

3.15.04

Final Order No. DOH-04-0706-FOF-MQA

FILED DATE - 6-29-04

Department of Health

By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

JOSEPH M. PELLE

Petitioner,

vs.

CASE No. 03-3689

BOARD OF DENTISTRY

Respondent.

FINAL ORDER

This matter came before the Board of Dentistry pursuant to Section 120.57(1), Florida Statutes, on May 14, 2004, in Jacksonville, Florida, for consideration of the Recommended Order entered in this case by Administrative Law Judge P. Michael Ruff on March 15, 2004.

Respondent filed Exceptions to the Recommended Order. Copies of both the Recommended Order and the Exceptions are attached to and made a part of this Final Order.

Upon review of the complete record in this matter, the Board of Dentistry voted to grant the Exceptions and accept the Recommended Order as follows:

FINDINGS OF FACT

1. Finding of Fact number 9 shall be modified from "The Commission concluded that the Dental School of Orthodontics is in compliance with all accreditation standards" to "The Commission concluded that the Dental School of Orthodontics is in compliance with the Accreditation Standards, including Standard 1-1 regarding financial support from entities outside the institution."
2. Finding of Fact number 12 shall be modified from "all Florida programs currently

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accredited by the Commission” to “the listing from the American Dental Association of the current accreditation status of all Florida programs.” Further, the finding shall be modified to read “the Dental School of Orthodontics is not a fully accredited or fully operational program.”

3. The last sentence of Finding of Fact 16, “This at least implicitly, the Commission and the U.S. Department of Education considers ‘initial accreditation’ status conversely to constitute accreditation, at least for purposes of admission of students and residents to such a program.” shall be deleted.
4. Paragraphs 1-8, 10-11, 13-15 of the Findings of Fact and paragraphs 9, 12, and 16 as not modified by the Exceptions are accepted by the Board as its Findings of Fact.

CONCLUSIONS OF LAW

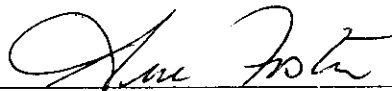
5. The Board modifies Conclusion of Law in paragraph 22 to read “The Dental School of Orthodontics has not met all the requirements for accreditation but it is in the process of achieving approval.”
6. Paragraphs 17-21 of the Conclusion of Law and the unmodified portion of paragraph 22 are accepted by the Board as its Conclusion of Law.

RECOMMENDATION

Based upon the granting of Respondent’s Exceptions, the Board rejects the Recommendation of the Administrative Law Judge. Instead, it denies the Petitioner’s application for a teaching permit.

DONE and ORDERED this 25 day of June, 2004.

BOARD OF DENTISTRY




Sue Foster, Executive Director
for Hal Haering, D.M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is, pursuant to Section 120.68, Florida Statute, entitled to judicial review. The party shall file one copy of the Notice of Appeal with the Clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by Law, with the District Court of Appeal. The Notice of appeal must be filed within 30 days of the rendition of this Order.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. mail to Lawrence Curtin, Holland and Knight, LLP, 315 S. Calhoun Street, Suite 600, Tallahassee, FL 32302-0810 and by interoffice mail to Ann Cocheu, Attorney General's Office, PL 01 The Capitol, Tallahassee, FL 32399-1050 and P. Michael Ruff, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550 this 29 day of June, 2004.



Deputy Agency Clerk