

BEFORE THE GEORGIA BOARD OF DENTISTRY

STATE OF GEORGIA

PROFESSIONAL LICENSING BOARDS

FEB 15 2011

DOCKET NUMBER
2011-0277

IN THE MATTER OF:

**TU M. TRAN, D.D.S.
License No. DN012562,**

Respondent.

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DOCKET NO.

PUBLIC CONSENT ORDER FOR RENEWAL OF LICENSE

By agreement of the Georgia Board of Dentistry (hereinafter "Board") and TU M. TRAN, D.D.S. Respondent, the following disposition of this disciplinary matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent, who has pending an application for renewal of licensure to practice dentistry in the state of Georgia, was so licensed at all times relevant to the matters stated herein.

2.

The Respondent last renewed his license to practice dentistry in the State of Georgia in 2007.

3.

In 2008, the Respondent's license to practice dentistry in the State of Massachusetts was sanctioned by the dental licensing agency in that state pursuant to a Consent Agreement for Probation entered into by the Respondent and the Massachusetts Board of Registration in Dentistry. The Respondent's license to practice dentistry in the State of Massachusetts was placed on probation for a period of one year subject to terms of probation.

4.

The Respondent disclosed the action by the Massachusetts Board of Registration in Dentistry in his application to renew his license to practice dentistry in the State of Georgia.

5.

The Respondent waives any further findings of fact.

CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon his license to practice dentistry in the State of Georgia under O.C.G.A. Ch. 11, T. 43, as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Georgia Board of Dentistry, having considered the particular facts and circumstances of this case, hereby orders and the Respondent hereby agrees that this matter shall be disposed of as follows:

1.

The Respondent's license shall be renewed and placed on probation for a period of two (2) years following the docketing of this Order upon the following terms and conditions:

(a) If the Respondent shall fail to abide by all State and Federal laws relating to drugs and regulating the practice of dentistry, the Rules and Regulations of the Georgia Board of Dentistry, or the terms of this Consent Order, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing such emergency action.

(b) Within sixty (60) days of the effective date of this Consent Order, the Respondent shall provide the Board with a proposed plan of fourteen (14) hours of continuing education course work in risk management and ethics. The Respondent shall obtain these hours through Dr. Richard Callan, or such other person approved by the Board, and the Medical College of Georgia. The Respondent agrees that Dr. Callan, or other approved person, may be provided a copy of this Consent Order. The Respondent shall promptly contact Dr. Callan, or other approved person, to plan the required course(s). The Respondent shall attend and successfully complete such course(s). If the Respondent shall fail to comply with the terms of this paragraph, the Respondent's license shall be subject to revocation upon substantiation thereof, and shall not be subject to restoration. The Respondent shall complete and submit documentation of successfully completing all these hours of course work within six (6) months of the effective date of this Consent Order. The Respondent agrees that Dr. Callan, or such other approved person, may provide the Board with information concerning the course(s), including the Respondent's attendance and completion. None of these continuing education hours may be credited or utilized for purposes of fulfilling the continuing education hours requirement for future renewal of licensure.

(c) Within one (1) year of the effective date of this Consent Order, Respondent shall attend and complete the "Law, Ethics & Professionalism" course (L.E.A.P.). The Respondent shall submit documentation of fulfilling this requirement to the Board within thirty (30) days of completion of the course.

(d) In addition to and in conjunction with any other sanction contained herein, the Respondent shall pay a fine of \$500.00 payable by certified check or money order to the Board within thirty (30) days of the effective date of this Order. Such fine shall be sent to the attention of the Anita Martin, Executive Director, at the Georgia Board of Dentistry, 237

Coliseum Drive, Macon, Georgia 31217-3835. If the Respondent shall fail to pay said fine pursuant to the terms of this paragraph, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration.

(e) Respondent shall not be eligible to petition for termination of probation for a period of two (2) years following the docketing of this Consent Order. At such time, Respondent may petition for termination by certifying under oath before a notary public that he has complied with all conditions of probation and by providing documentation supporting discharge from probation. The Respondent may be required to meet with the Board or a committee thereof in determining whether to terminate probation. The Georgia Board of Dentistry shall review and evaluate the practice of Respondent prior to lifting the probation. At such time, the Board shall restore all rights and privileges incident to the license of Respondent unless the Board has received information that Respondent has not complied with the terms of probation or has otherwise failed to comply with the laws and rules regulating the practice of dentistry. Should the Board determine that reasonable cause exists for maintaining Respondent's license on a probationary status, the Board shall notify the Respondent of its intent to extend the probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. In any event, this Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

2.

Approval of this Consent Order by the Georgia Board of Dentistry shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any

of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Georgia Board of Dentistry and docketed with the Division Director of the Professional Licensing Boards.

3.

The Respondent, TU M. TRAN, D.D.S. acknowledges that he has read this Consent Order and understands its contents. The Respondent understands that he has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. The Respondent understands that this Consent Order will not become effective until accepted by the Georgia Board of Dentistry and docketed with the Division Director of the Professional Licensing Boards. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. The Respondent further understands that this Consent Order, once approved, shall constitute a public record. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding of either party, or prejudice the ability of the Board to adjudicate this matter. The Respondent consents to the terms and sanctions contained herein.

Accepted this 11th day of February, 2011.

[Signatures on the following page]

