

SBDE NO. 2019-01165**IN THE MATTER OF
THE LICENSE OF****DONNA CLARK-HAGY, DDS****TEXAS DENTAL LICENSE
NUMBER 14477**§
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§**BEFORE THE STATE****BOARD OF****DENTAL EXAMINERS****AGREED SETTLEMENT ORDER**

On the 10th day of September, 2021, 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).

Donna Clark-Hagy, DDS, holder of Texas Dental License No. 14477 (Respondent), appeared at an informal settlement conference on July 9, 2021, at 333 Guadalupe Street, Austin, Texas. Respondent was represented by Roger Berger. 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 Lorie Jones, RDH, 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 representative 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, Donna Clark-Hagy, DDS, holds Texas Dental License No. 14477. Respondent's license was initially issued on June 10, 1985, 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 does not have prior disciplinary history.
4. During the time period from July 13, 2016, through August 14, 2018, Respondent fell below the minimum standard of care in the treatment of Patient 1. Specifically, Respondent:
 - a. failed to properly diagnose early restorable decay on teeth numbers 4, 5, 6, 12, 13, 19, 20, 28, 29, and 30;
 - b. placed restorations with poor margins on teeth numbers 5 and 6; and
 - c. failed to fully excavate initial/recurrent decay on teeth numbers 7, 8, 9, 10, 11, 12, and 19 prior to placement of the permanent restoration, causing growth of decay and progressively increasing the size of the replacement restorations.
5. During the time period from January 26, 2017, through April 16, 2019, Respondent failed to make, maintain, and keep adequate treatment records for Patient 1. Specifically, Respondent failed to include adequate documentation of the treatment provided for the restorative encounters for this patient, or an explanation why these items were not included.
6. During the time period from September 19, 2014, through July 18, 2018, Respondent fell below the minimum standard of care in the treatment of Patient 2. Specifically, Respondent:
 - a. failed to diagnose teeth numbers 24 and 25 as unrestorable;
 - b. failed to extract tooth number 13 prior to fabrication of the upper partial;
 - c. placed restorations on teeth numbers 6, 7, 8, and 9 with gross recurrent decay present;
 - d. placed poor restorative margins on tooth number 2; and
 - e. failed to fully excavate initial/recurrent decay prior to placement of a permanent restoration on teeth numbers 2, 5, and 9.
7. During the time period from November 30, 2015, through August 31, 2018, Respondent failed to make, maintain, and keep adequate treatment records for Patient 2. Specifically, Respondent failed to include:
 - a. adequate documentation of the restorative treatments provided;
 - b. adequate documentation of the surgical details provided; or
 - c. an explanation why these items were not included.
8. During the time period from May 1, 2017, through June 1, 2018, Respondent fell below the minimum standard of care in the treatment of Patient 3. Specifically, Respondent placed a bridge on teeth numbers 18 through 20 even though the abutment on tooth number 18 had minimal to no coronal structure remaining for proper preparation for a bridge abutment.

9. During the time period from June 20, 2017, through May 16, 2019, Respondent fell below the minimum standard of care in the treatment of Patient 4. Specifically, Respondent:
 - a. placed a restoration on the distal occlusal surface of tooth number 12 with poor restorative margins;
 - b. attempted a root canal treatment on tooth number 12 which was unrestorable and should have been considered for extraction; and
 - c. caused severe iatrogenic damage to the distal root of tooth number 11 during the extraction of tooth number 12.

10. During the time period from June 20, 2017, through December 27, 2018, Respondent failed to make, maintain, and keep adequate treatment records for Patient 4. Specifically, Respondent failed to include details of the restorative encounters for the treatment provided to the patient or an explanation why these items were not included.

11. During the time period from June 21, 2016, through September 23, 2019, Respondent fell below the minimum standard of care in the treatment of Patient 5. Specifically, Respondent:
 - a. failed to properly diagnose early restorable decay on teeth numbers 3, 4, 7, 28, and 29, leading to larger, more invasive restorations needing to be completed;
 - b. placed restorations on teeth numbers 6 and 7 with poor margins and gross recurrent decay; and
 - c. failed to fully excavate initial/recurrent decay prior to placement of the permanent restorations on teeth numbers 6 and 7.

12. During the time period from August 11, 2017, through February 5, 2019, Respondent failed to make, maintain, and keep adequate treatment records for Patient 5. Specifically, Respondent failed to include details of the restorative encounters for the treatment provided on teeth numbers 6 and 7 or an explanation why these items were not included.

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 Tex. Occ. Code § 263.002(a)(4), (10); and 22 Tex. Admin. Code §§ 108.7(1)-(2), 108.8(c)(5), (12).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 14477, issued to Donna Clark-Hagy, DDS, is hereby placed under PROBATED SUSPENSION for a period of three (3) years. This ASO contains no period of enforced suspension.
2. Respondent SHALL pay an administrative monetary fine in the amount of three thousand dollars (\$3,000.00) 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 permit Board staff to perform three records audits of Respondent's patient records during the probated suspension. The first records audit will occur six (6) months after the effective date of this ASO, the second records audit will occur eighteen (18) months after the effective date of this ASO, and the third records audit will occur thirty (30) months after the effective date of this ASO. Each records audit shall consist of the records of three patients receiving restorative and/or operative dentistry 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.

4. Respondent SHALL complete a total of seventeen (17) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The seventeen (17) hours of CE courses completed SHALL be in the following areas:

Risk Management and Record-Keeping	Four (4) hours
Restorative	Six (6) hours
Diagnosis and Treatment Planning	Four (4) hours
Endodontics	Three (3) 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.

5. Respondent SHALL successfully complete the Jurisprudence Assessment-Dentists (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-Dentists (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.

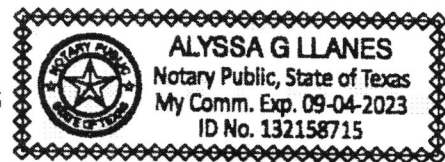
Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board. All of the above 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.

Donna Clark-Hagy
Donna Clark-Hagy, DDS, Respondent

Alyssa G. Llanes notarized the signature of Donna Clark-Hagy, DDS, this 7th day of AUGUST, 2021.

Alyssa G. Llanes
NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS
SIGNED this 10th day of September, 2021.

David H. Yu DDS MS
David H. Yu, DDS, Presiding Officer

George E. Quirch DDS
George Quirch, DDS, Board Secretary