UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE:	Special Conference Committee "A" convened on March 6, 2015 at 10:30 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	10:30 a.m.
PRESIDING:	Tammy K. Swecker, R.D.H.
MEMBERS PRESENT:	Bruce S. Wyman, D.M.D.
MEMBERS ABSENT:	Surya P. Dhakar, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Tiffany A. Laney, Adjudication Specialist
QUORUM:	With two members present a quorum was established.
Ana Maria Cujar, D.D.S. **Case No.: 154923**	Dr. Cujar appeared with counsel, Kenneth C. Hirtz, to discuss the allegations set forth in the Notice of the Board dated November 3, 2014. The Committee received statements from Dr. Cujar and Mr. Hirtz and discussed the allegations with them.
Closed Meeting:	Dr. Wyman 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 Ana Maria Cujar. Additionally, Dr. Wyman moved that Ms. Palmatier, Ms. Lee, and Ms. Laney 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. Wyman 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.: 154923

Ms. Laney reported that the Committee found that while providing treatment to Patient A, Dr. Cujar placed four mini dental implants, which are only indicated for temporary use, as the sole support for the complete maxillary denture that she delivered to Patient A.

The Committee also found that Dr. Cujar failed to allow the mini dental implants that she placed for Patient A to properly osseointegrate before she delivered the maxillary denture to Patient A; and that she loaded the maxillary denture for forces (biting) immediately after she placed Patient A's mini dental implants.

The Committee further found that Dr. Cujar disconnected Patient A's denture from his implants only three days after she had placed them, which is an insufficient time to achieve optimal osseointegration.

The sanctions reported by Ms. Laney were that Dr. Cujar shall pay a $1,000.00 monetary penalty; and that within 6 months from the date of entry of the Order she shall successfully complete a 14 hour continuing education course in advanced surgical implant treatment planning.

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

SECOND CONFERENCE: 1:10 p.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

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

QUORUM: All three members of the Committee were present.

Vladimir Soyfer, D.M.D.
Case No.: 153452

Dr. Soyfer did not appear. Ms. Palmatier informed the Committee that the letter rescheduling Dr. Soyfer's informal conference to March 6, 2015 was sent by regular and certified mail to Dr. Soyfer's address of record with the Board. Ms. Palmatier stated that Dr. Soyfer had contacted the Board earlier in the week and expressed concern about whether he would be able to attend the

informal conference because of the impending inclement weather that was forecasted for the area where he lives. Dr. Soyfer was told by Board staff that he could submit a written request for a continuance to the Board by either e-mail or facsimile. On the day of the informal conference, the Board did not receive any written communication or telephone message from Dr. Soyfer regarding his attendance at the informal conference. The Committee Chair ruled that proper notice had been provided to Dr. Soyfer and the informal conference proceeded in his absence.

The Committee reviewed the allegations set forth in the Notice of Board dated November 3, 2014, and also considered the additional information that Dr. Soyfer previously submitted to the Committee.

Closed Meeting:

Dr. Dhakar 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 Vladimir Soyfer. Additionally, Dr. Dhakar moved that Ms. Palmatier, Ms. Lee, and Ms. Laney 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. Dhakar 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.: 153452

Ms. Laney reported that the Committee found that while providing treatment to Patient A, Dr. Soyfer placed an implant that was too narrow and too short at the site of Patient A's tooth #19, which resulted in a poor crown-to-implant ratio; and he failed to recommend or place a bone graft for Patient A before he placed the #19 implant into bone with a radiolucency.

The Committee also found that Dr. Soyfer torqued Patient A's implants #19 and #30 to ten NC, which is below the standard recommendation of 32 NC.

The Committee further found that Dr. Soyfer placed permanent crowns on Patient A's teeth #18, 20, 31, and 32, which were periodontally compromised, as evidenced by his treatment notes.

Dr. Soyfer improperly billed Patient A for services that he did not perform. On June 22, 2009, Dr. Soyfer billed Patient A for "suture of recent small wounds up to 5 cm," despite the fact that his treatment note dated June 22, 2009 indicated that there were no sutures remaining in Patient A's mouth on that date. Dr. Soyfer billed Patient A for "unspecified diagnostic procedure, by report," despite the fact that his treatment notes fail to reflect that he performed any procedures for her on June 22, 2009.

On June 4, 2009, Dr. Soyfer billed Patient A for removal of the sutures that he used when he surgically placed her implants #19 and 30, despite the fact that he had already billed Patient A on May 21, 2009 for the surgical placement of implants #19 and 30.

Dr. Soyfer failed to document the following information in Patient A's treatment record: (1) the type of abutments that he used in connection with implants #19 and 30; (2) that he took any bite registrations or impressions or that he placed temporary crowns on Patient A's teeth #18, 19, 20, 30, 31, and 32; (3) the percentage of epinephrine contained in the anesthetic that he administered to Patient A; and (4) the handwritten treatment notes failed to contain Patient A's name.

The treatment record for Patient A failed to contain any dental or periodontal charting, despite the fact that chart progress notes dated May 7, 2009, indicated that Dr. Soyfer performed a "detailed and extensive oral evaluation – problem focused, by report."

The sanctions reported by Ms. Laney were that Dr. Soyfer shall be issued a reprimand; pay a monetary penalty of $9,000.00; and 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, a 14 hour continuing education course in surgical implant treatment planning and placement, and a 7 hour continuing education course in proper dental accounting, coding and billing practices. Dr. Soyfer shall also successfully complete the Virginia Dental Law Exam.

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

Virginia Board of Dentistry
Special Conference Committee "A"
March 6, 2015

THIRD CONFERENCE: 2:10 p.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

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

QUORUM: All three members of the Committee were present.

Miller B. Lewis, Jr., D.D.S.
Case No.: 156128

Dr. Lewis appeared with counsel, Kenneth C. Hirtz, to discuss the allegations set forth in a Notice of the Board dated December 10, 2014. The Committee received statements and additional information from Dr. Lewis and discussed the allegations with them.

Closed Meeting:

Dr. Dhakar 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 Miller B. Lewis. Additionally, Dr. Dhakar moved that Ms. Palmatier, Ms. Lee, 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. Dhakar 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.: 156128

Ms. Roukous reported that the Committee found that Dr. Lewis failed to document a diagnosis in Patient A's treatment record to justify the need to extract Patient A's tooth #2.

The Committee also found that Dr. Lewis failed to refer Patient A to an oral surgeon for further evaluation despite Patient A's complaints of pain and swelling on the lower posterior right side of his mouth at his initial appointment on October 30, 2013; continued complaints of pain and swelling following extractions on December 4, 2013; poor response to healing, and the results of a December 12, 2013 panoramic radiograph which showed irregular

bone loss not consistent with the simple extractions performed.

On or about January 8, 2014, Patient A had a biopsy performed by another physician, and on or about January 15, 2014, Patient A was diagnosed with squamous cell carcinoma of the right mandible.

Dr. Lewis failed to document in the treatment record the percentage of epinephrine in the anesthetic administered to Patient A.

The Committee further found that Dr. Lewis published or caused to be published statements on his website, www.nrvdentist.com, that were deceptive and misleading and/or represent claims of superiority in that he stated he could "get rid of any dental problems."

The sanctions reported by Ms. Roukous were that Dr. Lewis shall be issued a reprimand; pay a $3,000.00 monetary penalty; and that within 6 months from the date of entry of the Order he shall successfully complete a 12 hour continuing education course in oral pathology, and 3 continuing education hours in recordkeeping. Dr. Lewis shall also successfully complete the Virginia Dental Law Exam.

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

Approval of Minutes: Upon a motion by Dr. Wyman, the minutes from the Informal Conference conducted on January 23, 2015 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 3:50 p.m.

Tammy K. Swecker, R.D.H., Chair

Sandra K. Reen, Executive Director

Date

Date