

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	)	

**AGREED ORDER ACCEPTING VOLUNTARY  
SUBMITTAL TO JURISDICTION**

This cause comes before the Oklahoma State Board of Dentistry (the "Board") on April 18, 2025, at the meeting of the Oklahoma State Board of Dentistry, held at 2920 N. Lincoln Blvd., Oklahoma City, 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, **CHIQUITHA ZACKERY, D.A., PERMIT #12179** 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 this Order, Respondent accepts and pleads guilty 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, **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, 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. **CHIQUITHA ZACKERY, D.A.**, currently possesses Oklahoma Dentistry Assisting Permit #12179 originally issued July 2, 2020.
2. Respondent **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, is the subject of a complaint, Case No: 24-57(B)
3. The Board pursuant to the Oklahoma State Dental Practices Act 59 O.S. § 328.1 et. seq is a duly authorized State Agency empowered to license and oversee the activities of all persons practicing dentistry or hygiene pursuant to the act in the State of Oklahoma.
4. The Board has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
5. **CHIQUITHA ZACKERY, D.A., PERMIT #12179**, has not been before this Board on a complaint prior to this.
6. Respondent acknowledges that this agreement is freely and voluntarily made, and the Respondent has not been subject to duress or coercion.
7. Respondent has been apprised of her right to seek counsel on this matter and is fully aware of the consequences of this agreement.
8. The Respondent submits herself to the jurisdiction of the Board and, waives all rights to a hearing appeal and any other claim in a court having jurisdiction over any part of this matter.
9. 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** practicing without permits and practicing outside of their scope of practice.
10. Dr. Carmen assigned Dr. Stan Crawford and Dr. Brant Rouse as the review panel, Investigator Steve Lowe was assigned to the case.
11. 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.

12. 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.
13. 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 patient's hand and said hello but had no other interaction and did not check the dental assistant's work prior to the patient leaving.
14. 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.
15. Dr. Vu advised investigators that he has four dental assistants assigned to him and that they are allowed to adjust crowns extraorally 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.
16. Investigators interviewed **CHIQUITHA 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 Zachary 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. **CHIQUITHA 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 intra-orally on a patient.

17. 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.
18. A copy of the statement of complaint is attached as "Exhibit A" and is incorporated herein by reference;
19. The Respondent has taken full responsibility for her actions at this time and has asked to enter this agreed order.
20. Respondent acknowledges and admits violations of the following rules and 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 Zackery, 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 Zackery, 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 Zackery to polish intraorally on patient C.W. without a coronal polishing expanded function permit;

### 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. 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 Zackery, DA (1) an

irreversible alteration of the human anatomy by grinding patient C.W.'s top natural teeth with a high-speed hand drill intra orally, while working under the supervision of Dr. Vu;

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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 Zackery to polish intraorally on patient C.W. without a coronal polishing expanded function permit;

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. The permit of Respondent, **CHIKUTHA ZACKERY, D.A., PERMIT #12179**, is subject to probation for a period of 1 year beginning April 18, 2025 and ending April 18, 2026.
2. Respondent is assessed a fine of \$200.00 for count 1, a fine of \$150.00 for count 2 and a fine of \$150.00 for count 3 for a total of \$500.00. One half of the fine amount of \$250.00 shall be due no later than April 18, 2026 and the second half of \$250.00 shall be due no later than April 18, 2027.
3. Respondent will conduct her practice in compliance with all other State Laws and Regulations under the Oklahoma Dental Practices Act;
4. Respondent will not violate any State or Federal law;
5. This Order will be reportable to the National Practitioner Databank if required by federal law.
6. Respondent will furnish to each and every state in which he holds a current dental assisting permit or applies for a permit or license a copy of this order.
7. Respondent will keep the Oklahoma State Board of Dentistry informed of her current address.

8. 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.



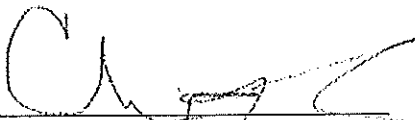
BOBBY CARMEN, D.D.S., BOARD PRESIDENT,  
OKLAHOMA STATE BOARD OF DENTISTRY

Panel Members

Dr. Jeff Lunday

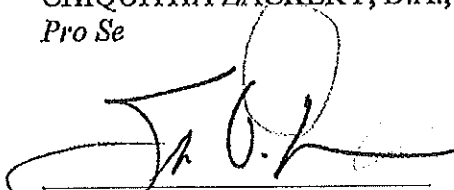
Dr. Stan Crawford

AGREED AND APPROVED:



CHIQUITHA ZACKERY, D.A., PERMIT #12179

*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*