

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARINGS
MARCH 11, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 2:31 p.m. on March 11, 2010 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jacqueline G. Pace, R.D.H.

MEMBERS PRESENT: Meera A. Gokli, D.D.S.
Paul N. Zimmet, D.D.S.
Augustus A. Petticolas, Jr., D.D.S.
Herbert R. Boyd, III, D.D.S.
Martha C. Cutright. D.D.S.

MEMBERS EXCUSED: Jeffrey Levin, D.D.S.
Robert B. Hall, Jr., D.D.S.
Myra Howard, Citizen Member

MEMBER RECUSED: Misty Mesimer, R.D.H.

STAFF PRESENT: Sandra K. Reen., Executive Director
Huong Vu, Administrative Assistant

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT: James E. Schliessmann, Assistant Attorney General
Gail Ross, Adjudication Specialist
Lynn Taylor, Court Reporter, Farnsworth & Taylor Reporting

ESTABLISHMENT OF A QUORUM: With six members present, a quorum was established.

**Grover P. Burns, III,
D.D.S.
Case No. 120577**

Dr. Burns appeared with counsel, Kenneth C. Hirtz, in accordance with a Notice of the Board dated November 3, 2009.

Ms. Pace admitted into evidence Commonwealth's exhibits 1 through 3.

Ms. Pace denied admission of Respondent's exhibit A into evidence.

Ms. Pace swore in the witnesses.

Testifying on behalf of the Commonwealth were Helene J. Kelly, RN, MSN, Senior Investigator, Department of Health Professions, and Patient A.

Testifying on behalf of the respondent was his dental assistant, Elizabeth C. Taylor.

Dr. Burns testified on his own behalf.

Closed Meeting:

Dr. Gokli moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Dr. Burns. Additionally, it was moved that Board staff, Sandra Reen, Huong Vu and Board counsel, Howard Casway attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Gokli moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Pace asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Dr. Zimmet moved to adopt the Findings of Fact and Conclusions of Law as read by Mr. Casway. The motion was seconded and passed.

Mr. Casway reported that the Board decided to impose the following sanctions:

- A monetary penalty of \$1000,
- Seven hours of approved continuing education in risk management and record keeping, and
- A prospective audit of ten of Dr. Burns' patient records within one year of completion of the continuing education requirement.

Dr. Zimmet moved to adopt the Sanctions as read by Mr. Casway. The motion was seconded and passed.

ADJOURNMENT:

The Board adjourned at 9:15 p.m.

Jacqueline G. Pace, RDH, Vice-President

Sandra K. Reen, Executive Director

Date

Date