

**BEFORE THE MISSISSIPPI STATE
BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF MISSISSIPPI:
DENTAL LICENSE NO. 1523-72**

DOCKET NO. 2023-071

**GEORGE ANDREW MAY, JR., D.D.S.
35 GOODMAN ROAD WEST, SUITE F
SOUTHAVEN, MISSISSIPPI 38671**

RESPONDENT

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Dental Examiners (“Board”) on January 12, 2024, for the purpose of presenting certain charges filed in Complaint Docket No. 2023-071, against George Andrew May, Jr., D.D.S., 35 Goodman Road West, Suite F, Southaven, Mississippi 38671 (“Respondent”). A quorum of the Board members was present throughout the hearing and deliberations in this matter.

Respondent, having been properly served, called on the day of the hearing and being fully informed of Respondent’s rights to a hearing before the Board, appeared at the hearing and was not represented by an attorney. Attorney W. Westley Mutziger served as prosecutorial counsel for the Board. Respondent was called to testify by the Board as an adverse witness, and exhibits were introduced by the Board and Respondent. The case was called for hearing without objection from any party. A court reporter made a record of the proceedings.

Special Assistant Attorney General Kristen N. Love, designated by the Board to serve as its Administrative Hearing Officer, presided over the proceeding and was directed by the Board to prepare its written decision in accordance with its deliberations. The hearing was held pursuant to Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and pursuant to any and all other applicable Mississippi laws and regulations.

Having conducted the hearing in this matter and based upon the exhibits, testimony and the evidence presented, the Board makes the following findings of fact, conclusions of law, and orders based on clear and convincing evidence:

FINDINGS OF FACT

1. The Board is established pursuant to the *Mississippi Dental Practice Act*, Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of dentistry and dental hygiene in the State of Mississippi.

2. MISS. CODE ANN. § 73-9-17 authorizes the Board to adopt such rules and regulations it finds necessary to conduct the business of the Board and to carry out its licensure and regulatory functions.

3. The Board has jurisdiction in this matter pursuant to MISS. CODE ANN. § 73-9-13, 73-9-61, and 73-9-65. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.

4. The provisions of MISS. CODE ANN. § 73-9-13, 73-9-61 and 73-9-63 authorize the Board to conduct hearings if it has reason to believe that a licensee has violated the provisions of the Mississippi Dental Practice Act, or any Board rules or regulations.

5. Respondent was properly noticed of the Complaint and the date and time of the hearing in accordance with MISS. CODE ANN. § 73-9-65.

6. This matter was duly and properly convened and all substantive and procedural requirements under law have been satisfied.

7. Respondent appeared at the hearing and was not represented by an attorney.

8. Respondent is the holder of a Board-issued license to practice dentistry bearing license number 1523-72 and is, therefore, subject to provisions of Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and Board rules and regulations.

9. The Board finds Respondent is guilty of Charge I in the Complaint based upon the sworn testimony and the evidence presented at the hearing.

10. Whenever a Board-licensed dentist, is accused of acting in violation of the Board's Rules and Regulations, the Board may initiate an investigation into such allegations. Unless said charges are dismissed, or resolved, the Board will issue a formal complaint against the dentist. The Notice of Hearing and Complaint against Respondent were mailed certified to Respondent's address on file with Board on December 12, 2023, charging Respondent with certain violations of the Board's Rules and Regulations, namely 30 Miss. Admin. Code Pt. 2301, R. 1.41 – (Board Regulation 41- Continuing Education).

11. The evidence clearly and convincingly establishes that Respondent failed and/or refused to produce records evidencing completion of forty (40) hours of approved continuing education for the two-year period January 01, 2021, to December 31, 2022. On or around May 2023, the Board conducted a random compliance audit for the period January 1, 2021, through December 31, 2022, to ensure Respondent's compliance with 30 Miss. Admin. Code Pt. 2301, R. 1.41. – (Board Regulation No. 41 – Continuing Education). Respondent was randomly selected to participate in the audit to show Respondent's compliance for the two-year period January 01, 2021, to December 31, 2022. In response to the audit, Respondent contacted the Board's Executive Director on July 6, 2023, to inform the Board that Respondent had no continuing education hours to submit due to serious health concerns with both Respondent and Respondent's wife. Respondent testified that he suffered a punctured lung and diaphragm during

a serious accident and served as his wife's caregiver during the audit period. Additionally, Respondent testified that despite his completion of continuing education hours during the audit period, technical issues prevented him from accessing documentation that proved completion. Respondent introduced an exhibit that indicated Respondent attempted twenty-four (24) hours of approved continuing education in 2021, and seven (7) hours in 2022, without corresponding certificates of completion. Respondent testified that the corresponding certificates of completion were unretrievable.

13. The evidence clearly and convincingly establishes that Respondent practiced dentistry for over 51 years and was familiar with the Board's continuing education requirements.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to MISS. CODE ANN. § 73-9-13, 73-9-61, and 73-9-65. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.

2. The provisions of MISS. CODE ANN. § 73-9-13, 73-9-61 and 73-9-63 authorize the Board to conduct hearings if it has reason to believe that a licensee has violated the provisions of the Mississippi Dental Practice Act, or any Board rules or regulations.

3. This matter was duly and properly convened with all substantive and procedural requirements satisfied.

4. The Board is specifically authorized to impose any of the disciplinary sanctions provided in MISS. CODE ANN. § 73-9-61 when it determines that a licensee has violated the laws, rules and regulations governing Board licensees and to prescribe conditions under which persons may practice in the best interest of the public.

5. The Board's rules require licensed dentists have forty (40) hours documented, approved continuing education as follows:

Every licensed dentist shall be required to have forty (40) hours documented, approved continuing education. Every year thereafter, each licensed dentist shall have forty (40) hours of continuing education for the previous two (2) consecutive years. 30 Miss. Admin. Code Pt. 2301, R. 1.41(2)

A record of courses taken, the date, location, number of hours for such course, and certificates of attendance/successful course completion shall be kept by the dentist or hygienist for a minimum of three (3) years from the date of attendance and shall be made available for review at any time by any member of the Board or by any designated agent of the Board. Further, when a Board member or any designated agent thereof shall conduct any authorized investigation, any and all continuing education records will be reviewed and/or audited by such Board member or authorized agent during the course of the investigation. Finally, when any licensee is noticed to appear before the Board to show cause why that

licensee's dental or dental hygiene license should not be suspended, revoked, or have other action taken against it, that licensee is required to present proof of compliance with this Regulation. 30 Miss. Admin. Code Pt. 2301, R. 1.41(10).

6. The Board finds that the evidence clearly and convincingly establishes a basis for disciplinary action against Respondent pursuant to Section 73-9-61(1)(b) in that Respondent failed to comply with and acted in violation of the rules and regulations adopted by the Board, namely the Board's Rules 1.41(2) and 1.41(10).

Based upon its Findings of Fact and Conclusions of Law, the Board finds as follows:

FINAL ORDER

IT IS, THEREFORE, ORDERED that Respondent, George Andrew May, Jr., D.D.S., the holder of License No. 1523-72, shall be and is hereby found guilty of Charge I in the Complaint by reason of sworn testimony and evidence introduced at the hearing.

IT IS FURTHER ORDERED that, for the violation cited above, a monetary penalty in the amount of One Thousand Dollars and No Cents (\$1000.00) shall be paid to the Board by Respondent in accordance with MISS. CODE ANN. § 73-9-61(8), and a 30-day suspension, days to run consecutively, to be completed no later than June 15, 2024.

FURTHER ORDERED, this decision and opinion shall be a final order of the Board and shall be conclusive evidence of the matters described herein.

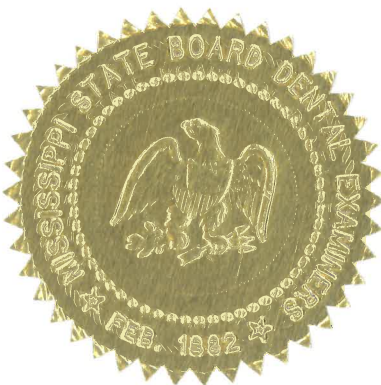
FURTHER ORDERED, this action and order of the Board shall be public record. It may be shared with other licensing boards (in- and out-of-state) and the public and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

FURTHER ORDERED, upon execution of this Final Order by affixing the authorized signature below, the provisions of this Final Order shall become the Final Order of the Board.

FURTHER ORDERED that this Final Order shall be served upon Respondent, George Andrew May, Jr., D.D.S., the holder of License No. 1523-72, by Certified Mail.

SO ORDERED, this the 16th day of APRIL, 2024.

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS



BY: Dr. Mark D. Williams
Dr. Mark D. Williams (Apr 17, 2024 07:48 CDT)
MARK D. WILLIAMS, D.M.D.
BOARD PRESIDENT

NOTICE OF APPEAL RIGHTS

George Andrew May, Jr., D.D.S., Respondent, may, within thirty (30) days after the decision of the Board appeal therefrom in accordance with MISS. CODE ANN. § 73-9-65.