

APPROVED
BOARD OF DENTISTRY
MINUTES
SPECIAL CONFERENCE COMMITTEE "A" MEETING

TIME AND PLACE: Special Conference Committee "A" convened on August 18, 2006, at 9:15 a.m., at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

APPROVAL OF MINUTES: On a properly seconded motion by Dr. Young, the Committee approved the Minutes of the Special Conference Committee "A" meeting held on June 23, 2006.

FIRST CONFERENCE: 9:15 a.m.

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

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

MEMBERS ABSENT: Millard D. Stith, Jr.

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

QUORUM: With two member of the Committee present, a quorum was established.

Solomon M. Lee, D.D.S.
Case No. 10266

Solomon M. Lee, D.D.S., appeared with counsel, William K. Grogan, Esq., to discuss allegations that he may have:

1. inappropriately expressed frustration with Patient A, a minor, by slamming trays and failing to speak to the parent regarding the care and treatment of patient, in violation of § 54.1-2706(5) and (11) of the Code; and
2. while providing emergency dental work to Patient A on November 3, 2004, failed to remove the root tip of tooth I when extracting the tooth and placed a stainless steel crown on the tooth that came out of the patient's mouth and which had to be replaced less than a month after its initial placement, in violation of § 54.1-2706(5) and (11) of the Code.

The Committee received Dr. Lee's statements 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 Solomon M. Lee, D.D.S. Additionally, Dr. Young moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, 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:** The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.
- 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.
- Decision:** Dr. Gokli reported that the Committee decided to dismiss the case with a finding of no violation.
- Dr. Young moved to adopt the decision of the Committee as reported by Dr. Gokli. The motion was seconded and passed.
- SECOND CONFERENCE:** 10:42 a.m.
- PRESIDING:** Meera A. Gokli, D.D.S.
- MEMBERS PRESENT:** Glenn A. Young, D.D.S.
- MEMBERS ABSENT:** Millard D. Stith, Jr.
- STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh Kiczales, Adjudication Specialist
- QUORUM:** With two members of the Committee present, a quorum was

established.

**Teddy H. Spence, D.D.S.
Case No. 101750**

Teddy H. Spence, D.D.S., appeared with counsel, Donald R. Moran, Esq., to discuss allegations that he may have:

1. by his own admission, administered chloral hydrate (a Schedule IV controlled substance) to children and adults for conscious sedation, although he had not obtained the requisite education and training, as required by the Board, in violation of § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-120(B) of the Regulations of the Board of Dentistry; and
2. not been proficient in the handling of emergencies and complications related to pain control procedures and has no training regarding the use of the laryngoscope or endotracheal tubes, in violation of § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-120(A), (B) and (E) of the Regulations of the Board of Dentistry

The Committee received Dr. Spence's statements 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 Teddy H. Spence, D.D.S. Additionally, Dr. Young moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, 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:

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

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.

Decision:

Ms. Kiczales stated the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. Spence holds a current Virginia dental license;
2. By his own admission, Dr. Spence administered chloral hydrate (a Schedule IV controlled substance) to children and adults for conscious sedation, although he had not obtained the requisite education and training, as required by the Board, in violation of § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-120(B) of the Regulations of the Board;
3. Dr. Spence is not proficient in the handling of emergencies and complications related to pain control procedures and has no training regarding the use of the laryngoscope or endotracheal tubes, in violation of § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-120(A), (B) and (E) of the Regulations of the Board; and
4. Dr. Spence ceased performing conscious sedation in June, 2005 and has completed an Advanced Cardiac Life Support course and participated in the Oral Sedation Seminar sponsored by the Dental Organization for Conscious Sedation, L.L.C.

The sanctions reported by Ms. Kiczales was that Dr. Spence be issued a reprimand. And further, Dr. Spence is to not use conscious sedation, excluding nitrous oxide, in his practice until such time that he petitions the Board to appear before a Special Conference Committee and provides evidence to the Committee that he is in compliance with all the requirements of 18 VAC 60-20-120.E of the Regulations of the Board of Dentistry, and completed a pre-approved course in conscious sedation from an accredited dental program.

Dr. Young moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Kiczales. 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. Spence unless a written request to the Board for a formal hearing

on the allegations made against him is received from Dr. Spence. 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 this conference committee shall be vacated.

THIRD CONFERENCE:

12:35 p.m.

PRESIDING:

Meera A. Gokli, D.D.S.

MEMBERS PRESENT:

Glenn A. Young, D.D.S.

MEMBERS ABSENT:

Millard D. Stith, Jr.

STAFF PRESENT:

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

QUORUM:

With two members of the Committee present, a quorum was established.

**Lawrence J. Familant,
D.D.S.
Case No. 94668**

Lawrence J. Familant, D.D.S., appeared without counsel, to discuss allegations that he may have:

1. failed to properly diagnose the extensive decay in Patient A's teeth and take adequate radiographs to assess the same., in violation of § 54.1-2706(5) and (11) of the Code. Specifically, subsequent dentists' radiographs revealed that teeth 3, 13, 20, 29, and 30 needed treatment for decay including, but not limited to, fillings or root canal therapy.
2. maintained inadequate records for Patient A in that:
 - (a) Patient A's name does not appear at the top of her patient chart, in violation of § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(1) of the Regulations of the Board;
 - (b) patient record for Patient A does not contain an adequate description of the diagnosis and treatment of Patient A, in violation of § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(3) of the Regulations of the Board;
 - (c) record of controlled substances prescribed, administered, dispensed, and the quantities of

- such controlled substances were inadequate, in violation of § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(4) of the Regulations of the Board;
- (d) radiographs for at least three years for Patient A were not provided as evidence to the Board, in violation of § 54.1-2706(9), of the Code, and 18 VAC 60-20-15(5) of the Regulations of the Board; and
 - (e) the dentist or dental hygienist providing services for several entries in the patient's chart were not indicated, in violation of § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(7) of the Regulations of the Board.

The Committee received Dr. Familant's statements 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 Lawrence J. Familant, D.D.S. Additionally, Dr. Young moved that Board staff, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, 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:

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

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.

Decision:

Ms. Kiczales stated the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. Familant holds a current Virginia dental license; and
2. Dr. Familant failed to take adequate radiographs when Patient A presented on October 29, 2003 to adequately assess Patient A's needs, in violation of § 54.1-2706(5) of the Code. Subsequent dentists' radiographs revealed that teeth 3, 13, 20, 29, and 30 needed treatment for decay including, but not limited to, fillings or root canal therapy, in violation of § 54.1-2706(5) and (11) of the Code.

The sanctions reported by Ms. Kiczales were that Dr. Familant be issued a reprimand and be required to complete four (4) continuing education hours in risk management, to be completed within six (6) months.

Dr. Young moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Kiczales. 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. Familant unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Familant. 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 this conference committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 1:28 p.m.

Meera A. Gokli, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date