

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

**IN THE MATTER OF MISSISSIPPI:
DENTAL LICENSE NO. 3437-07**

**JEFF MICHAEL ZIMMERMAN, D.D.S.
6213 WASHINGTON AVE
OCEAN SPRINGS, MS 39564**

RESPONDENT

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DOCKET NO. 2022-068

CONSENT ORDER

WHEREAS, RESPONDENT, JEFF MICHAEL ZIMMERMAN, D.D.S., has been vested with the right and privilege to practice dentistry in the State of Mississippi by virtue of License No. **3437-07**, issued by the Mississippi State Board of Dental Examiners (hereinafter referred to as “Board”).

WHEREAS, RESPONDENT, JEFF MICHAEL ZIMMERMAN, D.D.S., has agreed to enter into a **CONSENT ORDER** which would, upon approval and execution by the Board, avoid initiation of formal disciplinary proceedings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. **RESPONDENT** agrees that sufficient evidence exists to constitute a violation of: Miss. Code Ann. § 73-9-61 (1)(b), in that **RESPONDENT** willfully violated any of the rules or regulations duly promulgated by the Board, or of any of the rules or regulations duly promulgated by the appropriate dental licensure agency of another state or jurisdiction; namely, that **RESPONDENT** violated 30 Miss. Admin. Code Pt. 2301, R. 1.1, Board Regulation 1 – Code of Ethics, in that **RESPONDENT** violated the American Dental Association (“ADA”) Principles of Ethics and Code of Professional Conduct.

2. **RESPONDENT** agrees that sufficient evidence exists to constitute a violation of: Miss. Code Ann. § 73-9-61 (1)(I), in that **RESPONDENT** engaged in any unprofessional conduct as determined by the Board on a case-by-case basis.
3. **RESPONDENT** served as Treasurer for District Five (5) of the Mississippi Dental Association (“MDA”) beginning July 2019. On or about August 12th, 2021, **RESPONDENT** submitted a monetary political contribution without the approval and/or authorization of District 5. Review of District 5’s bank/financial records show that, while Treasurer for District 5, **RESPONDENT** made three (3) political contributions, totaling \$5,900, from District 5’s bank account without approval and/or authorization.
4. Approximately October 2019, while Treasurer, **RESPONDENT** obtained a debit card for the District 5 bank account. From October 2019 through January 2020, more than one-hundred-fifty (150) unauthorized expenditures, totaling approximately \$29,000, were made with the debit card. **RESPONDENT** states that upon learning of the illicit activity on the bank account, he investigated and discovered one of his employees used the District 5 debit card without his knowledge. **RESPONDENT** stated he terminated the employee and made arrangements for the employee to make restitution. However, restitution was not made until October 2021, after **RESPONDENT** received a request to produce District 5 bank/financial records. **RESPONDENT** deposited approximately \$29,000 into District 5’s bank account without notifying District 5 and/or MDA leadership in the twenty-eight (28) day period between receiving and completing District 5’s request for records. Overall, **RESPONDENT** concealed and/or failed to report any information related to the illicit account activity to District 5 and/or MDA leadership for nearly two (2) years.
5. On or about January 13th, 2023, District 5 of the Mississippi Dental Association (“MDA”) voted to expel **RESPONDENT’S** membership for violation(s) of the ADA Principles of Ethics and Code of Professional Conduct.
6. Pursuant to Miss. Code Ann. § 73-9-61 (1), upon satisfactory proof of the violation(s) enumerated above, and in accordance with statutory provisions elsewhere set out for such hearings and protecting the rights of the accused as well as the public, the Board may deny the issuance or renewal of a license, may revoke or suspend the license of any

licensee 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.

IT IS, THEREFORE, STIPULATED AS FOLLOWS:

1. That this **CONSENT ORDER** is entered into freely, willingly and voluntarily by all the parties without threats or promises, and further, such **CONSENT ORDER** is entered into in lieu of having a full administrative hearing before the Mississippi State Board of Dental Examiners.
2. That **RESPONDENT** hereby voluntarily, willingly, and freely waives all **RESPONDENT'S** due process rights, including but not limited to, the right to a hearing whereby **RESPONDENT** could:
 - a. Appear either personally or by counsel or both,
 - b. Cross-examine any witnesses who may testify against **RESPONDENT**,
 - c. Present testimony, evidence, and witnesses on **RESPONDENT'S** behalf, and
 - d. Have subpoenas issued by the Board on **RESPONDENT'S** behalf.
3. The Mississippi State Board of Dental Examiners is established pursuant to 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. The **RESPONDENT** is the holder and/or applicant of a license issued by the Board and is, therefore, subject to Miss. Code Ann. § 73-9-1, et seq.
4. That it is understood and agreed that the purpose of this **CONSENT ORDER** is to avoid a formal disciplinary proceeding, including a full administrative hearing before the Board. As such, **RESPONDENT** authorizes the Board to review and examine any documentary evidence or information concerning **RESPONDENT** prior to or in conjunction with its consideration of the **CONSENT ORDER**.

5. That this **CONSENT ORDER** shall be subject to approval by the Board. If the Board fails to approve the **CONSENT ORDER**, it shall have no force or effect on the parties.
6. That should this **CONSENT ORDER** not be approved by the Board, it is agreed that the presentation and consideration of the **CONSENT ORDER**, including any documentary evidence and information related thereto, shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding **RESPONDENT**.
7. **PENALTIES.** That upon approval and execution of this **CONSENT ORDER** by the Board, **RESPONDENT** agrees to the following penalties which are authorized by Miss Code Ann. § 73-9-61 (West). Upon Board approval and execution of this **CONSENT ORDER**, **RESPONDENT'S** license shall be **SUSPENDED** for a period of five (5) years. However, the **SUSPENSION** shall be automatically **STAYED**, subject to **RESPONDENT'S** compliance with the following terms and conditions:
 - a. **FINE.** **RESPONDENT** shall pay a fine in the amount of **\$2,000.00**, which must be received in the Board's office within thirty (30) calendar days from the date the Board approves and executes this **CONSENT ORDER**.
 - b. **COSTS.** Pursuant to Miss. Code Ann. § 73-9-61 (4)(d), **RESPONDENT** shall pay the reasonable costs of these proceedings in an amount to be determined by the Board within thirty (30) calendar days from the date the Board sends the notice of costs.
 - c. **PROBE ETHICS & BOUNDARIES PROGRAM.** Within ninety (90) calendar days from the date the Board approves and executes this **CONSENT ORDER**, **RESPONDENT** shall successfully complete the PROBE (Professional/Problem-Based Ethics) Ethics & Boundaries Program. **RESPONDENT** must obtain an outcome of "Unconditional Pass" to successfully complete the Program. **RESPONDENT** agrees to 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 continuation education requirements in Board Regulation 41 – Continuing Education (30 Miss. Admin. Code Pt. 2301, R. 1.41).

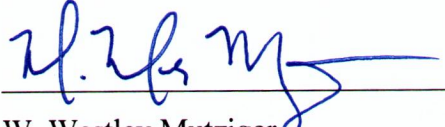
- d. **PROBE PLUS PROGRAM.** Within one (1) year from the date the Board approves and executes this **CONSENT ORDER, RESPONDENT** shall successfully complete the PROBE Plus Program. **RESPONDENT** must enroll in the PROBE Plus Program within ninety (90) calendar days from successful completion of the PROBE Ethics & Boundaries Program. **RESPONDENT** agrees to 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 continuation education requirements in Board Regulation 41 – Continuing Education (30 Miss. Admin. Code Pt. 2301, R. 1.41).
 - e. **JURISPRUDENCE EXAM.** Within ninety (90) days from the date the Board approves and executes this **CONSENT ORDER, RESPONDENT** shall successfully complete the Mississippi Jurisprudence Examination.
 - f. **COMPLIANCE. RESPONDENT** shall comply with Miss. Code Ann. § 73-9-1 et seq., 30 Miss. Admin. Code Pt. 2301 et seq., and all laws and regulations related to the practice of dentistry in Mississippi. Further, **RESPONDENT'S** practice shall be subject to periodic monitoring by the Board for a period of five (5) years. Any member of the Board, investigator, or dental consultant may perform a patient chart review of a representative sample of those treated by **RESPONDENT**.
8. That **RESPONDENT** accepts the above penalties and acknowledges that **RESPONDENT'S** license is conditioned on full compliance with these terms. Failure to adhere to any of the terms of this **CONSENT ORDER** may result in further disciplinary action against **RESPONDENT'S** license.

9. That the **RESPONDENT** does hereby fully, completely and finally release the Board, its agents, servants or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and nature which the **RESPONDENT** may now or hereafter have related to this **CONSENT ORDER** between the **RESPONDENT** and the Board. The Mississippi State Board of Dental Examiners admits no liability in any way related to this **CONSENT ORDER**.
10. That upon approval and execution of this **CONSENT ORDER** by the Board, this document will be a public record and will be entered as a **FINAL ORDER** of the Board. Further, the **FINAL ORDER** will be reported as disciplinary action to the American Association of Dental Boards (AADB) and to all federally mandated data banks.

AGREED TO, this the 23 day of February, 2023.


JEFF MICHAEL ZIMMERMAN, D.D.S.

Approved as to Form & Substance:


W. Westley Mutziger
Board Counsel, MSBDE

SO APPROVED & ORDERED, this the 31 day of March,
2023

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

BY: 

ROBERT L. SMITH, JR., D.D.S.
PRESIDENT