

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

**STATE OF OKLAHOMA, ex rel.,
THE OKLAHOMA BOARD OF DENTISTRY,
Plaintiff**

vs.

**ASHLEY NEWBY, D.A. PERMIT #1994
Respondent**

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) **Case No: 24-57(C)**
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STATEMENT OF COMPLAINT

YOU ARE HEREBY NOTIFIED on the following charges made against you.

GENERAL BACKGROUND

1. The Board has jurisdiction over the Defendant 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. **ASHLEY NEWBY, D.A. PERMIT #1994**, is permitted to practice as a dental assistant in the State of Oklahoma. DA Newby's State Dental license is currently in full force and effect and was originally issued January 22, 2014. The actions relevant to this Statement of Complaint occurred in and around Oklahoma City, Oklahoma.
3. The acts and omissions, which constitute the allegations contained in this Statement of Complaint, occurred during the period from May 29, 2023, through May 29, 2024, but at all times relevant to the State Dental Act and Oklahoma State laws. The requirements of the State Dental Act and the Rules and Regulations of the Board to regulate the conduct herein were in effect for all times appropriate to the actions described in this Statement of Complaint.

SPECIFIC ALLEGATIONS

Each of the paragraphs, as stated above, are incorporated and adopted by reference herein for each specific allegation.

1. A complaint was received on May 19, 2024, regarding VAN PHONG (JOHN) VU., D.D.S. and an allegation of dental assistants including **ASHLEY NEWBY, D.A. PERMIT #1994**, providing treatment outside their scope as a dental assistant as well as quality of care in Oklahoma City, Oklahoma.

2. Dr. Carmen assigned Dr. Stan Crawford and Dr. Brant Rouse as the review panel; Investigator Steve Lowe was assigned as the investigator on the case.
3. Patient C.W. filed a complaint with the board after seeking treatment for a potentially chipped/broken tooth. After being seen by Dr. Vu, the patient received two crowns on adjoining teeth, one chipped and another having been previously filled that was also chipped/cracked. Patient C.W. had multiple visits to the office, the first visit for placement of temporary crowns while the permanent crowns were fabricated.
4. During the investigation it was discovered that multiple dental assistants were working outside their scope of practice and/or providing treatment to patients without having proper dental assisting expanded function permits including **ASHLEY NEWBY, D.A. PERMIT #1994**. Dental Assistant Ashley Newby admitted to investigators that she had adjusted the knob on the nitrous oxide being used on patients to turn it off. During this time, she was monitoring patients while under nitrous oxide without having a proper expanded function permit.
5. Dr. Vu advised investigators that he has four dental assistants assigned to him and that they are allowed to adjust crowns extra-orally but if this was happening inside of the mouth, he would address this immediately as that was not authorized by him. He also advised that the dental assistants were sometimes overzealous when he was busy and would take it upon themselves to adjust crowns but that they should not have made further adjustments after he cemented the permanent crown. Dr. Vu also stated that if the dental assistant placed the temporary crown and the fitting was good, he did not see the patient before they left.
6. Dr. Vu adamantly denies allowing the dental assistants to act outside the scope of their permits, and believes they were doing things on their own to help keep up with patient treatment. He admitted that he is responsible as the supervising dentist.

The above acts and omissions set forth above constitutes violations of the State Dental Act and may include violations of State and Federal laws

CT. 1. A DENTAL ASSISTANT PERFORMING A PROCEDURE PROHIBITED BY THE STATE DENTAL ACT OR RULES OF THE BOARD; SPECIFICALLY, 59 O.S. §328.29(a) 195:15-1-5; Duties not assignable to dental assistants by Ashley Newby, DA , monitoring a patient using nitrous oxide without having a valid expanded function permit.

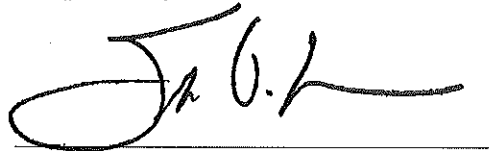
POTENTIAL SANCTION(S)

The Board is authorized, after notice or opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order to impose sanction(s) whenever the Board finds, by clear and convincing evidence, that a licensee has violated the State Laws or Rules in regard to their license. The minimum to maximum sanction in this matter ranges from no action to revocation of license and an administrative fine of up to \$1500 per violation. We request for this matter to be set for hearing on the next Board Agenda.

ATTORNEY'S FEES

The Board is authorized, after notice or opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to request the costs of prosecution and attorney's fees be recovered from the Respondent. The Board is requesting costs and attorney's fees.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Susan Rogers', written over a horizontal line.

Susan Rogers, Esq.
Executive Director

Date 04.14.2025

Panel Members

Dr. Stan Crawford
Dr. Brant Rouse

Investigators

Investigator Steve Lowe

