

**BEFORE THE MISSISSIPPI STATE  
BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF MISSISSIPPI:  
DENTAL LICENSE NO. 2759-93**

**DOCKET NOS. 2020-070  
2025-072  
2025-073**

**TOD A. BIGELOW, D.D.S.  
115 CARRIE ROAD  
HATTIESBURG, MISSISSIPPI 39402**

**RESPONDENT**

**FINAL ORDER**

THIS MATTER came before the Mississippi State Board of Dental Examiners ("Board") on June 13, 2025, for the purpose of presenting certain charges filed in Complaint Docket Nos. 2020-070, 2025-072, 2025-073 against Tod A. Bigelow, D.D.S., 115 Carrie Road, Hattiesburg, Mississippi 39402 ("**RESPONDENT**"). A quorum of the Board members was present throughout the hearing and deliberations in this matter. Board President, Dr. Mark Williams, served as the investigative Board member and therefore recused himself from participation in the hearing and deliberations in this matter.

**RESPONDENT**, having been properly served, being fully informed of **RESPONDENT's** rights to a hearing before the Board, did appear at the hearing and was not represented by an attorney. Attorney W. Westley Mutziger served as prosecutorial counsel for the Board. The Board Investigator, Nick Hardwick, was called to testify, and the Board's exhibits were introduced into evidence. The case was called for hearing without objection from any party. A court reporter made a record of the proceedings.

Special Assistant Attorney General Phillips Strickland, designated by the Board to serve as its Administrative Hearing Officer, presided over the proceeding and was directed by the Board to prepare its written decision in accordance with its deliberations. The hearing was held pursuant to Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and pursuant to any and all other applicable Mississippi laws and regulations.

Having conducted the hearing in this matter and based upon the exhibits, testimony and the evidence presented, the Board makes the following findings of fact, conclusions of law, and orders based on clear and convincing evidence:

**FINDINGS OF FACT**

1. The Board is established pursuant to the *Mississippi Dental Practice Act*, Title 73,

Chapter 9 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of dentistry and dental hygiene in the State of Mississippi.

2. Miss. Code Ann. § 73-9-17 authorizes the Board to adopt such rules and regulations it finds necessary to conduct the business of the Board and to carry out its licensure and regulatory functions.

3. The Board has jurisdiction in this matter pursuant to Miss. Code Ann. § 73-9-13, 73-9-61, and 73-9-65. Venue is likewise properly placed before the Board to hear this matter in Madison County, Mississippi.

4. The provisions of Miss. Code Ann. § 73-9-13, 73-9-61 and 73-9-63 authorize the Board to conduct hearings if it has reason to believe that a licensee has violated the provisions of the Mississippi Dental Practice Act, or any Board rules or regulations.

5. **RESPONDENT** was properly noticed of the Complaint and the date and time of the hearing in accordance with Miss. Code Ann. § 73-9-65.

6. This matter was duly and properly convened and all substantive and procedural requirements under law have been satisfied.

7. **RESPONDENT** is the holder of a Board-issued license to practice dentistry bearing license number 2759-93 and is, therefore, subject to provisions of Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and Board rules and regulations.

8. The Board finds **RESPONDENT** is guilty of the violations outlined in Charges I, II, and III in the Complaint based upon the sworn testimony and the evidence presented at the hearing.

9. Whenever a Board-licensed dentist is accused of acting in violation of the provisions of the Mississippi Dental Practice Act or any Board Rules and Regulations, the Board may initiate an investigation into such allegations. Unless said charges are dismissed, or resolved, the Board will issue a formal complaint against the dentist. The Notice of Hearing and Complaint against **RESPONDENT** were hand delivered to **RESPONDENT** at their address on file with Board on May 12, 2025, charging **RESPONDENT** with certain violations of the Mississippi Dental Practice Act, namely Miss. Code Ann. §73-9-61(1)(l) (unprofessional conduct), Miss. Code Ann. §73-9-61(1)(o) (violation of a lawful order of the Board, failure to comply with Consent Order), and Miss. Code Ann. §73-9-61(1)(q) (practicing dentistry while the person's license is suspended).

10. **RESPONDENT** appeared at the hearing, was not represented by counsel, and chose to offer testimony on his own behalf.

11. On or about January 17th, 2025, **RESPONDENT** entered into a Consent Order with the Mississippi State Board of Dental Examiners (hereinafter, referred to as the "Board") wherein **RESPONDENT** agreed to, among others, the following conditions:

- Pay a fine of \$1,000 within thirty (30) calendar days from Board approval of the Consent Order;

- Pay costs within thirty (30) calendar days from Board approval of the Consent Order;
- Successfully complete the Mississippi Jurisprudence exam within thirty (30) calendar days from Board approval of the Consent Order;
- Successfully complete a minimum of five (5) hours of Board-approved continuing education specifically focused on patient records/ documentation within ninety (90) calendar days from Board approval of the Consent Order;
- In the event that **RESPONDENT** fails to comply with any terms or conditions of the Consent Order, **RESPONDENT'S** license shall be suspended immediately for a period of no less than (7) days.

12. On or about February 19th, 2025, Board staff notified **RESPONDENT** of the suspension of his license for a minimum of seven (7) days due to his failure to pay the \$1,000 fine within thirty (30) calendar days from Board approval of the Consent Order. **RESPONDENT** paid the fine on or about February 25th, 2025, or approximately nine (9) days after the due date established by the Consent Order.

13. On or about April 18<sup>th</sup>, 2025, Board staff notified **RESPONDENT** of the suspension of his license for a minimum of seven (7) days due to his failure to provide evidence of successful completion of five (5) hours of Board-approved continuing education specifically focused on patient records/documentation within ninety (90) calendar days from Board approval of the Consent Order.

14. Board Investigator Hardwick testified that on or about April 21<sup>st</sup>, 2025, the Board's investigator personally delivered a copy of the notification of suspension to **RESPONDENT** in Hattiesburg, MS. Hardwick stated that upon receiving the notification of suspension, **RESPONDENT** threatened him (the Board's investigator) by stating that anyone from the Board that comes to the clinic where he is scheduled to work better be wearing a gun.

15. Board Investigator Hardwick testified that on or about April 23<sup>rd</sup>, 2025, while his license was suspended, **RESPONDENT** reported to Aspen Dental in Clinton, MS, and proceeded to work as a dentist without authority and in violation of the suspension imposed by the January 17<sup>th</sup>, 2025, Consent Order. The Board's investigator confronted **RESPONDENT** regarding his license suspension, after which the **RESPONDENT** ceased practice and exited the clinic.

16. Documentary and testimonial evidence made a part of the record at the Hearing show that **RESPONDENT** completed the five (5) hours of Board-approved continuing education specifically focused on patient records/documentation but did so approximately eighteen (18) days after the due date established by the Consent Order. **RESPONDENT** completed the conditions of the Consent Order on or about May 05<sup>th</sup>, 2025.

17. Hearing testimony and evidence established that **RESPONDENT** has been the subject of two previous administrative actions by the Board for violation of the Mississippi Dental Practice Act and/or Board rules or regulations.

18. The evidence clearly and convincingly establishes that **RESPONDENT** violated three sections of the Mississippi Dental Practice Act as follows:

- **RESPONDENT** violated Miss. Code Ann. §73-9-61(1)(l), when he did commit unprofessional conduct by verbally threatening an investigator of the Board who was acting in their official capacity.
- **RESPONDENT** violated Miss. Code Ann. §73-9-61(1)(o), when he did violate a lawful order of the Board previously entered in a disciplinary or licensure hearing by failing to promptly fulfill the terms of a previously entered consent order of the Board.
- **RESPONDENT** violated Miss. Code Ann. §73-9-61(1)(q), by practicing dentistry or dental hygiene while the person's license is suspended.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction in this matter pursuant to Miss. Code Ann. § 73-9-13, 73-9-61, and 73-9-65. Venue is likewise properly placed before the Board to hear this matter in Madison County, Mississippi.
2. The provisions of Miss. Code Ann. § 73-9-13, 73-9-61 and 73-9-63 authorize the Board to conduct hearings if it has reason to believe that a licensee has violated the provisions of the Mississippi Dental Practice Act, or any Board rules or regulations.
3. This matter was duly and properly convened with all substantive and procedural requirements satisfied.
4. The Board is specifically authorized to impose any of the disciplinary sanctions provided in Miss. Code Ann. § 73-9-61 when it determines that a licensee has violated the laws, rules and regulations governing Board licensees and to prescribe conditions under which persons may practice in the best interest of the public.
5. The Mississippi Dental Practice Act authorizes the Board to deny the issuance or renewal of a license or may revoke or suspend the license of any licensed dentist or dental hygienist practicing in the State of Mississippi, or take any other action in relation to the license as the Board may deem proper under the circumstances, for any of the following reasons:
  - Miss. Code Ann. §73-9-61(1)(l), Any unprofessional conduct to be determined by the Board on a case-by-case basis.
  - Miss. Code Ann. §73-9-61(1)(o), Violation of a lawful order of the Board previously entered in a disciplinary or licensure hearing; failure to cooperate with any lawful request or investigation by the Board; or failure to comply with a lawfully issued subpoena of the Board, and

- Miss. Code Ann. §73-9-61(1)(q), Practicing dentistry or dental hygiene while the person's license is suspended.

6. The Board finds that the evidence clearly and convincingly establishes a basis for disciplinary action against **RESPONDENT** pursuant to Section 73-9-61(1) (l), (o), and (q) in that **RESPONDENT** failed to comply with and acted in violation of these provisions of law.

Based upon its Findings of Fact and Conclusions of Law, the Board finds as follows:

### **FINAL ORDER**

**IT IS, THEREFORE, ORDERED** that **RESPONDENT**, Tod A. Bigelow, D.D.S., the holder of License No. 2759-93, shall be and is hereby found guilty of Charges I, II, and III in the Complaint by reason of sworn testimony and evidence introduced at the hearing.

**IT IS FURTHER ORDERED** that, for the violation cited above, **RESPONDENT'S** THIRD violation of the MS Dental Code, a monetary penalty in the amount of Five Thousand Dollars and No Cents (\$5000.00) shall be paid to the Board by **RESPONDENT** in accordance with Miss. Code Ann. § 73-9-61(8).

**FURTHER ORDERED**, upon thirty (30) days from execution of this Final Order, **RESPONDENT'S** Mississippi Dental License shall be SUSPENDED for a minimum of thirty (30) calendar days. During such time that **RESPONDENT'S** license is SUSPENDED, **RESPONDENT** shall NOT practice dentistry in the state of Mississippi, and **RESPONDENT'S** license status with the Board, including for purposes of license verification by the public, shall indicate "SUSPENDED." After expiration of a minimum of thirty (30) calendar days' SUSPENSION, **RESPONDENT** may be eligible for lifting of the SUSPENSION. Only upon the Board staff's verification that **RESPONDENT** is compliant with all terms and conditions of this Order shall the Board lift the SUSPENSION from **RESPONDENT'S** license and update **RESPONDENT'S** license status to reflect lifting of the SUSPENSION.

**FURTHER ORDERED**, **RESPONDENT** shall complete the PROBE (PROFESSIONAL/PROBLEM-BASED) ETHICS & BOUNDARIES PROGRAM within one hundred twenty (120) days from the date of receipt of this Final Order. **RESPONDENT** must obtain an outcome of "Unconditional Pass" to successfully complete the Program. **RESPONDENT** must execute the necessary release(s) to allow for sharing of information between PROBE Program personnel and the Board. Completion of the PROBE Ethics & Boundaries Program may not be utilized towards satisfaction of the continuing education requirements in Board Regulation 41 – Continuing Education (30 Miss. Admin. Code Pt. 2301, R. 1.41).

**FURTHER ORDERED**, **RESPONDENT** shall complete the PROBE PLUS PROGRAM within one (1) year from the date of receipt of this Final Order. **RESPONDENT** must execute the necessary release(s) to allow for sharing of information between PROBE Program personnel and the Board. Completion of the PROBE Plus Program may not be utilized towards satisfaction of the continuing education requirements in Board Regulation 41 – Continuing Education (30 Miss. Admin. Code Pt. 2301, R. 1.41).

**FURTHER ORDERED**, this decision and opinion shall be a Final Order of the Board and shall be conclusive evidence of the matters described herein.

**FURTHER ORDERED**, this action and order of the Board shall be public record. It may be shared with other licensing boards (in- and out-of-state) and the public and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

**FURTHER ORDERED**, upon execution of this Final Order by affixing the authorized signature below, the provisions of this Final Order shall become the Final Order of the Board.

**FURTHER ORDERED** that this Final Order shall be served upon **RESPONDENT**, Tod A. Bigelow D.D.S., the holder of License No. 2759-93, by Certified Mail.

SO ORDERED, this day, July 25<sup>th</sup>, 2025.



MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

BY:

A handwritten signature in dark ink, appearing to read "M. L. Grubbs", written over a horizontal line.

MARION LEWIS GRUBBS, D.M.D.  
HEARING CHAIR  
BOARD VICE-PRESIDENT

#### NOTICE OF APPEAL RIGHTS

Tod A. Bigelow D.D.S., **RESPONDENT**, may, within thirty (30) days after the decision of the Board appeal therefrom in accordance with Miss. Code Ann. § 73-9-65.