

UNAPPROVED - DRAFT

BOARD OF DENTISTRY

**MINUTES
SPECIAL CONFERENCE COMMITTEE "B"**

TIME AND PLACE: Special Conference Committee "B" convened on July 25, 2008, at 9:51 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

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

MEMBERS PRESENT: Jeffrey Levin, D.D.S.

STAFF PRESENT: Sandra Reen, Executive Director
Alan Heaberlin, Deputy Executive Director

**SETTLEMENT
PROPOSAL
Dennis Peper, D.D.S.
Case No. 11940 and 119825**

Ms. Reen asked the Committee to go into closed session to discuss settlement of two cases against Dr. Peper which are pending an informal conference.

Closed Meeting Dr. Levin moved that the Committee convene a closed session. The motion was seconded and passed.

Reconvene Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements were heard, discussed or considered by the Committee. The motion was seconded and passed.

DECISION Dr. Watkins reported that the Committee decided to close the two pending cases based on finding that Dr. Peper is in substantial compliance with the terms and conditions of the Board's Order entered January 24, 2007. Further, the Committee decided to terminate the stayed suspension and reporting requirements imposed upon Dr. Peper's license. Dr. Levin moved to adopt the decision of the Committee. The motion was seconded and passed.

FIRST CONFERENCE:

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

MEMBERS PRESENT: Jeffrey Levin, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director
Teresa Parrish, Administrative Assistant
Cynthia Gaines, Adjudication Specialist

QUORUM: Both members of the Committee were present.

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**Michael Sims, D.M.D.
Case No. 104655**

Michael Sims, D.M.D. appeared with counsel, Barry Koch, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. On July 20, 2005, Patient A, who was a patient of Dr. Sims, sought emergency treatment from Dentist B who diagnosed excessive mobility with the crowns on teeth #6-9, cement in the margins and an abscess with a perforated post on tooth #7.

2. Dr. Sims failed to maintain records for Patient A, as required, for three years after the last date of treatment.

The Committee received statements from Dr. Sims and discussed the evidence in the case with him.

The Committee received closing remarks from Mr. Koch.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed session to reach a decision. The motion was seconded and passed.

Reconvene:

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:
Case No. 104655**

Dr. Watkins reported that the Committee determined that a violation of the Board's statutes and regulations was not established and dismissed the case. Dr. Levin moved to adopt the decision of the Committee. The motion was seconded and passed.

Settlement of Cases

104655

SECOND CONFERENCE:

PRESIDING:

James D. Watkins, D.D.S.

MEMBERS PRESENT:

Jeffrey Levin, D.D.S.

STAFF PRESENT:

Sandra Reen, Executive Director
Teresa Parrish, Administrative Assistant
Leigh Kiczales, Adjudication Specialist
William C. Garrett, Assistant Attorney General

QUORUM:

Both members of the Committee were present.

**Robert E. Cruickshanks,
D.D.S.
Case No. 108504, 112130,**

Robert E. Cruickshanks, D.D.S. appeared with counsel, Thomas H. Roberts, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry.

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108023 and 100272

Dr. Watkins requested a closed meeting to discuss health records pertinent to the allegation that Dr. Cruickshanks may be mentally incompetent to practice his profession with safety to his patients and the public.

Closed Meeting:

Dr. Levin moved that the Board of Dentistry convene in a Closed Meeting for the purpose of consideration and discussion of medical/mental health records of Dr. Cruickshanks as permitted by §2.2-3711.A.15 of the Freedom of Information Act.

Reconvene:

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements were heard, discussed or considered by the Committee. The motion was seconded and passed.

Dr. Watkins continued going through the allegations with Dr. Cruickshanks which were that he:

2. may have failed to properly expose Patient A's tooth #11 in preparation for orthodontic work. Furthermore he partially bracketed the braces at the level of the gum line rather than centered on the crown of the teeth.
3. may have failed to present a treatment plan for Patient A prior to initiating treatment on August 7, 2004.
4. may have negligently extracted Patient B's wisdom tooth #17, causing Patient B to suffer an acute left, lateral/medial mandibular fracture, which necessitated emergency surgery.
5. may have failed to sedate Patient C completely, as she had requested, and may have broke the top half of the tooth #17, leaving the bottom half impacted in her gum, causing Patient C tremendous pain.
6. may have attempted to obtain payment for services not rendered by billing Patient C's insurance company for two (2) extractions on August 19, 2004, when the only work performed on that date was the removal of one (1) suture.
7. may have, on several occasions, failed to cooperate with the Board's investigators by refusing to produce dental records and by failing to respond to the investigators' attempts to schedule interviews and/or inspections of his office.
8. may have falsely advertised in the 2006 and 2007 *Verizon* White and Yellow Pages an office that the Board's

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investigator reports was not in use by Dr. Cruickshanks.

9. may have failed to provide dental records to his patients.

The Committee received statements from Dr. Cruickshanks and discussed the evidence in the case with him.

The Committee received closing statements from Mr. Roberts.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting to reach a decision. The motion was seconded and passed.

Reconvene:

Dr. Levin moved to certify that only matters lawfully exempted were heard, discussed or considered by the Committee. The motion was seconded and passed.

DECISION:

**Case No. 108504, 112130,
109546, 108023, 100272**

Ms. Reen reported the decision of the Committee was to:

1. Dismiss allegation numbers 1, 2, 3, 4, 5, 6, and 8 were dismissed.
2. Find Dr. Cruickshanks in violation for failing to cooperate with the Board's investigators and for failing to provide dental records to patient "A."

The sanctions reported by Ms. Reen were that Dr. Cruickshanks be issued a Reprimand and be assessed a monetary penalty of \$6,000.00.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Cruickshanks unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Cruickshanks. 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 the Committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 4:45 p.m.

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

Sandra K. Reen, Executive Director

Date

Date