

**APPROVED**

**BOARD OF DENTISTRY**

**MINUTES**

**SPECIAL CONFERENCE COMMITTEE "C" MEETING**

**TIME AND PLACE:** Special Conference Committee "C" convened on January 19, 2007, at 9:06 a.m., at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

**APPROVAL OF MINUTES:** On a properly seconded motion by Dr. Pirok, the Committee approved the Minutes of the Special Conference Committee "C" meeting held on November 17, 2006.

**FIRST CONFERENCE:** 9:06 a.m.

**PRESIDING:** James D. Watkins, D.D.S.

**MEMBERS PRESENT:** Meera A. Gokli, D.D.S.  
Darryl J. Pirok, D.D.S.

**MEMBERS ABSENT:** Misty L. Sissom, R.D.L.

**STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Cynthia E. Gaines, Adjudication Specialist

**QUORUM:** Three members of the Committee were present.

**Donald F. Kern, D.D.S.** Donald F. Kern, D.D.S., appeared with counsel, Barry R. Koch, Esq., to discuss allegations that he may have:

**Case Nos. 96967 and 98912**

1. violated § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-15(3) and (4) of the Regulations of the Board of Dentistry, in that, on July 18, 2002, Dr. Kern failed to document in Patient A's records his diagnosis and the medications used during the extraction of the patient's tooth #16. Further, he billed Patient A for an examination, periodontal charting, and treatment plan without documenting his findings in Patient A's dental record;
2. violated § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-15 of the Regulations of the Board of Dentistry, in that, on November 15, 2001, he failed to document his treatment of Patient A, although he billed her for a comprehensive evaluation and two bitewing radiographs; and
3. violated § 54.1-2706(5), (6) and (11) of the Code, in that, on August 5, 2004, Dr. Kern allowed a dentist, who did not hold

a license in the Commonwealth of Virginia, to perform a crown preparation on Patient B.

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

**Closed Meeting:**

Dr. Pirok 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 Donald F. Kern, D.D.S. Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Cynthia Gaines, 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:**

Dr. Pirok 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.

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

**Decision:**

Ms. Gaines reported the Findings of Fact and Conclusions of Law adopted by the Committee as follows:

1. Dr. Kern holds a current Virginia dental license;
2. Allegation #1 was adopted as outlined in the Notice of Informal Conference with the deletion of § 54.1-2706(11) of the Code;
3. Allegation #2 as outlined in the Notice was dismissed;
4. Allegation #3 as outlined in the Notice was adopted; and
5. An additional Finding of Fact was adopted that Dr. Kern stated to the Committee that he has not read the Board's statutes and regulations for the past twenty (20) years.

The sanctions reported by Ms. Gaines were that Dr. Kern be reprimanded, assessed a \$2,000.00 monetary penalty, be required to complete four (4) continuing education hours in

recordkeeping and three (3) continuing education hours in risk management, and undergo an unannounced inspection of ten (10) patient records.

Dr. Pirok moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Gaines. 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. Kern unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Kern. 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 Committee shall be vacated.**

**SECOND CONFERENCE:**

11:00 a.m.

**PRESIDING:**

James D. Watkins, D.D.S.

**MEMBERS PRESENT:**

Meera A. Gokli, D.D.S.  
Darryl J. Pirok, D.D.S.

**MEMERS ABSENT:**

Misty L. Sissom, R.D.H.

**STAFF PRESENT:**

Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Gail W. Ross, Adjudication Specialist

**QUORUM:**

Three members of the Committee were present.

**Lisbeth G. Shewmaker,  
D.D.S., Case No. 105454**

Lisbeth G. Shewmaker, D.D.S., appeared with counsel, Harvey J. Volzer, Esq., to discuss allegations that she may have violated § 54.1-2706(9) and § 54.1-2709.A of the Code, in that from April 1, 2004 through July 28, 2005, she practiced dentistry without possessing a current valid license.

The Committee received Dr. Shewmaker's statements and discussed the evidence in the case with her.

**Closed Meeting:**

Dr. Pirok 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 Lisbeth G. Shewmaker, D.D.S. Additionally, Dr. Pirok moved that Board staff, Patricia Larimer, Cheri Emma-Leigh, and Administrative Proceedings Division staff, Gail Ross, 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:**

Dr. Pirok 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.

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

**Decision:**

Ms. Ross reported that the Committee adopted as Finding of Fact and Conclusions of Law, the allegation as stated in the Notice of Informal Conference.

The sanction reported by Ms. Ross is that Dr. Shewmaker be issued a reprimand and be assessed a monetary penalty of \$1,000.00.

Dr. Pirok moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Ross. 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. Shewmaker unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. Shewmaker. 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 Committee shall be vacated.**

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 11:37 a.m.

**Virginia Board of Dentistry  
Special Conference Committee C  
January 19, 2007**

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James D. Watkins, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date