

APPROVED
BOARD OF DENTISTRY
MINUTES
SPECIAL CONFERENCE COMMITTEE "B"

TIME AND PLACE: Special Conference Committee "B" convened on October 12, 2012, at 9:05 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Jeffrey Levin, D.D.S.

MEMBERS PRESENT: Charles E. Gaskins, III, D.D.S.
James D. Watkins, D.D.S.

MEMBER ABSENT: Melanie C. Swain, R.D.H.

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

QUORUM: With three members present, a quorum was established.

**Sam E. English, II, DDS
Case Nos.: 132888 and
137309** Dr. English appeared with counsel, Rodney K. Adams, to discuss the allegations set forth in a Notice of the Board dated July 30, 2012. The Committee received statements from Dr. English and Mr. Adams and discussed the allegations with them.

Mr. Adams noted an objection to the presence of Ms. Toliver in the closed meeting. The Committee overruled the objection.

Closed Meeting: Dr. Gaskins 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 Sam English. Additionally, Dr. Gaskins moved that Ms. Palmatier and Ms. Toliver 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. Gaskins 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

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convened. The motion was seconded and passed.

**DECISION:
Case Nos.: 132888 and
137309**

Dr. Levin reported that after reviewing the facts before it, the Committee found that it could not resolve this matter within the limits of its authority and that a Formal Hearing would be convened.

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

**Jeffrey S. Burns, D.D.S.
Case No.: 140735**

Dr. Burns appeared without counsel to discuss the allegation set forth in a Notice of the Board dated August 10, 2012. The Committee received statements from Dr. Burns and discussed the allegation with him.

Closed Meeting:

Dr. Gaskins 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 Sam English. Additionally, Dr. Gaskins moved that Ms. Palmatier, Ms. Lee, and Ms. Toliver 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. Gaskins 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.: 140735**

Ms. Toliver reported that the Committee found that Dr. Burns in the year 2011 allowed his dental assistant to place composite restorative materials in a patient's mouth, a service which requires the professional competence of a dental assistant II or a dentist.

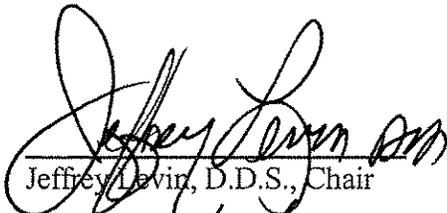
The sanctions reported by Ms. Toliver were that Dr. Burns' license shall be placed on probation subject to the terms and conditions that within 60 days from the date of entry of the Order he shall successfully complete the Virginia Dental Law Examination. Dr. Burns was also Ordered to pay a \$500 monetary penalty.

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

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Approval of Minutes: Upon a motion by Dr. Gaskins, the minutes from the Informal Conference conducted on August 31, 2012 were approved.

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



Jeffrey Levin, D.D.S., Chair
11/30/2012
Date



Sandra K. Reen, Executive Director
December 3, 2012
Date