

**§ 73-9-113--BOARD PROCEEDINGS AGAINST LICENSEE;  
NOTICE TO LICENSEE; HEARING;  
DETERMINATION OF FITNESS TO PRACTICE; REMEDIES;  
TEMPORARY SUSPENSION OF LICENSE WITHOUT HEARING**

- (1) The board may proceed against a dentist or dental hygienist under Sections 73-9-101 through 73-9-117 by serving upon the dentist or dental hygienist at least fifteen (15) days' notice of a time and place fixed for a hearing, together with copies of the examining committee's report and diagnosis. The notice and reports shall be served upon the dentist or dental hygienist either personally or by registered or certified mail with return receipt requested.
- (2) At the hearing the dentist or dental hygienist shall have the right to be present, to be represented by counsel, to produce witnesses or evidence in his or her behalf, to cross-examine witnesses, and to have subpoenas issued by the board.
- (3) At the conclusion of the hearing, the board shall make a determination of the merits and may issue an order imposing one or more of the following:
  - (a) Make a recommendation that the dentist or dental hygienist submit to the care, counseling or treatment by physicians acceptable to the board.
  - (b) Suspend or restrict the license to practice dentistry or dental hygiene for the duration of his or her impairment.
  - (c) Revoke the license of the dentist or dental hygienist.
  - (d) Impose an assessment of costs or monetary penalty as provided for in Section 73-9-61.
- (4) The board may temporarily suspend the license of any dentist or dental hygienist without a hearing, simultaneously with the institution of proceedings for a hearing under this section, if it finds that the evidence in support of the examining committee's determination is clear, competent and unequivocal and that his or her continuation in practice would constitute an imminent danger to public health and safety.
- (5) Neither the record of the proceedings nor any order entered against a dentist or dental hygienist may be used against him or her in any other legal proceedings except upon judicial review as provided herein.