

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING
VIA TELEPHONE CONFERENCE CALL
JUNE 30, 2014, 6:00 P.M.**

Call In Number (888) 670-3525, Participant Pass Code: 5805370981

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 p.m. by Dr. Thomas, Chair. Those present for all or part of the meeting included the following:

Members present:

Joe Thomas, D.D.S., Chair
William Kochenour, D.D.S.
T.J.Tejera, D.M.D., M.D.
Catherine Cabanzon, R.D.H., B.A.S.D.H.
Robert Perdomo, D.M.D., Vice-Chair
Tim Pyle
Anthony Martini
Angela Sissine, R.D.H.
Wade Winker, D.D.S.
Leonard Britten, D.D.S.

Members absent:

Dan Gesek, D.M.D.

Staff present:

David Flynn, Esq., Board Counsel
Sue Foster, Executive Director
Cindy Ritter, Program Administrator
Therese Savona, Appellant Attorney
Jack Wise, Esq., Prosecution Services
Candace Rochester, Esq., Prosecution Services
For The Record Court Reporters, (850) 224-0728 Tracy Finan, PRR

Others present:

Dr. Don Ilkka, Florida Dental Association
Jackie Burt McDonough, RDH
John Terrell, Esq.

TOPIC DISCUSSION

Miranda W. Smith, D.D.S., DOH Case No. 2011-12390, DOAH Case No. 13-1586PL, 1D14-2333, Court of Appeals Conditional Granting of Stay (Dr. Gesek recused due to participation on the probable cause panel)

Dr. Smith was not present but was represented by counsel, John Terrell, Esq. A final order was issued on May 23, 2014, imposing a 6 month suspension with 6 month probation period to

follow suspension, completion of ethics course, laws and rules examination, continuing education regarding the appropriate use of anesthesia for dentists who do not hold a sedation permit, \$10,000 fine and costs. A motion for expedited stay was filed by Dr. Smith's counsel and was granted by the District Court of Appeal on June 4, 2014. This matter is before the board to address the Court of Appeal's conditional granting of a stay imposed and to address the appropriate conditions to impose on Dr. Smith's license that will remain in place until the appeal of the discipline is finalized.

A Response by Mr. Terrel, to Appellee's/Petitioner's Motion to Impose Conditions on Stayed Final Order was reviewed by the Board. Following discussion, the following conditions were imposed by the Board until the appeal is finalized:

Motion: by Dr. Thomas that during the interim period of time while the appellant's appeal is pending before the District Court of Appeals, the following conditions shall apply to protect the public health, safety and welfare:

1) The appellant shall not delegate any tasks to any person including the appellant's employees unless expressly authorized by statutes governing and regulating the practice of dentistry or the Board of Dentistry rules.

2) Other than the administration of a local anesthetic to the appellant's dental patient, the appellant may not employ the use or administration of any form of sedation as defined in Rule Chapter 64B5-14, FAC, given through a third party to her dental patients without being properly permitted and being in full compliance with all current statutes and all of dentistry sedation laws and rules.

3) The appellant is subject to random, without advance notice, inspections by a Department of Health investigator. The Department investigator shall perform a minimum of one inspection every 30 days and no greater than two every weeks. All costs to the Department for the inspections shall be paid by the appellant.

Second: by Dr. Perdomo

Vote: unanimous

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 6:38 p.m.