UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "B"

TIME AND PLACE:	Special Conference Committee "B" convened on May 1, 2015 at 9:13 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	9:13 a.m.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	John M. Alexander, D.D.S. A. Rizkalla, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Tiffany A. Laney, Adjudication Specialist
QUORUM:	All three members of the Committee were present.
Philip D. Morgan, D.D.S. **Case No.: 154269**	Dr. Morgan appeared with counsel, Kenneth C. Hirtz, to discuss the allegations set forth in a Notice of the Board dated February 19, 2015. Beth Aliff, court reporter, was present on behalf of Mr. Hirtz to provide a verbatim record of the informal conference. The Committee received statements from Dr. Morgan and Mr. Hirtz 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 Philip Morgan. Additionally, Dr. Rizkalla 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. 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.: 154269**	Ms. Laney reported that the Committee dismissed the allegations against Dr. Morgan. Dr. Alexander moved to adopt the decision of the Committee. The motion was seconded and passed.
SECOND CONFERENCE:	11:55 a.m.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	John M. Alexander, D.D.S. A. Rizkalla, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Tiffany A. Laney, Adjudication Specialist
QUORUM:	All three members of the Committee were present.
Samrawit Kassahun Giday, R.D.H., Applicant **Case No.: 160547**	Ms. Giday appeared without counsel to discuss her Application for Reinstatement of her license to practice dental hygiene in the Commonwealth of Virginia, and the allegations set forth in a Notice of the Board dated April 9, 2015. The Committee received statements from Ms. Giday and discussed the allegations with her.
Closed Meeting:	Dr. Rizkalla moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(15) of the Code of Virginia for the purpose of consideration and discussion of medical and mental health records of Samrawit Giday that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705(A)(5). Additionally, Dr. Rizkalla 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. 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.

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 Samrawit Giday. Additionally, Dr. Rizkalla 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. 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.: 160547

Ms. Laney reported that the Committee found that Ms. Giday is unsafe to practice dental hygiene with safety to her patients and the public due to mental incompetence/mental illness. Specifically, between November 2010 and June 2014, Ms. Giday was involuntarily admitted to hospitals on five different occasions with diagnoses of schizophrenia, paranoid type, and schizoaffective disorder, bipolar type. By her own admission, upon being discharged from the hospitals, Ms. Giday repeatedly failed to comply with the medication regimen prescribed by her treatment providers. Ms. Giday's condition requires treatment, medication management, and ongoing monitoring.

The Committee also found that Ms. Giday failed to submit all of the documentation required in Section II(q) of her Application for Reinstatement. Specifically, Ms. Giday failed to provide a letter of explanation from the treating professionals, including a summary of their diagnosis, treatment, and prognosis for each of the five occasions that she was hospitalized between November 2010 and June 2014.

Ms. Giday has not practiced dental hygiene since 2010.

Ms. Giday's application for reinstatement contained proof that she had completed 44 hours of continuing education; however, she submitted proof to the Committee that she successfully completed an additional 16 hours of continuing education since she submitted her application for reinstatement.

The Committee further found that Ms. Giday accepted responsibility for her actions, admitted that she does have a mental illness, and recognized that she will need continuous treatment for her mental illness. Ms. Giday demonstrated to the Committee that she has the ability to cope with her mental illness, and provided evidence from her counselor that she has maintained her psychiatric stability on medication.

Ms. Laney reported that the Committee approved Ms. Giday's application for reinstatement of her license to practice dental hygiene in the Commonwealth of Virginia contingent upon proof of her entry into the Virginia Health Practitioners' Monitoring Program ("HPMP") and continued compliance with the terms and conditions of the HPMP.

Ms. Laney further reported that once Ms. Giday has been issued a license to practice dental hygiene, she shall not engage in the practice of dental hygiene on patients until she has successfully completed a six credit hour hands-on clinical refresher update course in dental hygiene.

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

ADJOURNMENT: With all business concluded, the Committee adjourned at 2:27 p.m.

Charles E. Gaskins, III, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date