

**APPROVED DRAFT AMENDED MINUTES**

**BOARD OF DENTISTRY**

**MINUTES  
CREDENTIALS COMMITTEE MEETING**

**TIME AND PLACE:** The Credentials Committee convened on December 1, 2006, at 9:00 a.m. at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

**FIRST CONFERENCE:** 9:00 a.m.

**PRESIDING:** Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:** Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**MEMBERS ABSENT:** Misty L. Sissom, R.D.H.

**STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist  
Gail Ross, Adjudication Specialist

**QUORUM:** Three members were present.

**Ariel Wartofsky, DDS,  
Applicant  
Case No. 110832**

Ariel Wartofsky, D.D.S. appeared without counsel to discuss his application for a license to practice dentistry in Virginia, and allegations that he has not been in continuous clinical practice for five (5) out of six (6) years immediately preceding his application for licensure, in violation of § 54.1-2706(9) and § 54.1-2709.B(v) of the Code, and 18 VAC 60-20-71(7) of the Regulations of the Board of Dentistry.

The Committee received Dr. Wartofsky's statements and discussed his application with him.

**Closed Meeting:** On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Ariel Wartofsky, D.D.S. Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales,

and Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

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

**Decision:**

Ms. Kiczales reported that the Committee recommended adopting as the Findings of Fact and Conclusions of Law the allegations as outlined in the Notice of Informal Conference. Further, Ms. Kiczales stated that it is the decision of the Committee to recommend denial of Dr. Wartofsky's application to the Board at its next Board meeting on December 8, 2006. Dr. Pirok moved to adopt the decision of the Committee. The motion was seconded and passed.

**SECOND CONFERENCE:**

10:03 a.m.

**PRESIDING:**

Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**MEMBERS ABSENT:**

Misty L. Sissom, R.D.H.

**STAFF PRESENT:**

Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist  
Gail Ross, Adjudication Specialist

**QUORUM:**

Three members were present.

**Philip F. Bald, D.M.D.,  
Applicant,  
Case No. 110751**

Philip F. Bald, D.M.D. appeared without counsel, to discuss his application for a license to practice dentistry in Virginia, and allegations that grounds may exist to deny issuance of a

license in accordance with a Notice of the Board dated October 30, 2006.

The Committee received Dr. Bald's statements and discussed his application with him.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Philip F. Bald, D.D.S. Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, and Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

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

**Decision:**

Dr. Pirok moved to continue the matter. The motion was seconded and passed.

**THIRD CONFERENCE:**

11:04 a.m.

**PRESIDING:**

Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**MEMERS ABSENT:**

Misty L. Sissom, R.D.H.

**STAFF PRESENT:**

Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

Gail Ross, Adjudication Specialist

**QUORUM:**

Three members were present.

**Andrew D. Levine, D.D.S.,  
D.D.S., Applicant  
Case No. 11093**

Andrew D. Levine, D.D.S. appeared without counsel to discuss his application for a license to practice dentistry in Virginia, and allegations that on or about October 31, 1991, a medical malpractice claim was paid on his behalf as a result of his alleged failure to follow-up after a third molar extraction, resulting in the patient developing a severe infection and bilateral blindness, in violation of § 54.1-2706(5) and (9) of the Code, and 18 VAC 60-20-71(1) of the Regulations of the Board of Dentistry.

The Committee received Dr. Levine's statements and discussed his application with him.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Andrew D. Levine, D.D.S. Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales and Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

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

**Decision:**

Dr. Gokli reported that it is the Committee's decision to grant Dr. Levine a dental license. Dr. Pirok moved to adopt the decision of the Committee. The motion was seconded and passed.

**FOURTH CONFERENCE:** 1:00 p.m.

**PRESIDING:** Meera A. Gokli, D.D.S.

**MEMBERS PRESENT:** Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist  
Gail Ross, Adjudication Specialist

**MEMBERS ABSENT:** Misty L. Sissom, R.D.H.

**QUORUM:** Three members were present.

**Michelle F. Pedersen,  
R.D.H.  
Case No. 109458**

Michelle F. Pedersen, R.D.H. appeared with counsel, Kenneth T. Roeber, Esq., to discuss her reinstatement application for a license to practice dental hygiene in Virginia, and allegations that she may have:

1. violated § 54.1-2706(3) of the Code, in that, she may be unsafe to practice dental hygiene due to a history of substance abuse, including a conviction for driving under the influence ("DUI") in January 2005, and pleading guilty to and being convicted of two (2) misdemeanor charges of assaulting a police officer;
2. violated § 54.1-2706(8) of the Code, in that, she may be incompetent to practice dental hygiene with safety to patients and the public due to a history of mental illness and associated hospitalizations;
3. violated § 54.1-2706(9) and § 54.1-2722.A of the Code, in that, she may have practiced as a dental hygienist in Virginia from on or about March 31, 2005, to on or about May 1, 2006, without a valid Virginia license; and
4. violated § 54.1-2706(1) of the Code, in that, despite evidence of hospitalizations and treatment for various mental, emotional, and physical conditions, she answered "No" to Questions (p), (q), (r) and (s) under Section II of the Application, filed with the Board on May 16, 2006, which asked:

- (p) Have you, within the last two (2) years, been physically or emotionally dependent upon the use of alcohol/drugs or been treated by, consulted with or under the care of a professional for any substance abuse?
- (q) Have you ever received treatment for, or been hospitalized for, a nervous, emotional or mental disorder;
- (r) Do you have a physical disability, disease, or diagnosis which could affect your performance of professional duties within the last five (5) years?
- (s) Have you ever been adjudged mentally incompetent, or been voluntarily or involuntarily committed to a mental institution?

The Committee received Ms. Pedersen's statements and discussed her application with her.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia for the purpose of consideration and discussion of medical/mental health records of Michelle F. Pedersen, R.D.H. that are excluded from the Freedom of Information Act by Virginia Code §2.2-3705(A)(5). Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, and Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

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

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee

voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Michelle F. Pedersen, R.D.H. Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, and Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

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

**Decision:**

Ms. Kiczales reported that the Committee recommended adopting as Findings of Fact and Conclusions of Law, the allegations as outlined in the Notice of Informal Conference along with additional Findings of Fact as follows:

- Ms. Pedersen admits that she is an alcoholic
- attends two or three AA meetings a week. She reported her sobriety date as January 4, 2005; and
- Ms. Pedersen successfully completed a dual diagnosis treatment program.

Ms. Kiczales reported the Committee's recommendation, which was that Ms. Pedersen enter into a Recovery Monitoring Contract with the Health Practitioner Intervention Program ("HPIP") and upon receipt of written evidence of her entry into a Recovery Monitoring Contract, they further recommended that her license be reinstated on terms and conditions. Upon reinstatement of her license, the Committee further recommended that Ms. Pedersen be issued a reprimand and a \$500.00 monetary penalty. Ms. Kiczales stated that the Committee's recommendations will be submitted to the Board for approval at its meeting on

December 8, 2006.

Dr. Pirok moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the recommendations as reported by Ms. Kiczales. The motion was seconded and passed.

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 2:25 p.m.

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Misty L. Sissom, R.D.H., Chair

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Sandra K. Reen, Executive Director

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Date

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Date