UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE:	Special Conference Committee "A" convened on July 18, 2014 at 9:08 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	9:08 a.m.
PRESIDING:	Bruce S. Wyman, D.M.D.
MEMBERS PRESENT:	A. Rizkalla, D.D.S.
MEMBERS ABSENT:	Surya P. Dhakar, D.D.S. Tammy K. Swecker, R.D.H.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Shevaun Roukous, Adjudication Specialist
QUORUM:	With two members present, a quorum was established.
Michael McQuade, D.D.S. Case Nos.: 140724 and 150036	Dr. McQuade appeared with counsel, Michael Goodman, to discuss the allegations set forth in an Amended Notice of the Board dated June 16, 2014. The Committee received statements from Dr. McQuade and Mr. Goodman and discussed the allegations with them.
Closed Meeting:	Dr. Rizkalla 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 Michael McQuade. Additionally, Dr. Rizkalla moved that Ms. Palmatier and Ms. Roukous 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. Rizkalla 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 Nos.: 140724 and 150036

Ms. Roukous 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.

The decision was agreed to by consensus of the Committee.

SECOND CONFERENCE: 1:25 p.m.

PRESIDING: Bruce S. Wyman, D.M.D.

MEMBERS PRESENT: A. Rizkalla, D.D.S.

MEMBERS ABSENT: Surya P. Dhakar, D.D.S.
Tammy K. Swecker, R.D.H.

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

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

William Proffitt, D.D.S.
Case No.: 138091

Dr. Proffitt appeared with counsel, James Bragdon, to discuss the allegations set forth in a Notice of the Board dated October 15, 2014. The Committee received statements from Dr. Proffitt and Mr. Bragdon and discussed the allegations with them.

Closed Meeting:

Dr. Rizkalla 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 William Proffitt. Additionally, Dr. Rizkalla moved that Ms. Palmatier and Ms. Roukous 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. Rizkalla 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.: 138091

Ms. Roukous reported that the Committee found that Dr. Proffitt failed to have an agreement with a dentist in Richmond to provide

follow-up care for his patients, despite the fact that on his Application for a Registration of a Mobile Dental Facility, he certified that a written agreement had been executed for follow-up care for patients in a dental office which had been permanently established within a reasonable geographic area of each location where he provided dental services.

The Committee also found that Dr. Proffitt failed to document evaluation findings and to record restorations, occlusal relationships, and periodontal conditions, including periodontal charting, despite the fact that he billed Patients B, C, E, G and I for a comprehensive oral evaluation.

Dr. Proffitt noted dental conditions that necessitated treatment on Patient H's teeth #30 and #4 and Patient K's tooth #28, but he failed to provide treatment or refer the patients to another dentist for follow-up treatment.

Dr. Proffitt billed for products to control bacteria, despite the fact that treatment records for Patients A-H and Patients J, L, and O failed to show that any such products were applied or dispensed; and he also billed Patients G, J, L, M, and O for oral hygiene instructions that were not documented in their treatment records.

The Committee also found that Dr. Proffitt permitted a dental hygienist for Senior Dental Services to apply topical fluoride to Patients E-I, but the patients' records failed to reflect that each patient had a prophylaxis prior to placement of fluoride.

The Committee further found that Dr. Proffitt failed to ensure that his records indicated the name of the dentist and/or the dental hygienist providing services to Patients A-F and Patients H, J, and O.

Dr. Proffitt excessively performed and charged for ultrasonic cleaning of dentures for Patients J, M, and O, despite the fact that the patients were placed in his Level 3 Program, which labeled them edentulous and prescribed four ultrasonic cleanings per year for their dentures.

Dr. Proffitt failed to take an initial health history for Patients E, H and F. During Patient I's initial examination, Dr. Proffitt failed to describe and document in the progress notes the additional dental needs that he observed.

While providing treatment to Patient G, Dr. Proffitt billed for topical fluoride, full mouth debridement and products to control bacteria, without documenting the services in Patient G's record; Patient G complained of catching food in her upper left quadrant at teeth #14 and 15, but Dr. Proffitt failed to provide or recommend treatment.

While providing treatment to Patient O, Dr. Proffitt billed for a comprehensive oral evaluation, however, he failed to indicate whether an intraoral screen and extra oral screen were performed; he also billed Patient O for a full mouth debridement, despite the fact that Patient O is edentulous.

Dr. Proffitt allowed his dental hygienist to provide services to Patient M as noted on his dentist's order dated July 13, 2011, despite the fact that it had been longer than ten months from the date a dentist last examined the patient.

The sanctions reported by Ms. Roukous were that Dr. Proffitt shall pay a $25,000.00 monetary penalty. Dr. Proffitt's license shall be subject to the terms and conditions that within 6 months from the date of entry of the Order, he shall successfully complete 7 continuing education hours in recordkeeping and risk management; successfully complete the Board's Dental Law Exam; and be the subject of an unannounced inspection to include a random sample of 10 patient records for review.

The decision was agreed to by consensus of the Committee.

ADJOURNMENT: With all business concluded, the Committee adjourned at 7:45 p.m.

Bruce S. Wyman, D.M.D, Chair

Sandra K. Reen, Executive Director

Date

Date