

**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: 24-57(B)
)	
CHIQUITHA ZACKERY, D.A., PERMIT #12179)	
Respondent)	

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. **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, is permitted to practice as a dental assistant in the State of Oklahoma. DA Zackery's State Dental license is currently in full force and effect and was originally issued July 2, 2020. 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 **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, 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 potential 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. Patient C.W. returned to the office for the second visit as the temporary crown had sharp edges and patient was having ongoing pain related to the temporary crowns. Patient C.W. told the dental assistant the top teeth above the crowns were also hurting as he believed his bite was "off" related to the temporary crowns. During this visit, the patient never saw the dentist and the dental assistant, **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, used a high-speed rotary instrument with metal bits to "polish" the crown and "make it fit" inside the patient's mouth. Dental assistants are not allowed to use high-speed rotary instruments intraorally.
5. Patient C.W. returned on a third visit days later with the same issues, a temporary crown was sharp, cutting the patient's tongue and the front crowned tooth was still causing pain. On this visit, **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, again used a high-speed instrument in the patient's mouth and ground on the temp crown. She marked the patient's teeth with carbon paper to check the bite and would grind again. At one point Dr. Vu stopped by, shook the patients hand and said hello but had no other interaction and did not check the dental assistant's work prior to the patient leaving.
6. Patient C.W. returned to the office for a fourth visit to receive the permanent crowns. **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, removed the temporary crowns and began fitting the permanent crowns. She removed the permanent crowns during fitting and would grind on them outside of the patient's mouth during this process. When Dr. Vu came, the patient advised that he had called previously as he was still having pain in his front tooth. Dr. Vu advised that he may need a root canal as the tooth was cracked, but to try the crown and he could drill through it later if that was the case. Dr. Vu, cemented the permanent crowns on the patient's teeth. After the crowns were cemented **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, again used a high-speed rotary instrument to attempt to fit and grind the crowns on the teeth. Additionally, the patient realized at one point that she was also grinding the top teeth that were not crowned in an attempt to make the crowns on the lower portion fit the bite.
7. 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 done 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.

8. Investigators interviewed **CHIQUTHA ZACKERY, D.A., PERMIT #12179** who admitted that she had been using low-speed and high-speed instruments intraorally to adjust temporary and permanent crowns as well as natural teeth. DA Zackery advised that she did these things many times because Dr. Vu was very busy. She also stated that on approximately three different occasions, Dr. Vu has told her to do the adjustments which Dr. Vu denies. **CHIQUTHA ZACKERY, D.A., PERMIT #12179**, does not hold an expanded function for coronal polishing and acknowledges that she has been doing that on multiple patients. Dr. Vu told investigators that he did not know you had to have an expanded function for coronal polishing as a dental assistant before providing that treatment to patients and using a polishing instrument intraorally on a patient.
9. 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 Chiquitha Zachary, DA (1) an irreversible alteration of the human anatomy by grinding patient C.W.'s top natural teeth with a high-speed hand drill intraorally, while working under the supervision of Dr. Vu;

CT. 2. 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 Chiquitha Zachary, DA (11) using a high-speed hand drill intraorally, on patient C.W. while working under the supervision of Dr. Vu;

CT. 3. 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; Specifically for allowing Chiquitha Zachary to polish intraorally on patient C.W. without a coronal polishing expanded function permit;

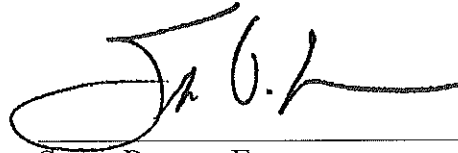
POTENTIAL SANCTION(S)

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,



Susan Rogers, Esq.
Executive Director

Date 04.14.2025

Panel Members

Dr. Stan Crawford

Dr. Brant Rouse

Investigators

Investigator Steve Lowe