

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "B" MEETING

TIME AND PLACE: Special Conference Committee "B" convened on October 27, 2006, at 9:15 a.m., at the Department of Health Professions, Richmond, Virginia.

APPROVAL OF MINUTES: Dr. Snyder moved to approve the Minutes of the Special Conference Committee "B" meeting held on July 7, 2006. The motion was seconded and passed.

FIRST CONFERENCE: 9:15 a.m.

PRESIDING: Edward P. Snyder, D.D.S.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Jacqueline G. Pace, R.D.H.

STAFF PRESENT: Patricia L. Larimer, Deputy Executive Director
Catherine H. Chappell, Administrative Staff Assistant
Leigh C. Kiczales, Adjudication Specialist

QUORUM: All three members of the Committee were present.

**Roland Drum, D.D.S.
Case Nos. 100711, 104896,
and 105495**

Roland Drum, D.D.S., appeared with counsel, Randell Norton, Esq., to discuss allegations that he may have:

1. violated § 54.1-2706(5) and (11) of the Code, in that, while filling Patient A's teeth #2 and #31, he allowed his drill to slip, cutting the inside of Patient A's cheek and gums, which resulted in heavy bleeding, and failed to treat the cut, and despite the fact that there was an open and bloodied cut inside of Patient A's mouth, he continued to treat her without wearing gloves;
2. violated § 54.1-2706(5) and (11) of the Code, in that, on or about October 19, 2005, Patient C presented to him with complaints of a toothache in the lower left front area of her mouth and a chip in tooth #8. After performing an examination and taking periapical and bitewing x-rays, he was unable to discern the cause of patient C's pain. Further, in attempting to correct the chip in Patient C's tooth #8, he filed it incorrectly, leaving Patient C's teeth uneven;

3. failed to wear gloves during treatment of Patient B, on or about November 19, 2004, and treatment of Patient C, on or about October 19, 2005, in violation of § 54.1-2706(5) and (11) of the Code;
4. violated § 54.1-2706(8) of the Code, in that, Patient A indicated in a January 13, 2005, interview with the Department of Health Professions' investigator, that she observed Dr. Drum's hands to be trembling during her treatment. That Investigator indicated that during a January 31, 2005, interview with Dr. Drum, she observed that his right hand exhibited a constant visible tremor throughout the approximately one (1) hour long interview. Further, a second Investigator indicated that she observed a tremor in his right hand while conducting an inspection of his office on October 25, 2005;
5. maintained inadequate records, in that, a review of Patient C's dental record revealed the following deficiencies:
 - a. failed to document Patient C's name in her dental chart, in violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-15(1) of the Regulations of the Board of Dentistry; and
 - b. during a review of Patient C's dental records, Dr. Drum was unable to produce the radiographs taken during her October 19, 2005 appointment, in violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-15(5) and (6) of the Regulations of the Board of Dentistry;
6. during an unannounced inspection of his practice on October 25, 2005, the following deficiencies were noted:
 - a. the signage displayed at the entrance of his practice displayed the name of a dentist that had not been a member of the practice since approximately 2003, in violation of § 54.1-2706(9) and § 54.1-2720 of the Code;
 - b. a review of a random sample of his patient records indicated he failed to consistently document the name of the individual who provided dental services to his patient, in

- violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-15(7) of the Regulations of the Board of Dentistry;
- c. failed to consistently include the complete date on which he wrote the laboratory work order, in violation of § 54.1-2719(B) of the code;
 - d. failed to ensure that the radiation safety certificate of his dental assistant was properly displayed in plain view of patients, in violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-195 of the Regulations of the Board of Dentistry; and
 - e. failed to maintain written consent to provide services under general supervision from one of his dental hygienists who works alone outside of established practice hours. Further, he failed to maintain written basic emergency procedures for implementation of his dental hygienists, in violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-210.D(2) and (4) of the Regulations of the Board of Dentistry; and
7. violated § 54.1-2706(9) and § 54.1-2720 of the Code, in that during an unannounced inspection of his practice conducted on December 12, 2005, it was again noted that the signage displayed at the entrance of his practice displayed the name of a dentist that had not been a member of his practice since on or about 2003.

The Committee received Dr. Drum's statements and discussed the evidence in the case with him.

Closed Meeting:

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Roland Drum, D.D.S. Additionally, Ms. Pace moved that Board staff, Patricia Larimer, Catherine Chappell, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary

and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

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

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Ms. Kiczales reported the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. Drum holds a current Virginia dental license;
2. Allegations #1 and #2 as outlined in the Notice of Informal Conference were dismissed;
3. Adopted as Findings of Fact and Conclusions of Law, allegation #3 as stated in the Notice of Informal Conference, with an additional Finding of Fact that Dr. Drum stated to the Committee that he is now wearing vinyl gloves;
4. Adopted as Findings of Fact allegation #4 as stated in the Notice of Informal Conference, with an additional Finding of Fact that Dr. Drum is being treated by a neurologist and presently is on medication that controls the tremor in his right hand. The Conclusion of Law was deleted;
5. Adopted as Findings of Fact and Conclusions of Law, allegations #5(a) and (b) as stated in the Notice of Informal Conference; and
6. Adopted as Findings of Fact and Conclusions of Law, allegations #6(a), (b), (c), (d) and (e), and allegation #7 as stated in the Notice of Informal Conference with an additional Finding of Fact that Dr. Drum has removed the signage at the entrance of his practice which displays the name of the dentist that is not a member of his practice, and that the radiation certificate of his dental assistant is now properly displayed in plain view

of patients.

The sanctions reported by Ms. Kiczales were that Dr. Drum be placed on two years probation, be required to complete four (4) continuing education hours in recordkeeping, be assessed a monetary penalty of two thousand dollars (\$2,000.00), be subjected to two (2) unannounced inspections, and attest in writing that he has read the laws and regulations governing the practice of dentistry in Virginia.

Ms. Pace moved to adopt the decision of the Committee as reported by Ms. Kiczales. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Drum unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Drum. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

SECOND CONFERENCE:

12:20 p.m.

PRESIDING:

Edward P. Snyder, D.D.S.

MEMBERS PRESENT:

Jeffrey Levin, D.D.S.
Jacqueline G. Pace, R.D.H.

STAFF PRESENT:

Patricia L. Larimer, Deputy Executive Director
Catherine H. Chappell, Administrative Staff Assistant
Leigh C. Kiczales, Adjudication Specialist

QUORUM:

All three members of the Committee were present.

**Karen A. Johnson, R.D.H.
Case No. 103748**

Karen Johnson, R.D.H., appeared with her husband Bill Johnson, to discuss allegations that she may have violated § 54.1-2706(9) and § 54.1-2722 of the Code in that,

between approximately January 2004 and October 18, 2005, she practiced dental hygiene in the Commonwealth of Virginia without holding a valid license.

The Committee received Ms. Johnson's statements and discussed the evidence in the case with her.

Closed Meeting:

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Karen A. Johnson, R.D.H. Additionally, Ms. Pace moved that Board staff, Patricia Larimer, Catherine Chappell, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

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

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Ms. Kiczales reported that the Committee adopted as the Findings of Fact and Conclusions of Law, the allegations as stated in the Notice of Informal Conference.

The sanction reported by Ms. Kiczales was that Ms. Johnson be reprimanded.

Ms. Pace moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanction as reported by Ms. Kiczales. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Ms. Johnson unless a written request to the Board for a formal

hearing on the allegations made against her is received from Ms. Johnson. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 1:05 p.m.

Edward P. Snyder, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date