

UNAPPROVED MINUTES

VIRGINIA BOARD OF DENTISTRY AD HOC COMMITTEE MEETING on DISCIPLINARY FINDINGS

Wednesday, June 3, 2015

Perimeter Center
9960 Mayland Drive, Suite 201
Richmond, Virginia 23233-1463
Training Room 1

-
- CALL TO ORDER:** The meeting of the Ad Hoc Committee on Disciplinary Findings was called to order at 2:33 p.m. on June 3, 2015 in Training Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** James D. Watkins, D.D.S., Chair
- MEMBERS PRESENT:** Charles E. Gaskins, III., D.D.S.
Tammy K. Swecker, R.D.H.
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Kelley W. Palmatier, Deputy Director
Huong Vu, Operations Manager
- QUORUM:** All members were present.
- PUBLIC COMMENT:** None
- DISCIPLINARY FINDINGS:** Ms. Reen stated that the Board at its March 13, 2015 meeting established the Committee to discuss adding relevant findings of facts to Board Orders and to consider if Guidance Document 60-2 Sanction Reference Point (SRP) Instruction Manual should be edited to facilitate consistency across the Special Conference Committees (SCCs) in addressing aggravating and mitigating factors which affect consistency in sanctioning.
- Following review of the SRP provisions for mitigating and aggravating factors, it was agreed that SCC chairs would facilitate discussion of the presenting evidence to determine if additional findings of fact are needed to support the case decision. Dr. Gaskins noted that SRP pages 9 and 14 would be very helpful in decision making. Staff agreed to have copies of those pages available at all informal conferences.

Ms. Reen then asked the Committee to consider some changes to the SRP based on the staff's review of the Boards of Medicine and Nursing's SRPs. After discussion and by consensus, the Committee decided to forward the following recommendations to the Board for consideration:

SRP pg 8

Add additional bullets as "**Pre-Hearing Consent Order (PHCO)**" and "**Confidential Consent Agreement (CCA)**" under Worksheets Not Used in Certain Cases.

SRP pg 9

Add additional bullet as "**Obtaining drugs by fraud**" under Inability to Safely Practice.

Include "**sexual assault and mistreatment**" to abuse under Standard of Care.

Add additional bullet as "**Omission of required wording/advertising elements**" under Business Practice Issues/Advertising.

SRP pg 10

In the bullet section, replace the word Victim with "**Patient**"

Add another bullet as "**Age of prior record**"

SRP pg 12

Add "**/monitoring**" after treatment.

Replace HPIP with "**HPMP.**"

Add additional bullet as "**Mental or Physical Evaluation.**"

Delete bullet point "**Read Board laws governing Dentistry**" under No Sanction Reprimand Education Terms.

SRP pg 13

Add the word "**/monitoring**" after each appearance of "Treatment".

SRP pg 16 – Inability to Safely Practice worksheet Instructions
Under Offense Score column, add "**Enter "20" if there was financial or other material gain from the offense.**"

SRP pg 17 – Inability to Safely Practice Worksheet

Under Offense Score, add "**Finance or material gain from offense - 20 points.**"

In the Sanction Grid add "**/monitoring**" after each appearance of "Treatment".

SRP pg 18 – Standard of Care worksheet Instructions
Under Offense Score column, add **“Enter “20” if there was financial or other material gain from the offense.”**

SRP pg 19 - Standard of Care worksheet
Under Offense Score, add **“Finance or material gain from offense - 20 points.”**
In the Sanction Grid add **“/monitoring”** after each appearance of “Treatment”.

SRP pg 20 – Advertising/Business Practice Issues Worksheet Instructions
Under Offense Score column, add **“Enter “20” if there was financial or other material gain from the offense.”**

SRP pg 21 - Advertising/Business Practice Issues Worksheet
Under Offense Score, add **“Finance or material gain from offense - 20 points.”**
In the Sanction Grid add **“/monitoring”** after each appearance of “Treatment”.

There was discussion of having these proposed changes considered at the June 12th Board meeting. It was decided that Ms. Reen would contact Mr. Kauder of Visual Research to determine if adding another 20 point offence score for “financial or other material gain from the offense” should be addressed in the delineation of the offense scoring ranges. She commented that addressing this might delay presentation to the Board to the September meeting.

ADJOURNMENT: With all business concluded, the Committee adjourned at 3:35 p.m.

James D. Watkins, Chair

Sandra K. Reen, Executive Director

Date

Date