

**IN AND BEFORE THE OKLAHOMA STATE BOARD OF DENTISTRY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,)	
THE OKLAHOMA BOARD OF DENTISTRY,)	
Plaintiff)	
)	
vs.)	Case No: 20-35(A)
)	
CHRISTINA SMAILEY, D.A. Permit #DA11928)	
Respondent)	

**AGREED ORDER ACCEPTING VOLUNTARY
SUBMITTAL TO JURISDICTION**

This cause came on for hearing before the Oklahoma State Board of Dentistry (the "Board") on September 3, 2021 at the meeting of the Oklahoma State Board of Dentistry, held at 2920 N. Lincoln Blvd., Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Dentistry by and through its Executive Director and attorney, Susan Rogers and the Respondent, Christina Smailey, D.A. permit #11928, who does not appear.

The Board en banc after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

AGREEMENT AND ACKNOWLEDGMENT BY RESPONDENT

By voluntarily submitting to jurisdiction and entering into this Order, Respondent accepts responsibility and pleads no contest to the complaint and citation filed herein as recommended by the investigation and review panel and acknowledges that a hearing before the Board would result in an initiation of an individual action and some sanction under the Oklahoma State Dental Practices Act.

Respondent, Christina Smailey, D.A., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for a formal initiation of an action and an evidentiary hearing on the allegations made against her. Respondent hereby voluntarily waives her right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Respondent acknowledges that she has read and understands the terms and conditions stated herein.

Respondent and Attorneys for the Board stipulate to the following findings of fact; The Board heard statements of counsel, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law and Orders:

STIPULATIONS AND AGREED FINDINGS OF FACT

1. **CHRISTINA SMAILEY, D.A. # DA11928** is permitted as a dental assistant in the State of Oklahoma. She was originally permitted under dental assistant permit # DA056 under Christina Andrews with expanded duty functions of radiation safety and coronal polishing which expired on December 31, 2014. She attempted to renew her permit on April 21, 2020 and a new dental assistant permit was issued under # DA11928 with no expanded functions. Her permit is currently in full force. She has not been before the Board on any action previously. The actions relevant to the Statement of Complaint occurred in and around the city of Edmond, Oklahoma County, Oklahoma.
2. A complaint was generated on or about April 21, 2020 regarding a dental assistant that had been working without a valid permit for approximately five years. Dr. Howl assigned Dr. Stanley Crawford and Dr. Lisa Nowlin to the investigative panel.
3. On April 21, 2020, Christina Smailey, DA permit #11928, contacted the Board staff to advise she was unable to renew her dental assistant permit for 2020 and was inquiring on what she needed to do to have her permit renewed. Christina Smailey advised Board staff that her permit was very overdue and believed that her prior permit was under her maiden last name of Kinnett. Upon further review by Board staff they were unable to locate any prior dental assistant permits for the last name of Smailey or Kinnett. Board staff asked Christina Smailey to submit a new dental assistant application and upon receiving said application Christina Smailey had documented that she had been employed at Dr. Tim Brooks' dental practice in Edmond, Oklahoma since October 1, 2008. Board staff believed that Christina Smailey had been working as a dental assistant at Dr. Tim Brooks dental practice without a dental assistant permit for an unknown period of time, possibly five years.
4. On May 6, 2021 Investigator Lowe conducted a check on Christina Smailey's dental assistant permit (DA permit #11928) and discovered that her dental assistant permit had expired on 12-31-2020 and she had not renewed her dental assistant permit for 2021.
5. On May 10, 2021 Investigator Lowe contacted dental assistant Christina Smailey, via telephone, who admitting to failing to renew her dental assistant permit for 2021. Christina Smailey confirmed that she had been working for Dr. Brooks

dental practice since October of 2008 and during that time had worked both chairside and as an office assistant. Investigator Lowe inquired prior to April of 2020 when had she last renewed her dental assistant permit and Smailey advised that it had been several years. Investigator Lowe asked about any other last names her dental assistant permit could have been under and Smailey provided the last name of Andrews. Upon conducting a check in the Oklahoma Board of Dentistry License / Permit Database Investigator Lowe located Smailey's original dental assistant permit under permit # DA056 and found that this permit had expired on 12-31-2014.

6. Christina Smailey renewed her dental assistant permit (DA Permit #DA11928) with the Oklahoma State Board of Dentistry on May 10 of 2021 including the late fee.
7. The Respondent has taken full responsibility for her actions and has fully cooperated with investigators.
8. Christina Smailey, D.A. acknowledges the attached statement of complaint put forth to the Board by the investigative panel and pleads no contest for the purposes of this administrative action only to the allegations. See Attachment "A" to this agreement.
9. Respondent acknowledges and admits violations of the following rules and laws:

CT. I – PRACTICING AS A DENTAL ASSISTANT WITHOUT BEING PERMITTED IN VIOLATION OF 59 O.S §328.24. Specifically, for allowing Christina Smailey, D.A. to work from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021 with no valid dental assistant permit.

CT. II – FAILURE TO DISPLAY PERMIT IN VIOLATION OF 59 O.S. § 328.21, specifically for not displaying a current dental assistant permit for Christina Smailey, D.A. from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent the subject matter herein pursuant to the Oklahoma State Dental Act 59 O.S. § 328.1 et. seq and the Board of Dentistry Rules and Regulations, Title 195 et. seq.
2. Based on the foregoing facts and admissions, the Board finds that Respondent committed violations of

CT. I – PRACTICING AS A DENTAL ASSISTANT WITHOUT BEING PERMITTED IN VIOLATION OF 59 O.S §328.24. Specifically, for allowing

Christina Smailey, D.A. to work from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021 with no valid dental assistant permit.

CT. II – FAILURE TO DISPLAY PERMIT IN VIOLATION OF 59 O.S. § 328.21, specifically for not displaying a current dental assistant permit for Christina Smailey, D.A. from January 1, 2015 to April 21, 2020, and from January 1, 2021 to May 10, 2021.

3. The Board en banc, hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

AGREED ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Dentistry as follows:

1. There is NO ACTION against the license of Respondent, Christina Smailey, D.A., Oklahoma Dental Assistant Permit #DA11928/#DA056 at this time. Although Board does not consider this as an actionable charge against your license, this agreement does not guarantee that this agreed order may be considered as a reportable case to the National Practitioner's Databank or other entities if required by law.
2. Respondent shall pay an administrative fine of \$500.00, for count I. Any action and/or administrative fines for Count II are hereby suspended. The fine must be paid no later than one year from the date of this order or no later than September 3rd 2022.
3. Respondent will pay a \$500 reinstatement fee for the years of 2015, 2016, 2017, 2018 and 2019 including late fees. This shall be paid no later than one year from the date of this order or September 3, 2022. Upon payment of this reinstatement fee, Respondent shall be given her original permit number of DA 056 with the expanded functions of radiation safety and coronal polishing expanded functions.
4. Respondent will conduct her practice in compliance with all other State Laws and Regulations under the Oklahoma Dental Practices Act;
5. Respondent will not violate any State or Federal law;
6. Respondent will keep the Oklahoma State Board of Dentistry informed of her current address.

7. Failure to meet any terms of the Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Respondent's license after due notice and hearing.



Mike Howl, D.D.S., Board President,
OKLAHOMA STATE BOARD OF
DENTISTRY

Panel Members

Dr. Stanley Crawford

Dr. Lisa Ann Nowlin

AGREED AND APPROVED:



Christina Smailey, D.A.

Pro Se



Susan Rogers, OBA# 15497

Executive Director

Oklahoma State Board of Dentistry

Attorney for the Oklahoma State Board of Dentistry



Stephen McCaleb

OBA #15649

Judicial Counsel, State Board of Dentistry

