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By: Heather Coleman
Deputy Agency Clerk

**STATE OF FLORIDA
BOARD OF DENTISTRY**

AP

SCOTT LAWSON, D.M.D.,

Petitioner,

03-3998

REM-CLOS

vs.

CASE NO. 2003-3998

DEPARTMENT OF HEALTH,

Respondent.

FILED
MAY 4 11:13
CLERK

FINAL ORDER

This matter came before the Board of Dentistry pursuant to Section 120.57(1), Florida Statutes, on March 26, 2004, in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by Administrative Law Judge Robert E. Meale on February 27, 2004. Neither party filed Exceptions to the Recommended Order. A copy of the Recommended Order is attached to and made a part of this Final Order.

After reviewing the complete record accompanying the Recommended Order, the Board adopts the findings of fact in paragraphs 1-10 and 12-22 of the Recommended Order. Further, the Board adopts the conclusion of law in paragraphs 23-30 of the Recommended Order.

Pursuant to Section 120.57(1), Florida Statutes, the Board reviewed the entire record and sua sponte moved to except the finding of fact in paragraph 11 and substitute the following:

Examiners 207 and 296, as found in paragraphs 9 and 10 are very, very competent and well experienced long-term examiners who found the candidate met critical competency. The scoring discrepancy found by Examiner 394 was not a corroborated zero. A zero means that absolutely no remedial factor benefits the patient that is harmed. At best Examiner 294 explored

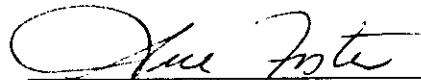
more deeply in the subgingival area than is reasonable to discover root roughness calculus. This uncorroborated zero explanation is supported by psychometrician mentioned on page 316 of the transcript and justifies granting the applicant credit.

The Board also voted to reject the portions of conclusions of law in paragraph 31: "The 0 for the Periodontal procedure is entirely legitimate and probably the correct grade..." and "Under these circumstances, Petitioner has failed to show that Examiners 420's score of 0 is in any way arbitrary or capricious." Instead, the paragraph should contain a second sentence, "The 0 for the periodontal procedure is an outlying score and should be discarded."

Based upon the exceptions, the Board voted to modify the recommendation to enter a final order granting Petitioner's challenge to the scoring of the clinical part of the June 2003 Florida Dental License Examination. Dropping the zero and re-calibrating the score on the periodontal procedure grants Scott Lawson a passing score. Therefore the recommendation is to issue a dental license to Scott Lawson.

DONE and ORDERED this 3rd day of May, 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 Statutes, 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 James Randolph Quick, 3151 South US Highway One, Jupiter, FL 33477 and by interoffice mail to Cassandra Pasley, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, FL 32399 and Robert E. Meale, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, FL 32399-1550 and Ann Cocheu, Attorney General's Office, PL 01 The Capitol, Tallahassee, FL 32399-1050, this 3rd day of May, 2004.

Heather Coleman