SBDE NOS. 2020-00758 & 2021-00390

IN THE MATTER OF THE LICENSE OF	§	**BEFORE THE STATE**
LETITIA PLUMMER, DDS	§	**BOARD OF**
TEXAS DENTAL LICENSE NUMBER 20000	§	**DENTAL EXAMINERS**

AGREED SETTLEMENT ORDER

On the 18th day of February, 2022 the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard. The full Board adopted this Agreed Settlement Order (ASO) at a public meeting on the date shown above (effective date).

Letitia Plummer, DDS, holder of Texas Dental License No. 20000 (Respondent), appeared at an informal settlement conference on November 12, 2021, at 333 Guadalupe Street, Austin, Texas. Respondent was represented by Boyd Shepherd. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following ASO. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board members Bryan Henderson, DDS, and Jorge Quirch, DDS, and Dental Review Committee member Brenda Olivarez, RDA, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.007, and 22 Texas Administrative Code § 107.63. The Board representatives considered information presented by staff, the Respondent, and the Complainant, as applicable. The Board representatives, having carefully considered the Board's disciplinary guidelines, recommended the following ASO contingent on the full Board's approval.

FINDINGS OF FACT

1. Respondent, Letitia Plummer, DDS, holds Texas Dental License No. 20000. Respondent's license was initially issued on December 3, 1999, and was in full force and effect at all dates and times material and relevant to this ASO.

2. Respondent does not hold any sedation/anesthesia permits issued by the Board.

3. Respondent's past disciplinary history, as described in the Order dated August 10, 2012, is incorporated by reference as part of this ASO.

4. During the time period from February 22, 2017, through June 29, 2020, Respondent fell below the minimum standard of care in the treatment of Patient 1. Specifically, Respondent:
    a. failed to conduct pulp testing;
    b. failed to provide a diagnosis prior to treatment on February 22, 2017;
    c. failed to diagnose the presence of advanced decay on tooth number 14;
    d. failed to diagnose the endodontic lesion on tooth number 29;
    e. placed a bridge on teeth 29 through 32 with open margins; and
    f. placed a fixed bridge on teeth 29 through 32 with compromised retentiveness due to the severe mesial tilt of the rear abutment.

5. During the time period from February 22, 2017, through June 29, 2020, Respondent failed to make, maintain, and keep adequate records during the treatment of Patient 1. Specifically, Respondent failed to include:
    a. documentation of pulp testing performed;
    b. a diagnosis prior to treatment on February 22, 2017;
    c. a diagnosis of the presence of advanced decay on tooth number 14;
    d. a diagnosis of the endodontic lesion on tooth number 29;
    e. findings of a tactile and visual examination of teeth numbers 14 and 29;
    f. findings deduced from the radiographs taken;
    g. clinical notes explaining whether the endodontic procedure on tooth number 29 was performed by the Respondent or referred out; or
    h. an explanation why these items were not recorded.

6. On or about June 5, 2017, and June 6, 2017, Respondent engaged in dishonorable conduct and violated her duty of fair dealing with respect to Patient 1. Specifically, Respondent overcharged the patient for the fixed bridge on teeth numbers 29 through 32. The Respondent coded the bridge as a "high noble metal" material, however, the lab slip requested the lab to use "non-precious" material to construct the bridge.

7. On or about September 17, 2020, and October 27, 2020, Respondent failed to comply with a Board request regarding Patient 1. Specifically, Respondent failed to provide complete patient records after Board staff

requested the documentation. The information not provided included new patient information sheets, treatment plans, and signed consent forms.

8. During the time period from December 27, 2018, through June 18, 2020, Respondent fell below the minimum standard of care in the treatment of Patient 2. Specifically, Respondent:
    a. failed to diagnose incipient decay for tooth number 19 on August 21, 2019, and December 26, 2019; and
    b. placed a crown on tooth number 19 with open margins.

9. During the time period from December 27, 2018, through June 18, 2020, Respondent failed to make, maintain, and keep adequate records during the treatment of Patient 2. Specifically, Respondent failed to include:
    a. findings of a tactile and visual examination on August 21, 2019;
    b. diagnosis of incipient decay for tooth number 19 on August 21, 2019, and December 26, 2019;
    c. accurate treatment notes regarding the treatment performed on teeth numbers 18 and 19;
    d. findings deduced from the radiographs taken; or
    e. an explanation why these items were not included.

10. During the time period from September 18, 2020, through November 17, 2020, Respondent fell below the minimum standard of care in the treatment of Patient 3. Specifically, Respondent:
    a. placed a crown with open margins on tooth number 30; and
    b. failed to follow the American Dental Association (ADA) recommendations for treatment of hypertensive patients when Respondent continued with the dental treatment when the patient's systolic blood pressure was above 160 mm Hg at each appointment.

CONCLUSIONS OF LAW

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Board has authority and jurisdiction over this case pursuant to Tex. Occ. Code §§ 251-267 and 22 Tex. Admin. Code §§ 100-125.

2. Respondent's conduct represents grounds for discipline under § 263.002(a)(3), (4), (10); and 22 Tex. Admin. Code §§ 107.105(a), (b), 108.2(e), 108.7(1), (2), 108.8(c)(2)(A), (C), (3), (5), (12), 108.9(6), (11).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 20000, issued to Letitia Plummer, DDS, is hereby placed under PROBATED SUSPENSION for a period of two (2) years. This ASO contains no period of enforced suspension.

2. Respondent SHALL pay an administrative monetary fine in the amount of four thousand dollars ($4,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe Street, Tower 3, Suite 800, Austin, Texas 78701-3942. The administrative monetary fine SHALL be paid in full no later than six (6) months from the effective date of this ASO.

3. Respondent SHALL complete a total of fifteen (15) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The fifteen (15) hours of CE courses completed SHALL be in the following areas:

Ethics	Three (3) hours
Restorative Dentistry, including a minimum of six (6) hours of hands-on courses	Twelve (12) hours

   This CE SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

   All CE courses SHALL be approved in advance by Board Staff. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. Board Staff SHALL have the authority to reduce the number of CE days or hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

4. Respondent SHALL permit Board staff to perform a records audits of Respondent's patient records during the probated suspension. The records audit will occur one (1) year after the effective date of this ASO. The records audit shall consist of the records of three patients receiving crown and bridge treatment within the thirty (30) days prior to the date of the audit.

   Board staff may utilize review of the records by an expert dental panel under 22 Tex. Admin. Code § 107.107, and Board staff may initiate additional disciplinary actions as a result of violations identified in the records obtained through the patient records audit.

5. Respondent SHALL successfully complete the Jurisprudence Assessment – Dentist with no sedation permit and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment – Dentist with no sedation permit prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.

6. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

Signature page follows.

By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this ASO in a timely manner or be subject to appropriate disciplinary action by the Board. Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this ASO or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth. This ASO is a compromise agreement pursuant to Tex. R. Evid. 408.

Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board. All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is adopted by the Board at a public meeting, as shown by the signatures of the Presiding Officer and Board Secretary, below.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY. PRIOR DISCIPLINARY HISTORY MAY BE USED AS AN AGGRAVATING FACTOR IN FUTURE BOARD DISCIPLINARY ACTIONS.

Letitia Plummer, DDS, Respondent

Korey Swoopes notarized the signature of Letitia Plummer, DDS, this 30th day of December 2021.

NOTARY PUBLIC IN and FOR THE STATE OF TEXAS

KOREY SWOOPES
Notary Public, State of Texas
Comm. Expires 01-29-2024
Notary ID 130510222

STATE BOARD OF DENTAL EXAMINERS
SIGNED this 18th day of February, 2022.

DDS MS
David H. Yu, DDS, Presiding Officer

Jorge E. Quirch DDS
Jorge Quirch, DDS, Board Secretary