UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE: Special Conference Committee "A" convened on March 14, 2014 at 11:05 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

FIRST CONFERENCE: 11:05 a.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Kelley W. Palmatier, Deputy Executive Director
Donna Lee, Discipline Case Manager
Shevaun Roukous, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Kimberly Townes, D.D.S.
Case No.: 146573

Dr. Townes appeared with counsel, Kenneth T. Roeber, to discuss the allegations set forth in a Notice of the Board dated October 23, 2013. The Committee received statements and additional evidence from Dr. Townes and Mr. Roeber and discussed the allegations with them.

Closed Meeting: Dr. Dhakar moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Kimberly Townes. Additionally, Dr. Dhakar moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene: Dr. Dhakar moved that the Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:
Case No.: 146573

Ms. Roukous reported that the Committee found that while providing treatment to Patient A, Dr. Townes failed to include a diagnosis in the treatment record to justify the root canal performed on tooth #14 on August 18, 2011 and August 23, 2011; and that she failed to document in the treatment record a diagnosis to explain the need for a bridge on teeth #4-6 that was delivered on September 22, 2011.

The Committee further found that on August 23, 2011, Dr. Townes failed to diagnose that a file had separated during root canal therapy on Patient A's tooth #14, and that she also perforated the furcation of tooth #14.

Dr. Wyman moved to adopt the Findings of Fact and Conclusions of Law as reported by Ms. Roukous. The motion was seconded and passed.

The sanctions reported by Ms. Roukous were that Dr. Townes shall pay a $1,000.00 monetary penalty; and that her license shall be placed on indefinite probation subject to the terms and conditions that within 6 months from the date of entry of the Order she shall successfully complete 3 hours of continuing education in recordkeeping and 8 hours in hands-on endodontics.

Dr. Wyman moved to adopt the sanctions of the Committee. The motion was seconded and passed.

SECOND CONFERENCE: 1:20 p.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Kelley W. Palmatier, Deputy Executive Director
Donna Lee, Discipline Case Manager
Shevaun Roukous, Adjudication Specialist

QUORUM: All three members of the Committee were present.

John J. Andre, D.D.S.
Case No.: 149308

Dr. Andre appeared with counsel, Cheryl S. Tuck, to discuss the allegations set forth in a Notice of the Board dated October 23, 2013. The Committee received statements and additional evidence from Dr. Andre and Ms. Tuck and discussed the allegations with them.

Closed Meeting:

Dr. Dhakar moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of John J. Andre. Additionally, Dr. Dhakar moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Dhakar moved that the Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:
Case No.: 149308

Ms. Roukous reported that the Committee found that during an unannounced inspection of Dr. Andre's dental practice located at 10863 West Broad Street, Glen Allen, Virginia, by an investigator with the Department of Health Professions on March 8, 2013, Dr. Andre failed to have written basic emergency procedures established and in place that his dental hygienist, providing services under general supervision, is capable of implementing.

The sanctions reported by Ms. Roukous were that Dr. Andre shall pay a $1,000.00 monetary penalty; and that his license shall be placed on indefinite probation subject to the terms and conditions that within 90 days from the date of entry of the Order he shall present evidence of successful completion of the Board's Dental Law Examination.

Dr. Wyman moved to adopt the decision of the Committee. The motion was seconded and passed.

THIRD CONFERENCE: 3:20 p.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT:
Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT:
Kelley W. Palmatier, Deputy Executive Director
Donna Lee, Discipline Case Manager
Shevaun Roukous, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Ailin Shan, D.D.S.
Case No.: 148803

Dr. Shan appeared with counsel, Meredith M. Brebner, to discuss the allegations set forth in a Notice of the Board dated October 1, 2013. Martin N. Buxton, M.D., a licensed psychiatrist, appeared on behalf of Dr. Shan. The Committee received statements and additional evidence from Dr. Shan, Dr. Buxton, and Ms. Brebner and discussed the allegations with them.

Closed Meeting:

Dr. Dhakar moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Ailin Shan. Additionally, Dr. Dhakar moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Dhakar moved that the Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:
Case No.: 148803

Ms. Roukous reported that the Committee dismissed the allegations against Dr. Shan.

The decision was agreed to by consensus of the Committee.

Approval of Minutes:

Upon a motion by Dr. Wyman, the minutes from the Informal Conference conducted on January 24, 2014 were approved.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 4:04 p.m.

Tammy K. Swecker, R.D.H., Chair

Sandra K. Reen, Executive Director

Date

Date