

**APPROVED**

**BOARD OF DENTISTRY**

**MINUTES**

**SPECIAL CONFERENCE COMMITTEE "C" MEETING**

- TIME AND PLACE:** Special Conference Committee "C" convened on October 26, 2007, at 9:16 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.
- APPROVAL OF MINUTES:** Dr. Young moved to approve the minutes of the Special Conference Committee "C" meeting held on August 3, 2007. The motion was seconded and passed.
- FIRST CONFERENCE:** 9:16 a.m.
- PRESIDING:** James D. Watkins, D.D.S.
- MEMBERS PRESENT:** Glenn A. Young, D.D.S.
- STAFF PRESENT:** Alan Heaberlin, Deputy Director  
Loretta Rountree, Administrative Assistant  
Cynthia E. Gaines, Adjudication Specialist
- QUORUM:** Both members of the Committee were present.
- James D. Lilly, Jr.,  
D.D.S.  
Case No. 99406** James D. Lilly, Jr., D.D.S. appeared without counsel to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that, on or about July 14, 2004, Patient A presented to his practice with discomfort in tooth #18. Upon examination, Dr. Lilly diagnosed Patient A with an abscess in tooth #18, but did not prescribe an antibiotic.
- The Committee received statements from Dr. Lilly and discussed the evidence in the case with him.
- Closed Meeting:** Dr. Young moved that the Committee convene 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 James D. Lilly, Jr., D.D.S. Additionally, Dr. Young moved that Board staff, Alan Heaberlin and Loretta Rountree, and Administrative Proceedings Division staff, Cynthia Gaines, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:** Dr. Young moved to certify 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 motion was seconded and passed.

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

**Decision:** Dr. Watkins reported that the Committee determined that a violation of the Board's statutes and regulations was not established by clear and convincing evidence, and therefore, the case is dismissed. Dr. Young moved to adopt the decision of the Committee. The motion was seconded and passed.

**SECOND**  
**CONFERENCE:**

11:34 a.m.

**PRESIDING:** James D. Watkins, D.D.S.

**MEMBERS PRESENT:** Glenn A. Young, D.D.S.

**STAFF PRESENT:** Alan Heaberlin, Deputy Director  
Loretta Rountree, Administrative Assistant  
Gail W. Ross, Adjudication Specialist

**QUORUM:** Both members of the Committee were present.

**Kenneth H. Park, D.M.D.**  
**Case No. 100293** Kenneth H. Park, D.M.D., appeared without counsel to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. During an unannounced inspection of his practice by a Department of Health Professions' Investigator, the following deficiencies were noted:
  - a. Dr. Park failed to post a radiation safety certificate for his dental assistant in plain view of patients.
  - b. By his own admission, Dr. Park's duplicate laboratory work orders failed to include the

date the work orders were written and failed to include Dr. Park's address.

- c. Since approximately 2002, Dr. Park practiced dentistry under the assumed name of Kenneth Park, D.M.D., rather than Hae D. Park, D.M.D., the name under which he is licensed. Further, Dr. Park caused signage to be placed on the front of his office building that displayed Kenneth Park, D.M.D.

The Committee received statements from Dr. Park and discussed the evidence in the case with him.

**Closed Meeting:**

Dr. Young moved that the Committee convene 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 Kenneth H. Park, D.M.D. Additionally, Dr. Young moved that Board staff, Alan Heaberlin and Loretta Rountree, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:**

Dr. Young moved to certify 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 motion was seconded and passed.

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

**Decision:**

Ms. Ross read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Park holds a current Virginia dental license.
2. During an unannounced inspection of Dr. Park's practice by a Department of Health Professions' Investigator, the following deficiencies were noted:

- a. Dr. Park violated § 54.1-2706(9) of the Code and 18 VAC 60-20-195 of the Regulations, in that, he failed to post a radiation safety certificate for his dental assistant in plain view of patients.
- b. Dr. Park violated §§ 54.1-2706(9) and 54.1-2719.B(iii) and (vi) of the Code and 18 VAC 60-20-15(8) of the Regulations, in that, by his own admission, his duplicate laboratory work orders failed to include the date the work orders were written and failed to include Dr. Park's address.
- c. Dr. Park violated §§ 54.1-2706(9) and 54.1-2718.A of the Code, in that since approximately 2002, he practiced dentistry under the assumed name of Kenneth Park, D.M.D., rather than Hae D. Park, D.M.D., the name under which he is licensed. Further, Dr. Park caused signage to be placed on the front of his office building that displayed Kenneth Park, D.M.D.

The sanctions reported by Ms. Ross was that Dr. Park be required to successfully pass the Board's dental law examination.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Park unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Park. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

**THIRD CONFERENCE:**                    1:02 p.m.

**PRESIDING:**                            James D. Watkins, D.D.S.

**MEMBERS PRESENT:**                Glenn A. Young, D.D.S.

**STAFF PRESENT:**                     Alan Heaberlin, Deputy Director

Loretta Rountree, Administrative Assistant  
Cynthia E. Gaines, Adjudication Specialist

**QUORUM:**

Both members of the Committee were present.

**John J. Andre, D.D.S.  
Case Nos. 95783 and  
107693**

John J. Andre, D.D.S. appeared without counsel to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. From approximately 2000 to June 9, 2004, Dr. Andre allowed his dental hygienist to practice in his office without holding a current, active and valid license from the Board.
2. On June 9, 2004, during an inspection of Dr. Andre's West Broad Street, Glen Allen, Virginia practice, it was noted that he failed to post radiation certificates of employees, who place and expose dental x-ray film, in plain view of the patients.
3. On or about December 12, 2005, Dr. Andre failed to diagnose an abscess in tooth #14 of Patient A that required root canal therapy.

The Committee received statements from Dr. Andre and discussed the evidence in the case with him.

**Closed Meeting:**

Dr. Young moved that the Committee convene 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 John J. Andre, D.D.S. Additionally, Dr. Young moved that Board staff, Alan Heaberlin and Loretta Rountree, and Administrative Proceedings Division staff, Cynthia Gaines attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:**

Dr. Young moved to certify 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 motion was seconded and passed.

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

**Decision:**

Ms. Gaines read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Andre holds a current Virginia dental license.
2. Dr. Andre violated §§ 54.1-2706(6) and (9) of the Code, in that from approximately 2000 to June 9, 2004, he allowed his dental hygienist to practice in his office without holding a current, active and valid license from the Board.
3. Dr. Andre violated § 54.1-2706(9) of the Code and 18 VAC 60-20-195 of the Regulations, in that, on June 9, 2004, during an unannounced inspection of his West Broad Street, Glen Allen, Virginia practice, he failed to post radiation certificates of employees, who place and expose dental x-ray film, in plain view of the patients
4. Dr. Andre provided proof of all certificates and licenses that are now posted in plain view of the patients.

The sanction reported by Ms. Gaines was that Dr. Andre be assessed a \$500.00 monetary penalty.

Dr. Young moved that the Committee adopt the Findings of Fact and conclusions of Law, and sanctions imposed as reported by Ms. Gaines. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Andre unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Andre. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

**FOURTH**  
**CONFERENCE:**

2:09 p.m.

**PRESIDING:**

James D. Watkins, D.D.S.

**MEMBERS PRESENT:**

Glenn A. Young, D.D.S.

**STAFF PRESENT:**

Alan Heaberlin, Deputy Director  
Loretta Rountree, Administrative Assistant  
Gail W. Ross, Adjudication Specialist

**QUORUM:**

Both members of the Committee were present.

**Farshad Farhoumand,  
D.D.S.  
Case No. 106725**

Farshad Farhoumand, D.D.S. appeared with counsel, Douglas M. Coleman, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. Between December 2004 and February 2005, he performed restorations on teeth #14, 28, 30, and 32, but failed to document Patient A's chart with the diagnosis and treatment plan to justify the restorations.
2. In or about January 2005, he failed to clean deep decay under a filling in tooth #14 and seated an ill-fitting crown on tooth #14 that required additional occlusal adjustments. Dental laboratory work orders failed to include his address as the dentist requesting services.

The Committee received statements from Dr. Farhoumand and discussed the evidence in the case with him.

**Closed Meeting:**

Dr. Young moved that the Committee convene 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 Farshad Farhoumand, D.D.S. Additionally, Dr. Young moved that Board staff, Alan Heaberlin and Loretta Rountree, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The

motion was seconded and passed.

**Decision:**

Ms. Ross read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Farhoumand holds a current Virginia dental license.
2. Dr. Farhoumand violated §§ 54.1-2706(9) and 54.1-2719.B(vi) of the Code, and 18 VAC 60-20-15(8) of the Regulations, in that dental laboratory work orders failed to include his address as the dentist requesting services.

Dr. Watkins reported that no sanctions will be imposed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Farhoumand unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Farhoumand. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

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James D. Watkins, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date