

**IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)	
Board of Dentistry,)	
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Plaintiff,)	
vs.)	Case No. CJ-2012-
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Euroshine USA, Ingo Van Styn and Henry Johnson)	
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Defendants.)	

**APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY EMERGENCY INJUNCTIVE RELIEF**

COMES NOW the State of Oklahoma Board of Dentistry, by and through its Attorney, Susan D. Rogers, and respectfully petition this Honorable Court for Emergency Injunctive Relief against Defendants, and in support of this Petition, the State offers the following:

1. That Defendants, Euroshine USA, Ingo Van Styn and Henry Johnson, rented and operate a booth at the Tulsa State Fair, located within the limits of Tulsa County offering “teeth whitening services” to the general public.
 2. Neither Ingo Van Styn, or Henry Johnson are licensed to practice dentistry or dental hygiene in the State of Oklahoma.
 3. On October 1, 2012, the State Board of dentistry received a complaint regarding person practicing dentistry without a license by offering teeth whitening services to the public located on the Tulsa State Fair Grounds in the made in Oklahoma Building.
 4. Investigators from the State Board of Dentistry personally witnessed six individuals being given medical advice, diagnosis and treatment by an individual
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identifying himself as Henry Johnson who was practicing dentistry without training or a license in violation of 59 O.S. § 328.19(A.) 1., 59 O.S. § 328.19 (A)(2), 59 O.S. § 328.19 (A)(3), 59 O.S. § 328.19(A)(4), and 59 O.S. § (A)(11). The Practice of Dentistry without a license pursuant to 59 O.S. § 328.49 (C)(2) is a felony carrying a penalty of \$1,000.00 to \$4,000.00 and one (1) to four (4) years in the custody of the State Department of Corrections.

5. The services, treatment and procedures witnessed by the Dental Board investigators included:

- a. Johnson appeared in medical scrubs and presented himself to the general public and potential customers as someone that is knowledgeable about the causes of teeth stains and discoloration and the treatment to correct it in violation of 59 O.S. § 328.19(A)(1) and 59 O.S. § 328.19(A)(2).
 - b. Johnson advises patients that the “treatment” is \$39.99 and it is perfectly safe. The company also sells an “over the counter treatment” for \$60.00 with three separate treatments and a “life-time supply of gel”, but that the take home package is not as strong as the treatment given by him at the fair.
 - c. Johnson guarantees that the treatment given by him will make teeth at least three shades whiter and lasts twenty (20) minutes.
 - d. Johnson advises that the crest whitestrips was too harsh for his person use as he has sensitive teeth, but this treatment he has had twice and had no problems.
 - e. The active ingredient in the “euroshine USA brand” of teeth whitening gel is 35% carbamide peroxide. Crest whitestrips contain a 10% concentration of carbamide peroxide and is the safe amount recommended by the American Dental Association for use.
 - f. Johnson advises that this product and treatment “does not go into the pores of the teeth, it only cleaned the stains on the top of the teeth”.
 - g. Johnson advises that stains on teeth are caused by coffee, tea and other items consumed by individuals.
 - h. Johnson advised that the UV led light “intensifies” the use of the gel for whitening purposes.
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- i. Johnson advised a customer that this product would remove discolorations from bridges and crowns but it would not make them whiter than their original color.
 - j. Johnson advises that this product and treatment 'cannot hurt your gums', it might make them white or "blanche" them for a little while but could not hurt them.
 - k. Johnson did not take any kind of medical history, tell the patients of any of the potential dangers of the chemicals used in the get teeth whitening treatment or of known dangers of the use of the high intensity UV led light.
 - l. The procedure used by Johnson has the patient sit in a dental type chair; Patients are given a pair of sunglasses to wear during the procedure. Neither the chair or the sunglasses are sanitized in any manner before being reused by another patient.
 - m. Johnson then takes a professional dental teeth shade chart and makes a determination as to the "shade" the patients teeth are currently for the purposes of the three shades lighter guarantee.
 - n. Johnson places rubber gloves on himself and retrieves a plastic dental tray from a set of drawers underneath a table located at the front of the booth.
 - o. Johnson then takes the teeth whitening gel with a concentrated 35% carbamide peroxide solution and places it in the correct amount, manner and application into the dental tray.
 - p. Johnson then takes the tray over to the patient sitting in the dental chair and advises them on the proper procedure and method to insert the tray. Johnson assists the patient in making sure the tray is straight and hands them a mirror for them to check themselves.
 - q. Johnson then takes the high intensity UV Led light and adjusts it to where it is placed directly over the mouth of the patient. After twenty (20) minutes, Johnson will "check the progress" of the patient by removing the light and checking the coloring of the teeth. At that point he makes a determination as to whether the patient can tolerate a longer period of time under the UV light. Investigators witnessed him readjust the patient, the trays and the light for an additional ten minutes of "treatment".
 - r. Upon the completion of the "treatment" Johnson retrieves a plastic bag and has the patient spit out the tray, saliva, extra whitening gel and any other substances from their mouth into the bag. He then attempts to tie the bag and hands it to the patient who has the option of keeping it or dropping it into a twelve (12) inch trash can.
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- s. Johnson then pours approximately ½ cup of a mouth rinse such as Listerine or scope into a cup for the patient to swish around then spit into a tub. There is no running water or ability to sanitize or clean at the booth location.
 - t. All of these procedures are violations of 59 O.S. § 328.19(A)(11) and are a direct violation of Oklahoma law of practicing dentistry without a license by “offering or undertaking, by any means or methods, to remove stains, discolorations, or concretions from the teeth;” and violations of 59 O.S. § 328.19(A)(3) “treating or professing to treat by professional instructions.”
 - u. Before treatment, Johnson does not ask if a person has ever had an allergic reaction to carbamide, peroxide or glycerin. Certain individuals are susceptible to anaphylactic shock causing swelling and an inability to breathe.
 - v. Johnson does not advise the patients that the intensified UV led light can cause serious eye injury from irradiation if the sunglasses are not worn and that exposure of the UV light must be limited to the oral cavity area; That an individual with a history of cataract surgery or a history of retinal disease should seek advice from an ophthamologist prior to use of the device. Further that persons with a history of photo biological reactions, including individuals using urticarial solaris or erythropoetic protoporphyria medication including 8-methoxypsoralen or dimethylchlortetracycline should be advised against using a high intensity UV led light.
 - w. Johnson does not ask if a person is over the age of 18 and eligible for a medical procedure without a parents consent and does not require and identification for treatment.
 - x. Johnson does not ask if the person has any type of periodontal disease, irritated or bleeding gums or gingivitis. High levels of carbamide peroxide in teeth whitening gels can cause burning, tissue loss, cause mild to acute sensitivity to the patient, hide an underlying disease that has caused the discoloration causing further damage to the teeth. Teeth whitening can mask a disease in the tooth causing further and potentially permanent damage to the tooth.
 - y. Teeth bleaching or whitening results as a result of the pores of the tooth being expanded, penetrating through the enamel of the tooth to the inside dentin, changing both the genetic color of the tooth the patient was born with as well as removing stains. The statements made by Mr. Johnson to the patients seeking treatments at the teeth whitening booth are not medically accurate. The use of teeth whitening materials causes a structural change in the tooth.
 - z. Mr. Johnson guarantees up to three shades whiter teeth. Teeth stains are not merely caused by tea, coffee and other consumed substances as explained by Johnson. The standard practice for a dentist is to perform a medical examination to diagnose the cause of the discoloration of the teeth. A licensed dentist may make a medical determination that discoloration or staining may be an indication of dental conditions such as abscessed teeth, tooth decay,
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internal or external resorption, faulty restorations and tumors or cysts and may require x-ray as well as clinical examination to accurately diagnose. The tissue of the mouth if inflamed or subject to ongoing disease can be burned and cause pain by peroxide use. The dentist also checks for sensitivity and whether the tray can affect a jaw joint. To make an accurate diagnosis, a medical history must be taken.

- aa. Teeth tray bleaching with carbamide peroxide is a dental procedure taught at the Oklahoma University School of Dentistry and other dental schools across the country. This procedure alters the color and physical condition of natural teeth and constitutes the practice of dentistry in the State of Oklahoma.

6. The State of Oklahoma Board of Dentistry requests an emergency Temporary restraining order be placed against Euroshine USA, Ingo Van Styn, Henry Johnson and others employed by Euroshine USA or Ingo Van Styn to offer “teeth whitening” services without holding a valid State Dental License.

7. That any and all other available legal remedies are inadequate.

8. That Plaintiff has a duty of public safety and the general public is in danger and at risk of harm and injury if the Defendants continue this activity.

9. That the only adequate remedy the Plaintiff can obtain is an Order of this Court enjoining the Defendants from their operation at this location or in the State of Oklahoma on a temporary and permanent basis.

WHEREFORE, premises considered, Plaintiff requests that this Court enjoin the Defendants continuing the, as above set forth, in violation of the State Dental Act and other Oklahoma laws.

Plaintiff further prays for any and all other relief deemed equitable and proper.

Respectfully submitted,

THE STATE OF OKLAHOMA
Board of Dentistry

By _____

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