

BOARD OF DENTISTRY

MINUTES SPECIAL CONFERENCE COMMITTEE "D"

TIME AND PLACE: Special Conference Committee "D" convened on February 1, 2008, at 1:03 p.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

FIRST CONFERENCE:

PRESIDING: Jeffrey Levin, D.D.S.

MEMBERS PRESENT: Myra Howard

STAFF PRESENT: Alan Heaberlin, Deputy Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

QUORUM: Both members of the Committee were present.

**SAUMITRA SARAVANA,
D.M.D.
Case No. 107033**

Saumitra Saravana, D.M.D. appeared with counsel, Mariana D. Bravo, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. In or about July 2005, he negligently placed a crown on tooth #15 that had a hole on the occlusal surface.
2. In or about July 2005, he negligently placed a crown on tooth #18 that had metal showing through the occlusal surface.
3. In or about July 2005, he recommended a core buildup and crown on tooth #2 that was found by subsequent providers to only need a filing.
4. In or about July 2005, he failed to diagnose and treat carries on tooth #13.
5. In or about July 2005, he failed to diagnose and treat carries on tooth #14.
6. In or about August 2005, he attempted to obtain payment by filing a claim with Patient A's insurance company for core buildup and crowns on tooth #15

**Virginia Board of Dentistry
Special Conference Committee “D”
February 1, 2008**

and #18, that was rejected when two dental reviewers determined that this service was unnecessary because both teeth had adequate tooth structure and no missing cusps. Further, he collected payment from Patient A for unnecessary services.

7. In or about 2005, by his own admission, x-rays taken for Patient A were not maintained in the patient record.

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

The Committee received statements from Mark Trahos, D.D.S.

Closed Meeting:

Ms. Howard 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 Saumitra Saravana, D.M.D. Additionally, Ms. Howard moved that Board staff, Alan Heaberlin and Cheri Emma-Leigh, 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:

Ms. Howard 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. Levin 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. Ms. Howard moved to adopt the decision of the Committee. The motion was seconded and passed.

SECOND CONFERENCE:

**Virginia Board of Dentistry
Special Conference Committee “D”
February 1, 2008**

PRESIDING: Jeffrey Levin, D.D.S.

MEMBERS PRESENT: Myra Howard

STAFF PRESENT: Alan Heaberlin, Deputy Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

QUORUM: Both members of the Committee were present.

**BENNETT I.
FINKELSTEIN, D.D.S.
Case No. 104767**

Bennett I. Finkelstein, 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. In or about 2005/2006, by his own admission, he failed to routinely wear a mask while examining patients and/or performing dental procedures.
2. During an unannounced inspection of his dental practice by a Department of Health Professions' inspector on August 17, 2006, the following deficiencies were noted:
 - a. Dr. Finkelstein failed to post, in plain view of patients, the radiation certificate of the dental assistant who places or exposes dental x-ray film.
 - b. Dr. Finkelstein maintained over fifty (50) expired drugs within the working stock of drugs in his practice.

The Committee received statements from Dr. Finkelstein and discuss the evidence in the case with him.

The Committee received statements from Mark Walden.

Closed Meeting:

Ms. Howard 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 Bennett I. Finkelstein, D.D.S. Additionally, Ms. Howard moved that Board staff, Alan Heaberlin and Cheri Emma-Leigh, 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

**Virginia Board of Dentistry
Special Conference Committee “D”
February 1, 2008**

and passed.

Reconvene:

Ms. Howard 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. Finkelstein holds a current Virginia dental license.
2. During an unannounced inspection of Dr. Finkelstein’s practice by a Department of Health Professions’ Inspector on August 17, 2006, the following deficiencies were noted:
 - a. Dr. Finkelstein violated § 54.1-2706(9) of the Code of Virginia, and 18 VAC 60-20-195 of the Regulations, in that he failed to post, in plain view of patients, the radiation certificate of the dental assistant who places or exposes dental x-ray film.
 - b. Dr. Finkelstein violated §§ 54.1-2706(5) and 54.1-3461 of the Code of Virginia, in that he maintained over fifty (50) expired drugs within the working stock of drugs in his practice.

The sanctions reported by Ms. Ross were that Dr. Finkelstein be issued a reprimand and assessed a monetary penalty of \$2,000.00

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Finkelstein unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Finkelstein. 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.

**Virginia Board of Dentistry
Special Conference Committee “D”
February 1, 2008**

ADJOURNMENT: With all business concluded, the Committee adjourned at 2:50 p.m.

Jeffrey Levin, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date