

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
September 15, 2016**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 11:10am, on September 15, 2016 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: A. Rizkalla, D.D.S, President

MEMBERS PRESENT: Patricia B. Bonwell, R.D.H., PhD
Nathanial C. Bryant, D.D.S.
Tonya A. Parris-Wilkins, D.D.S.
August A. Petticolas, Jr., D.D.S.
Tammy C. Ridout, R.D.H.
James D. Watkins, D.D.S.
Bruce S. Wyman, D.M.D.

MEMBERS ABSENT: Carol R. Russek, J.D., Citizen Member
John M. Alexander, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Christine M. Houchens, Licensing Manager
Donna M. Lee, Discipline Case Manager

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT: James E. Schliessmann, Senior Assistant Attorney General
Tracy E. Robinson, Adjudication Specialist
Juan Ortega, Court Reporter

**ESTABLISHMENT OF
A QUORUM:** With nine members present, a quorum was established.

**Hamada R. Makarita,
D.D.S Reinstatement
Case Nos.: 86781,136371,
143367 and 152192**

Dr. Makarita was present without legal counsel in accordance with the Notice of the Board dated August 10, 2016.

Dr. Rizkalla swore in the witnesses.

Following Dr. Makarita's opening statement; Dr. Rizkalla admitted into evidence Applicants exhibits 1 through 3.

Following Mr. Schliessmann's opening statement, Dr. Rizkalla admitted into evidence Commonwealth's Exhibits 1-22.

Testifying on behalf of the Commonwealth were Gayle E. Miller, DHP Senior Investigator, Chery M. Hodgson, DHP Senior Investigator and witness "Patient D".

Testifying on behalf of Dr. Makarita were Erica Hess-Makarita, Ghajibah Campbell and Dr. Sameh Kassem. Dr. Makarita testified on his own behalf.

Mr. Schliessmann moved to have the witnesses separated. The Board granted Mr. Schliessman's request.

At 3:30pm, Christine Houchens left hearing and Donna Lee took her place.

Closed Meeting:

Dr. Parris-Wilkins moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) and Section 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Dr. Makarita. Additionally, she moved that Board staff, Ms. Reen, Ms. Lee, and Board counsel, Mr. Rutkowski attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Parris-Wilkins moved that the Board 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.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Mr. Rutkowski reported that Dr. Makarita's license is reinstated and placed on indefinite suspension for a period of not less than two years from the date of entry of the Order. Said suspension shall remain stayed contingent on continued compliance with the following terms:

Dr. Makarita will not prescribe or dispense Schedule II, III, and IV drugs for two years from the date of entry of the Order.

Within 3 months from the date of entry of the Order, Dr. Makarita shall successfully complete a 7 hour continuing education course in the subject of principles of pharmacology and prescription writing; and a 4 hour continuing education course in the subject of the treatment of medically compromised patients.

Within 6 months from the date of entry of the Order, Dr. Makarita shall successfully complete a 10 hour continuing education course in the subject of diagnosis and treatment planning protocol; and a 7 hour continuing education course in the subject of principles of ethics for the dental professional.

The continuing education courses shall be obtained from a program accredited by the Commission on Dental Accreditation ("CODA") of the American Dental Association.

Dr. Makarita shall be subject to a random audit of ten (10) patient charts once a year for two (2) years from the date of this order.

Dr. Parris-Wilkins moved to accept the Findings of Facts and Conclusion of Law and sanctions imposed as presented by the Commonwealth, amended by the Board, and read by Mr. Rutkowski. The motion was seconded and passed. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 12:50 a.m.

A. Rizkalla, D.D.S., President

Sandra K. Reen, Executive Director

Date

Date