STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:  )  BEFORE THE TENNESSEE
DONALD E. CUMMINGS, DDS  )  BOARD OF DENTISTRY
RESPONDENT  )  CASE NUMBER: 2015023981
MURFREESBORO, TENNESSEE  )
TENNESSEE LICENSE NO.: 2844  )

CONSENT ORDER

Come now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter the “Division”), by and through the Office of General Counsel, and Respondent Donald E. Cummings, DDS, (hereinafter “Respondent”), and respectfully move the Tennessee Board of Dentistry (hereinafter the “Board”) for approval of this Consent Order affecting Respondent’s license to practice as a dentist in the State of Tennessee.

The Board is responsible for the regulation and supervision of dentists licensed to practice in the State of Tennessee. See Tennessee Dental Practice Act (hereinafter the “Practice Act”), Tennessee Code Annotated Section (hereinafter “Tenn. Code Ann. §”) 63-5-101, et seq. It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of dental care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Practice Act in such a manner as to promote and protect the health, safety and welfare of the citizens of the State of Tennessee, including by disciplining dentists who violate the provisions of

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all right to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

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**I. STIPULATIONS OF FACT**

- Respondent has been at all times pertinent hereto licensed by the Board as a dentist in the State of Tennessee, having been granted license number 2844 by the Board on July 14, 1975, which currently has an expiration date of June 30, 2017.

- Respondent was audited by the Board as part of the renewal process for his comprehensive conscious sedation permit for the years 2013-2014.

- During this audit, it was also found that Respondent failed to renew his ACLS
certification from March 2014 through September 2014.

II. GROUNDS FOR DISCIPLINE

The facts stipulated in paragraphs one through five in the Stipulations of Fact, supra, are sufficient to establish that grounds for discipline of Respondent's dental license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Dental Practice Act, (Tenn. Code Ann. § 63-5-101, et seq.) for which disciplinary action before the Board is authorized:

• The facts as stipulated to in paragraph 3, supra, constitute a violation of Tenn. Comp. R. & Regs., Rule 0460-02-.07(8)(a):

Maintain current certification in ACLS (a pediatric dentist may substitute PALS)

III. POLICY STATEMENT

The Tennessee Board of Dentistry takes the following action in order to protect the health, safety and welfare of the citizens of the State of Tennessee and ensure that the public confidence in the integrity of the dental profession is preserved.
IV.  ORDER

NOW THEREFORE, Respondent agrees to the following:

- The Tennessee dental license of Donald E. Cummings, DDS, license number 2844 is hereby REPRIMANDED effective from the date of entry of this Consent Order.

- Respondent shall pay a civil penalty in the amount of one hundred dollars ($100.00) dollars for each month that Respondent was deficient for a total of seven hundred ($700.00) dollars; pursuant to Respondent's failure to comply with the sedation permit requirements in violation of Section II, Grounds for Discipline. Any and all civil penalties shall be paid within thirty (30) days of the effective date of this Consent Order.

- Any and all civil penalty payments shall be paid by certified check, cashier's check, or money order payable to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243. A notation shall be placed on said check that it is payable for the civil penalty of DONALD E. CUMMINGS, DDS, complaint no. 201502398.

- Respondent must also submit proof of a current ACLS certification. Documented proof of the deficient hours and permit obtained must be submitted upon completion by delivering proof to: Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Second Floor,
Nashville, Tennessee 37243.

- Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

V. APPROVAL BY THE BOARD

This CONSENT ORDER was approved by a majority of a quorum of the Tennessee Board of Dentistry at a public meeting of the Board and signed this 15th day of April, 2016.

President
Tennessee Board of Dentistry

APPROVED FOR ENTRY:

Donald E. Cummings, DDS
Respondent

Jennifer L. Putnam (B.P.R. # 29890)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor

DATE

DATE
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Consent Order has been served upon Respondent, Donald E. Cummings, DDS, 534 Highland Terrace, Murfreesboro, Tennessee 37130 and 107 Irving Hills Drive, Lascassas, Tennessee 37085, by delivering same in the United States Mail, Certified Numbers 7015152000033716004 and 7015152000033716005, return receipts requested, and United States First Class Mail, with sufficient postage thereon to reach its destinations and by email at periodec@comcast.net.

This 25th day of April, 2016.

Jennifer L. Putnam
Assistant General Counsel