

BEFORE THE MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS**DOCKET NO. 2007-076****IN RE: JONATHAN DUANE GERMANY, D.M.D.
2004 Courtside Drive
Brandon, Mississippi 39042****DENTAL LICENSE NO. 3269-03
PARENTERAL CONSCIOUS SEDATION PERMIT NO. 0581**

CONSENT ORDER

WHEREAS, the Investigative Staff of the Mississippi State Board of Dental Examiners (hereinafter referred to as the "Board") has conducted a comprehensive investigation into the dental practice of Jonathan Duane Germany, D.M.D., holder of Mississippi Dental License No. 3269-03 (hereinafter referred to as "Licensee"), and has probable cause to believe that Licensee has violated Board Regulation 13 relative to the supervision and delegation of non-delegable duties to dental auxiliary personnel; and

WHEREAS, such conduct, if proven with the required degree of evidence in a disciplinary hearing before the Board, would constitute a violation of the Mississippi Dental Practice Act, specifically Subsections (1)(b) and (1)(i) of Miss. Code Ann. § 73-9-61, for which the Mississippi State Board of Dental Examiners may suspend, revoke, or take other disciplinary action against the dental license of Licensee; and

WHEREAS, it is the desire of Licensee to resolve this matter and, thus, avoid a hearing before the Mississippi State Board of Dental Examiners and, in lieu thereof, has consented to certain terms and conditions on Licensee's license to practice dentistry in the State of Mississippi.

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NOW THEREFORE, the Mississippi State Board of Dental Examiners, with consent of Licensee as signified by Licensee's joinder herein, does hereby suspend Licensee's license (No. 3269-03) to practice dentistry in the State of Mississippi for a period of five (5) years, with said suspension automatically stayed, subject to the following terms and conditions, to-wit:

- 1) Within ninety (90) days from the date of this Consent Order, or on or before March 5, 2009, Licensee shall take and successfully complete a written jurisprudence examination prepared by the Board.
- 2) Within six (6) months from January 1, 2009, or on or before June 30, 2009, Licensee shall complete one hundred (100) hours of community service by providing pro bono dental services through a designated and Board-approved charitable/community service program that is reasonably accessible and available to Licensee for satisfying these 100 hours. Said community services cannot be performed at any of Licensee's practice location(s). Furthermore, Licensee cannot include the treatment of any of Licensee's current patients in Licensee's mandated community service. Licensee must provide the Board with satisfactory written proof of completion of these community service hours on a monthly basis.
- 3) At any time during the five (5) year stayed suspension, Licensee's dental practice shall be subject to unannounced, periodic inspections by any member of the Board, Board investigator, dental consultant approved and directed by the Board or by an appropriate licensed dentist designated by Licensee and approved by the Board, who will review Licensee's dental

practice, including, but not limited to, documentation of patient care, to determine Licensee's continued compliance as to the use of dental auxiliaries.

- 4) Upon execution of this Consent Order, Licensee voluntarily agrees to dismiss, with prejudice, Licensee's case now pending in the United States District Court, Southern District of Mississippi, Jackson Division, bearing civil action number 3:08-CV-00470-HTW-LRA, said dismissal with prejudice limited to those factual issues now pending before the Board in MSBDE Docket No. 2007-076.
- 5) Within six (6) months from December 5, 2008, or on or before June 5, 2009, Licensee shall pay, pursuant to Miss. Code Ann. (1972) § 73-9-61(4)(d), all reasonable costs of these proceedings in the agreed upon amount of Thirty-Five Thousand and No/100 Dollars (\$35,000.00).
- 6) Within six (6) months from December 5, 2008, or on or before June 5, 2009, Licensee shall pay, pursuant to Miss. Code Ann. § 73-9-61(4)(b), a monetary penalty in the amount of Two Thousand and No/100 Dollars (\$2,000.00).
- 7) Licensee acknowledges and agrees that any violation of this Consent Order, in part or in whole, or other violation of the Mississippi Dental Practice Act, as determined by the Mississippi State Board of Dental Examiners following notice and hearing, may result in additional disciplinary proceedings.

Licensee understands and expressly acknowledges that this Consent Order, as approved and executed by the Mississippi State Board of Dental Examiners, shall constitute a public record of the State of Mississippi.

Execution of this Consent Order by Licensee shall not be deemed an admission of any wrongful misconduct or violation of the Mississippi Dental Practice Act. Both parties execute this Consent Order as a reasonable resolution of all charges now pending in the captioned docket before the Mississippi State Board of Dental Examiners, including any other complaint, allegation, or investigation pending on or before the date of this Consent Order, and any future complaint or matter brought to the attention of the Board that relates to issues involving improper delegation that predate the December 5, 2008 date of this Consent Order.

Recognizing his right to a notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) § 73-9-63, to be represented therein by legal counsel of his choice, and to a final decision based on written findings of fact and conclusions of law, Jonathan Duane Germany, D.M.D., nonetheless, hereby waives his right to a formal adjudication of charges and authorizes the Board to accept this Consent Order, subject to those conditions and/or restrictions enumerated above.


EXECUTED, this the 5th day of December, 2008.

**MISSISSIPPI STATE BOARD OF
DENTAL EXAMINERS**

BY: 

**JAMES A. BOUNDS, D.M.D.
PRESIDENT**

ACCEPTED AND APPROVED, this the 15 day of January, 2009.


JONATHAN DUANE GERMANY, D.M.D.

BEFORE THE MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

DOCKET NO. 2008-060

IN RE: Cherie Nicole Pope, R.P.H.
1179 Dry Creek Road
Mendenhall, Mississippi 39114

RADIOLOGY PERMIT NO. 6523-05

CONSENT ORDER

WHEREAS, the Investigative Staff of the Mississippi State Board of Dental Examiners (hereinafter referred to as the "Board") has conducted a comprehensive investigation into the dental assisting practice of Cherie Nicole Pope, R.P.H., holder of Mississippi Radiology Permit No. 6523-05 (hereinafter referred to as "Permittee"), and has probable cause to believe that Permittee has violated Board Regulation 13 relative to the performance of non-delegable dental services or services outside the scope of her statutory authority; and,

WHEREAS, such conduct, if proven with the required degree of evidence in a disciplinary hearing before the Board, would constitute a violation of the Mississippi Dental Practice Act, specifically Miss. Code Ann. § 73-9-41 and Subsections (1)(b) and (1)(i) of Miss. Code Ann. § 73-9-61, for which the Mississippi State Board of Dental Examiners may suspend, revoke, or take other disciplinary action against Permittee; and,

WHEREAS, it is the desire of Permittee to resolve this matter and, thus, avoid a hearing before the Mississippi State Board of Dental Examiners and, in lieu thereof, has consented to certain terms and conditions.

NOW THEREFORE, the Mississippi State Board of Dental Examiners, with consent of Permittee as signified by Permittee's joinder herein, does hereby suspend the radiology

permit of Permittee (No. 6523-05) in the State of Mississippi for a period of five (5) years, with the suspension automatically stayed, subject to the following terms and conditions, to-wit:

- 1) Upon execution of this Consent Order, Permittee voluntarily agrees to dismiss, with prejudice, Permittee's case now pending in the United States District Court, Southern District of Mississippi, Jackson Division, bearing civil action number 3:08-CV-00470-HTW-LRA, said dismissal with prejudice limited to those facts and issues now pending before the Board in MSBDE Docket No. 2008-060.
- 2) Permittee acknowledges and agrees that any violation of this Consent Order, in part or in whole, or other violation of the Mississippi Dental Practice Act, as determined by the Mississippi State Board of Dental Examiners following notice and hearing, may result in additional disciplinary proceedings.

This Consent Order shall be subject to approval by the Mississippi State Board of Dental Examiners. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. Permittee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Dental Examiners, shall constitute a public record of the State of Mississippi.


Execution of this Consent Order by Permittee shall not be deemed an admission of any wrongful misconduct or violation of the Mississippi Dental Practice Act. Both parties execute this Consent Order as a reasonable resolution of all charges now pending in the captioned docket before the Mississippi State Board of Dental Examiners.

Recognizing her right to have such charges adjudicated pursuant to Miss. Code Ann. (1972) § 73-9-83, to be represented therein by legal counsel of her choice, and to a final

decision based on written findings of fact and conclusions of law, Cherie Nicole Pope, R.P.H., nonetheless, hereby waives her right to a formal adjudication of charges and authorizes the Board to accept this Consent Order, subject to those conditions and/or restrictions enumerated above.

EXECUTED, this the 5th day of December, 2008.

**MISSISSIPPI STATE BOARD OF
DENTAL EXAMINERS**

BY: 

JAMES A. BOUNDS, D.M.D.
PRESIDENT

ACCEPTED AND APPROVED, this the 15th day of January, 2009.



CHERIE NICOLE POPE, R.P.H.

BEFORE THE MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

DOCKET NO. 2008-061

IN RE: APRIL ELIZABETH BRYANT CONWILL, R.D.H.
369 Naples Road
Jackson, Mississippi 39206

DENTAL HYGIENE LICENSE NO. 3471-04DH

CONSENT ORDER

WHEREAS, the Investigative Staff of the Mississippi State Board of Dental Examiners (hereinafter referred to as the "Board") has conducted a comprehensive investigation into the dental hygiene practice of April Elizabeth Bryant Conwill, R.D.H., holder of Mississippi Dental Hygiene License No. 3471-04DH (hereinafter referred to as "Licensee"), and has probable cause to believe that Licensee has violated Board Regulation 13 relative to the performance of non-delegable dental services or services outside the scope of her statutory authority; and,

WHEREAS, such conduct, if proven with the required degree of evidence in a disciplinary hearing before the Board, would constitute a violation of the Mississippi Dental Practice Act, specifically Miss. Code Ann. § 73-9-41 and Subsections (1)(b) and (1)(f) of Miss. Code Ann. § 73-9-61, for which the Mississippi State Board of Dental Examiners may suspend, revoke, or take other disciplinary action against the dental hygiene license of Licensee; and

WHEREAS, it is the desire of Licensee to resolve this matter and, thus, avoid a hearing before the Mississippi State Board of Dental Examiners and, in lieu thereof, has consented to certain terms and conditions on Licensee's license to practice dental hygiene in the State of Mississippi.

NOW THEREFORE, the Mississippi State Board of Dental Examiners, with consent of Licensee as signified by Licensee's joinder herein, does hereby suspend Licensee's license (No. 3471-04DH) to practice dental hygiene in the State of Mississippi for a period of five (5) years, with the suspension automatically stayed, subject to the following terms and conditions, to-wit:

- 1) Within ninety (90) days from the date of this Consent Order, or on or before March 5, 2009, Licensee shall take and successfully complete a written jurisprudence examination prepared by the Board.
- 2) Upon execution of this Consent Order, Licensee voluntarily agrees to dismiss, with prejudice, Licensee's case now pending in the United States District Court, Southern District of Mississippi, Jackson Division, bearing civil action number 3:08-CV-00470-HTW-LRA, said dismissal with prejudice limited to those facts and issues now pending before the Board in MSBDE Docket No. 2008-061.
- 3) Within six (6) months from December 5, 2008, or on or before June 5, 2009, Licensee shall pay, pursuant to Miss. Code Ann. § 73-9-61(4)(a), a monetary penalty in the amount of Five Hundred and No/100 Dollars (\$500.00).
- 4) Licensee acknowledges and agrees that any violation of this Consent Order, in part or in whole, or other violation of the Mississippi Dental Practice Act, as determined by the Mississippi State Board of Dental Examiners following notice and hearing, may result in additional disciplinary proceedings.

This Consent Order shall be subject to approval by the Mississippi State Board of Dental Examiners. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. Licensee understands and expressly