UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "C"

TIME AND PLACE:	Special Conference Committee "C" convened on October 26, 2012, at 9:40 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	9:40 a.m.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	Evelyn M. Rolon, D.M.D.
MEMBERS ABSENT:	Myra Howard James D. Watkins, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Indy Toliver, Adjudication Specialist
QUORUM:	With two members present, a quorum was established.
Steven J. Becker, D.D.S. **Case No.: 139723**	Dr. Becker appeared with counsel, George H. Yates, to discuss the allegations set forth in a Notice of the Board dated July 31, 2012. The Committee received statements from Dr. Becker and Mr. Yates and discussed the allegations with them.
Closed Meeting:	Dr. Rolon moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Steven J. Becker. Additionally, Dr. Rolon moved that Ms. Palmatier, Ms. Lee, and Ms. Toliver attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.
Reconvene:	Dr. Rolon moved that the Committee 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.

DECISION:
Case No.: 139723

Ms. Toliver reported that the Committee found Dr. Becker failed to include a diagnosis in the treatment records to justify treatment rendered for Patients B, C, and H. Dr. Becker also failed to note in Patient B's treatment record the radiograph that was taken.

Dr. Becker prescribed Vicodin to Patient D without providing treatment or noting a therapeutic purpose. Dr. Becker also billed Patient D for a comprehensive oral exam, but failed to perform an evaluation for oral cancer or a periodontal screening and/or charting.

Dr. Becker failed to note in the treatment records a list of the drugs either prescribed, administered, or dispensed and/or quantity for patients A-H.

Dr. Becker failed to provide Patient G with a prescription for an antibiotic or offer treatment recommendations for a swollen cheek and an abscess on tooth #31. Patient G returned for an emergency exam and Dr. Becker failed to offer any other treatment options beside the prescriptions for amoxicillin and Vicodin.

Dr. Becker prescribed Percocet, Vicodin and Norco on multiple occasions to Patient H in amounts and for extended periods that allowed the patient access to excessive amounts of these narcotics because the prescriptions routinely overlapped.

Dr. Becker failed to consistently obtain updated health history information during treatment of Patients A-J.

The sanctions reported by Ms. Toliver were that Dr. Becker's license shall be placed on probation for two years subject to the following terms and conditions: within one year from the date of entry of the Order he shall successfully complete not less than 7 hours of continuing education in pharmacology and prescription writing, 7 hours of continuing education in recordkeeping and risk management, 8 hours of continuing education in diagnosis and treatment in endodontics and management of periodontal disease.

Dr. Becker will also be subject to two unannounced office inspections, with a patient records review.

Dr. Becker shall be restricted from prescribing Schedule II – V controlled substances during his period of probation.

Dr. Rolon moved to adopt the decision of the Committee. The motion was seconded and passed.

Virginia Board of Dentistry
Special Conference Committee "C"
October 26, 2012

SECOND CONFERENCE:	1:15 p.m.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	Evelyn M. Rolon, D.D.S.
MEMBERS ABSENT:	Myra Howard James D. Watkins, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Indy Toliver, Adjudication Specialist
QUORUM:	With two members present a quorum was established.
Ethel M. Miles, D.D.S. **Case No.: 137791**	Dr. Miles appeared with counsel, Gerald C. Canaan, to discuss the allegations set forth in the Notice of the Board dated July 10, 2012. The Committee received statements from Dr. Miles and Mr. Canaan and discussed the allegations with them.
Closed Meeting:	Dr. Rolon moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Ethel M. Miles. Additionally, Dr. Rolon moved that Ms. Palmatier, Ms. Lee, and Ms. Toliver attend the closed meeting because their presence will aid the Committee in its deliberations. The motion was seconded and passed.
Reconvene:	Dr. Rolon moved that the Committee 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.
DECISION: **Case No.: 137791**	Ms. Toliver reported that the Committee found Dr. Miles failed to include a diagnosis in the treatment records to justify treatment rendered for Patients A-J, L-S, and U-W. Dr. Miles delivered ill-fitting crowns with open margins to Patients B-D, G, I, N, P, and W. Dr. Miles failed to completely fill and obdurate the canals of specific teeth for Patients C and F.

Dr. Miles failed to document the reason for prescribing an antibiotic to Patient G; she failed to record the type and amount of anesthesia that was administered to Patient G during a crown preparation and restoration to tooth #19; and she failed to diagnose and treat or recommend treatment for decay on teeth #9 and #10.

Dr. Miles failed to refer Patient I to an endodontist after her unsuccessful attempt at root canal therapy on tooth #23 and she failed to inform the patient about possible risk of leaving the tooth untreated. Dr. Miles also failed to diagnose periapical pathosis associated with tooth #6 for Patient I and placed a bridge on the tooth despite the exhibited periapical pathosis.

Dr. Miles placed a dental post and core on tooth #2 of Patient K, which had an open margin; and she also placed a dental post and core on tooth #3 that had an overhang.

Dr. Miles failed to consistently list the names of Patients B, C, E, G, H, J, L, S, V and X on their respective treatment records.

The sanctions reported by Ms. Toliver were that Dr. Miles' license shall be placed on probation for three years subject to the terms and conditions that she shall successfully complete not less than 7 hours of continuing education in recordkeeping and risk management; 8 hours of continuing education in periodontal diagnosis and management of periodontal disease; 16 continuing education hours in restorative dentistry, to include single and multiple crown units and diagnosis of dental caries; and 8 hours of continuing education in diagnosis and treatment in endodontics. Dr. Miles is restricted from performing crown and bridge work until completion of the 16 continuing education hours in restorative dentistry.

Dr. Miles will also be subject to three unannounced office inspections, with a patient records review.

Dr. Miles was also issued a reprimand, and ordered to pay a $8,500 monetary penalty.

Dr. Rolon moved to adopt the decision of the Committee. The motion was seconded and passed.

Approval of Minutes:

Upon a motion by Dr. Rolon, the minutes from the Informal Conference conducted on August 3, 2012 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 5:55 p.m.

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Charles E. Gaskins, III, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date