, including setting the terms of credit, e.g., a third-party debt collector who regularly renegotiates the terms of a debt. If you regularly extend credit to other businesses, you also are covered under this definition. The FTC has published “*Fighting Fraud with the Red Flags Rule: A How-To Guide for Business*,” and a PDF of this publication can be found on the FTC’s web site at: <http://www.ftc.gov/bcp/edu/pubs/business/idtheft/bus23.pdf>. The Board cannot tell you, specifically, if you, as a licensee, must comply with the Rule, but since the Rule **MAY** impact the provision of services and extension of credit/deferred payments to patients, we thought it worthwhile to include information regarding the Rule and how to access the FTC’s publication in this newsletter.

✓ The Frequently Asked Questions (FAQ) section of the Board’s web site contains answers to many questions the Board handles on a daily basis. All licensees and permit holders are encouraged to visit the web site (<http://www.msbde.state.ms.us>) and review the FAQ section.

**WANTED!**

CITA  
 Seeking Qualified Dentists  
 and Dental Hygienists  
 as Deputy Examiners for  
 Clinical Licensure Examinations  
 Interested Licensees Should Contact CITA at  
 Telephone: 919-678-9792  
 Facsimile: 919-678-9795  
[info@citaexam.com](mailto:info@citaexam.com)  
<http://www.citaexam.com>

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 Staff Officer I

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 Administrative Assistant VI

Karen S. Wilson  
 Licensing Investigator Supervisor

Vacant  
 Special Projects Officer III



# DISCIPLINARY ACTIONS

The following report on disciplinary actions covers the period May 16, 2008 through May 8, 2009. According to State law, investigations by the Board are confidential until official action is taken. The following is merely a summary of each disciplinary action taken and should not be interpreted as a complete statement of all facts and matters involved in each docket. Also, the Board typically includes several provisions in its orders which may not be summarized here. Although great care has been taken to ensure accuracy of the information provided hereafter, inadvertent errors may appear, and no entity should initiate an adverse action against a dentist, dental hygienist, or radiology permit holder based solely on the following information. Rather, the reader should request a copy of the Board's order (\$5.00 per copy) prior to making any decisions affecting licensees. Further, it should be noted that the names of persons herein provided may be similar to the names of persons who have not had disciplinary actions or corrective measures taken by the Board. A Consent Order is a negotiation between the Board and the licensee and is a procedure for resolution of a disciplinary action without the necessity of a formal hearing, sometimes without an admission of misconduct or violation. A voluntary surrender of a license has the same effect as a full revocation.

- Baines, DMD, Gene Mark; Greenwood, MS; MSBDE Docket No. 2008-005**  
 Date/Action: 05/16/2008  
 Allegation: Failure to comply with 2005-2007 random continuing education compliance audit.  
 Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$127 costs.
- Ballard, DMD, Paul Edward; Vicksburg, MS; MSBDE Docket No. 2008-015**  
 Date/Action: 05/08/2009  
 Allegation: Misleading advertising, 2<sup>nd</sup> offense, i.e., failure to state either "general" or "family" when noting services rendered.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 10 extra ethics CE hours; complete jurisprudence examination; \$1,000 fine; \$635 costs.
- Bearden, DDS, Katie S.; Batesville, MS; MSBDE Docket No. 2008-022**  
 Date/Action: 10/03/2008  
 Allegation: Patient recordkeeping, i.e., failure to note diagnosis for tooth extraction, maintain copies of patient records, and type/amount of anesthesia administered.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; 2 extra recordkeeping CE hours; unannounced practice monitoring for 5 years; \$200 fine; \$225 costs.
- Bigelow, DDS, Tod A.; Hattiesburg, MS; MSBDE Docket No. 2006-102**  
 Date/Action: 05/08/2009  
 Allegation: Patient recordkeeping, i.e., failure to note, on at least 2 occasions, controlled medications prescribed, dispensed, and/or administered.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 2 extra recordkeeping CE hours; \$100 fine; \$4,700 costs.
- Broome, RPH, Katherine Jeanette; Sumrall, MS; MSBDE Docket No. 2008-070**  
 Date/Action: 10/03/2008  
 Allegation: Practicing dental hygiene without a license.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; complete jurisprudence examination; unannounced practice monitoring for 5 years; \$500 fine; \$215 costs.
- Chapman, DMD, Anthony K.; Ocean Springs, MS; MSBDE Docket No. 2009-007**  
 Date/Action: 05/08/2009  
 Allegation: Failure to comply with 2006-2008 random continuing education compliance audit.  
 Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$100 costs.
- Conwill, RDH, April Bryant; Brandon, MS; MSBDE Docket No. 2008-061**  
 Date/Action: 12/05/2008  
 Allegation: Performance of non-delegable dental procedures/services outside scope of statutory authority, i.e., procedures including, but not limited to, taking final impressions and seating permanent crowns.  
 Disposition: Consent Order. Complete jurisprudence examination; ensure compliance with Board laws/regulations; \$500 fine.
- Dill, III, DMD, Glen Austin; Baton Rouge, LA; MSBDE Docket No. 2008-054**  
 Date/Action: 05/08/2009  
 Allegation: Prescribing outside course of legitimate professional practice; being impaired in ability to practice dentistry with reasonable skill/safety; and practicing incompetently/negligently.  
 Disposition: Surrender of Dental License. Surrendered license in lieu of disciplinary hearing; \$370 costs.
- Fast, DDS, Michael D.; Peoria, AZ; MSBDE Docket No. 2009-005**  
 Date/Action: 05/08/2009  
 Allegation: Failure to comply with 2006-2008 random continuing education compliance audit.  
 Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$100 costs.

**Germany, DMD, Jonathan Duane; Brandon, MS; MSBDE Docket Nos. 2006-066 & 2007-040**  
Date/Action: 05/16/2008  
Allegation: Practicing incompetently/negligently; unprofessional conduct; & violation of Board Regulation 1.  
Disposition: Consent Order. License suspended 30 days; 20 extra ethics CE hours; 20 extra pediatric dentistry CE hours; unannounced practice monitoring for 6 months; \$38,426.76 costs.

**Germany, DMD, Jonathan Duane; Brandon, MS; MSBDE Docket No. 2007-076**  
Date/Action: 12/05/2008  
Allegation: Delegating professional responsibilities to a person not qualified by training, experience, or licensure to perform them, i.e., procedures including, but not limited to, taking final impressions and seating permanent crowns.  
Disposition: Consent Order. Complete jurisprudence examination and 100 community service hours; unannounced practice monitoring for 5 years; ensure compliance with Board laws/regulations; \$2,000 fine; \$35,000 costs.

**Guillot, III, DMD, Walter L., Gulfport, MS; MSBDE Docket No. 2008-013**  
Date/Action: 02/06/2009  
Allegation: Misleading advertising, 2<sup>nd</sup> offense, i.e., failure to state either "general" or "family" when noting services rendered; appealing primarily to layperson's fears toward dental treatment/potential pain, e.g., "...only the most advanced pain-free dental technology" and "... an advanced dental laser to ensure your treatment is virtually painless"; and statements that could be misunderstood/deceptive to ordinary, prudent person, e.g., "...discovered a miraculous technique for the non-surgical laser treatment of gum disease with absolutely amazing results."  
Disposition: Consent Order. Ensure compliance with Board laws/regulations; 10 additional ethics CE hours; complete jurisprudence examination; \$3,000 fine; \$1,550 costs.

**Hirsberg, DMD, Ivan Bryant; Clarksdale, MS; MSBDE Docket No. 2008-024**  
Date/Action: 08/01/2008  
Allegation: Delegating professional responsibilities to a person not qualified by training, experience, or licensure to perform them, i.e., allowing dental assistants to take radiographs without radiology permits.  
Disposition: Consent Order. Ensure compliance with Board laws/regulations; complete jurisprudence examination; unannounced practice monitoring for 5 years; \$1,500 fine; \$201.50 costs.

**Hubbert, DMD, Michael W.; Quitman, MS; MSBDE Docket No. 2009-002**  
Date/Action: 05/08/2009  
Allegation: Failure to comply with 2006-2008 random continuing education compliance audit.  
Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$100 costs.

**Johnston, DMD, Brian E.; Brandon, MS; MSBDE Docket No. 2007-078**  
Date/Action: 08/01/2008  
Allegation: Failure to diagnose periodontal disease and note findings in patient record.  
Disposition: Consent Order. Ensure compliance with Board laws/regulations; 10 extra periodontal diagnosis/treatment management CE hours; submit CE/CPR for past 2 years; \$1,000 fine; \$548.54 costs.

**Justus, DDS, Robert S.; Meridian, MS; MSBDE Docket No. 2008-052**  
Date/Action: 05/08/2009  
Allegation: Practicing outside scope of Periodontics specialty & failure to maintain accurate patient records.  
Disposition: Consent Order. Surrender specialty license; remove all indications of being a specialist; clearly note licensee is a general dentist; 20 extra ethics CE hours; 3 extra recordkeeping CE hours; complete jurisprudence examination; ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; \$2,500 fine; \$2,500 costs.

**Maddux, Jr., DDS, Robert E.; Hernando, MS; MSBDE Docket No. 2008-072**  
Date/Action: 02/06/2009  
Allegation: Misleading advertising, 2<sup>nd</sup> offense, i.e., failure to state either "general" or "family" when noting services rendered; and appealing primarily to layperson's fears/apprehension toward dental treatment/potential pain, e.g., "You wouldn't get your TONSILS removed without sedation, why not be sedated to have your DENTAL treatment?"  
Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 10 extra ethics CE hours; complete jurisprudence examination; \$2,000 fine; \$583 costs.

**Massett, Jr., DDS, Edward Charles; Slidell, LA; MSBDE Docket No. 2007-073**  
Date/Action: 08/01/2008  
Allegation: Improper infection control, i.e., disciplined in Louisiana for not following federal CDC guidelines.  
Disposition: Consent Order. Ensure compliance with Board laws/regulations; \$250 fine; \$128 costs.

**McCabe, DDS, Michael C.; Gulfport, MS; MSBDE Docket No. 2009-003**  
Date/Action: 02/06/2009  
Allegation: Failure to comply with 2006-2008 random continuing education compliance audit.  
Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$120 costs.

**Moore, DMD, Gwendolyn Ford; Greenville, MS; MSBDE Docket No. 2008-076**  
Date/Action: 10/03/2008  
Allegation: Misleading advertising, i.e., failure to state either "general" or "family" when noting services rendered and include full name and degree of practitioner providing services.  
Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; \$1,000 fine; \$105 costs.

**Murray, RDH, Katrina Logan; Brookhaven, MS; MSBDE Docket No. 2008-106**  
Date/Action: 02/06/2009  
Allegation: Failure to comply with 2006-2008 random continuing education compliance audit.  
Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$110 costs.

(Continued on page 10)





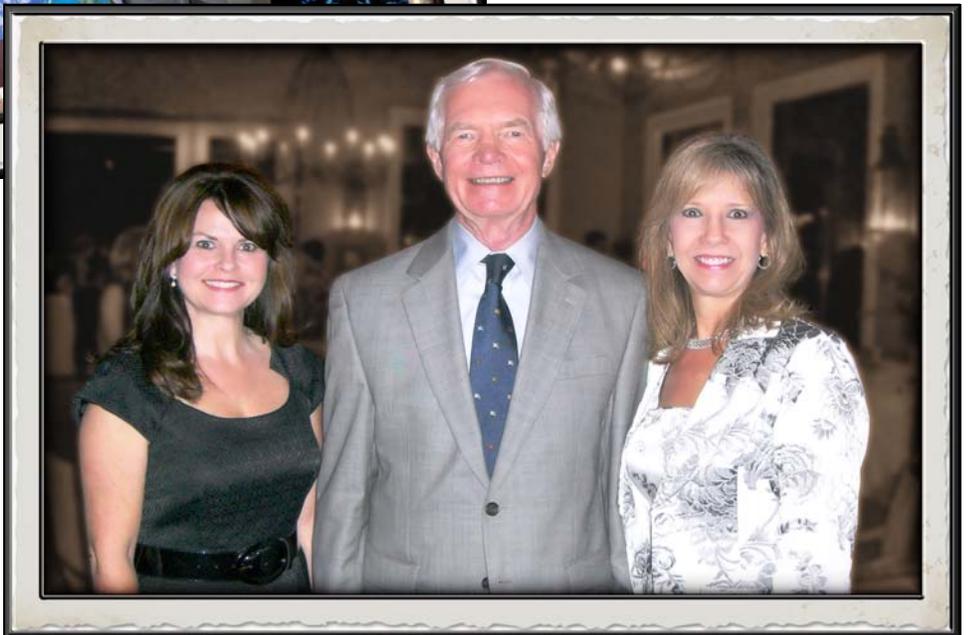
- O'Keefe, DDS, Danny P., Flowood, MS; MSBDE Docket No. 2007-079**  
 Date/Action: 05/08/2009  
 Allegation: Misleading advertising, 2<sup>nd</sup> offense, i.e., phrases used primarily to appeal to layperson's fears/apprehension toward dental treatment/potential pain, e.g., "Painless" and "No Pain, No Fear."  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 10 extra ethics CE hours; complete jurisprudence examination; run corrective video advertisements; \$1,000 fine; \$1,318 costs.
- Pope, RPH, Cherie Nicole; Mendenhall, MS; MSBDE Docket No. 2008-060**  
 Date/Action: 12/05/2008  
 Allegation: Performance of non-delegable dental procedures/services outside scope of statutory authority, i.e., procedures including, but not limited to, taking final impressions and seating permanent crowns.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations.
- Price, RDH, Sandra Coulon; Brandon, MS; MSBDE Docket No. 2008-012**  
 Date/Action: 05/16/2008  
 Allegation: Failure to comply with 2005-2007 random continuing education compliance audit.  
 Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$129 costs.
- Taylor, DDS, Charles G.; Vicksburg, MS; MSBDE Docket No. 2009-004**  
 Date/Action: 05/08/2009  
 Allegation: Failure to comply with 2006-2008 random continuing education compliance audit.  
 Disposition: Consent Order. Ensure compliance with CE/CPR regulations; \$500 fine; \$100 costs.
- Thomas, DMD, C. Brent; Vicksburg, MS; MSBDE Docket No. 2008-084**  
 Date/Action: 05/08/2009  
 Allegation: Misleading advertising, 2<sup>nd</sup> offense, i.e., failure to state either "general" or "family" when noting services rendered; laudatory statements, e.g., "...DREAM TEAM..." etc.; phrases appealing primarily to layperson's fears toward dental treatment/potential pain, e.g., "...no more fear...afraid of shots...sounds scare you...fear and dread"; and phrases partially disclosing relevant facts, e.g., "2 hour dentures" and "instant orthodontics."  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 10 extra ethics CE hours; complete jurisprudence examination; \$4,000 fine; \$703 costs.
- Utsey, DMD, Julie Walker; Butler, AL; MSBDE Docket No. 2007-070**  
 Date/Action: 05/16/2008  
 Allegation: Misleading advertising, i.e., failure to state either "general" or "family" when noting services rendered and register corporate or trade name with Board.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; \$200 fine; \$135 costs.
- Valentine, DMD, Brett A.; Sumrall, MS; MSBDE Docket No. 2008-058**  
 Date/Action: 10/03/2008  
 Allegation: Delegating professional responsibilities to a person not qualified by training, experience, or licensure to perform them, i.e., allowing radiology permit holder to remove dental calculus.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; complete jurisprudence examination; unannounced practice monitoring for 5 years; \$500 fine; \$208 costs.
- Vincent, DDS, Gerald Clive; Madison, MS; MSBDE Docket No. 2007-026**  
 Date/Action: 10/03/2008  
 Allegation: Patient recordkeeping, i.e., failure to maintain copy of laboratory prescription and current health history.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 10 extra CE recordkeeping hours; unannounced practice monitoring for 5 years; \$1,500 fine; \$200 costs.
- Walker, DMD, Leigh Tanya; Madison, MS; MSBDE Docket Nos. 2007-065, 2008-007, and 2008-078**  
 Date/Action: 05/08/2009  
 Allegation: Delegating professional responsibilities to a person not qualified by training, experience, or licensure to perform them, i.e., taking final impressions, diagnosing dental condition, and making treatment recommendations; practicing incompetently or negligently; failure to furnish dental records beneficial for future treatment of patient; and failure to maintain copy of patient record, including, at a minimum, date(s)/type(s) of treatment and all medications prescribed, dispensed, and/or administered.  
 Disposition: Consent Order. License suspended 30 days; 20 extra ethics CE hours; 3 extra recordkeeping CE hours; complete jurisprudence examination; unannounced practice monitoring for 5 years; \$4,500 fine; \$4,913.11 costs.
- Watson, DDS, James Edward; Jackson, MS; MSBDE Docket No. 2008-044**  
 Date/Action: 08/01/2008  
 Allegation: Misleading advertising, 2<sup>nd</sup> offense, i.e., failure to state either "general" or "family" when noting services rendered; statements that could be misunderstood/deceptive to ordinary, prudent person, e.g., "permanently" when referring to six-month braces; creating false/unjustified expectations of favorable results, e.g., "permanently" when referring to six-month braces, "keep your teeth for a lifetime," and "treats gum disease gently, simply and with no cutting, stitches or removal of gum tissue"; phrases appealing primarily to layperson's fears/apprehension toward dental treatment/potential pain, e.g., "...an alternative to painful gum surgery..."; and misrepresentations of relevant facts, e.g., the number of lasers available worldwide.  
 Disposition: Consent Order. Ensure compliance with Board laws/regulations; submit CE/CPR for past 2 years; 10 extra ethics CE hours; run corrective radio advertisements; complete jurisprudence examination; \$8,000 fine; \$1,269.90 costs.

# MSBDE PICTORIAL











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**CHANGE OF ADDRESS NOTIFICATION**

Pursuant to Miss. Code Ann. § 73-9-19, every licensed dentist and dental hygienist "shall notify the board within thirty (30) days of any change in address of his office or residence." Additionally, Board Regulation 25, 4.a., stipulates that "[e]very person holding a radiology permit shall promptly keep the Board advised of any change of mailing address...." Therefore, if you have changed your employer, home, business, mailing, or satellite address/telephone, please use this form to notify the MSBDE of such. Otherwise, keep this form in your files should you need to notify the MSBDE of a future change of information. You may affix a postage stamp to the reverse side of this form, cut along the dotted line, and mail the form directly to the Mississippi State Board of Dental Examiners. If you wish, you may send this form via facsimile to (601)944-9624, or you may e-mail any changes via the Board's web site (<http://www.msbde.state.ms.us>). Please call (601)944-9622 if you have any questions.

Full Name: \_\_\_\_\_ MS License No.: \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Effective Date of Change: \_\_\_\_\_

Employer: \_\_\_\_\_

Type of Change:  Home Address       Office Address       Mailing Address       Satellite Address