UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "B"

TIME AND PLACE:	Special Conference Committee "B" convened on April 26, 2013 at 1:15 p.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	Surya P. Dhakar, D.D.S. Melanie C. Swain, R.D.H.
MEMBERS ABSENT:	Jeffrey Levin, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Indy Toliver, Adjudication Specialist
QUORUM:	With three members present, a quorum was established.
Robert C. Dost, D.D.S. **Case No.: 135801**	Dr. Dost appeared with counsel, Paula M. Potoczak, to discuss the allegations set forth in a Notice of the Board dated February 15, 2013.

Ms. Potoczak noted the following objections to the Committee: (1) Dr. Dost previously submitted documents to the Board such as lab orders, x-rays, affidavits, and a letter from Dr. Muller that were not contained in the evidence that was originally sent from the Board along with the Notice. The documents were resubmitted by Dr. Dost as part of his evidence; (2) a conflict of interest problem exists because the case was previously reviewed by an expert witness, whose review formed the basis for some of the allegations, and who is now a Board Member, which taints the entire Board; and (3) some of the allegations stated in the Notice were previously adjudicated in a prior Board Order entered in 2009 against Dr. Dost.

The Committee Chair ruled that the evidence submitted to the Board by Dr. Dost was received by the Committee, and would be considered with the allegations. The Committee Chair also ruled that the 2009 Board Order pertaining to Dr. Dost would be reviewed with the allegations. Each Committee member stated that they were unaware of the allegations against Dr. Dost until

they received the Notice and the case exhibits from the Board approximately two weeks prior to the informal conference date.

The Committee received additional evidence and statements from Dr. Dost and Ms. Potoczak and discussed the allegations with them.

Closed Meeting:

Ms. Swain 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 Robert C. Dost. Additionally, Ms. Swain 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:

Ms. Swain 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.: 135801

Ms. Toliver reported that the Committee found that Dr. Dost authorized and allowed his dental assistant to provide orthodontic treatment to include but not limited to attachment of bonds and bands to Patients B, P, T, U, and V or he failed to provide direction of their treatment; allowed a dental assistant to render a final diagnosis related to Patient C's dental visit and based on that diagnosis, to independently treat dental conditions or he failed to provide direction of Patient C's treatment; and allowed a dental assistant to render a final diagnosis and place cavit in Patient E's teeth #3, #28 and #29 or he failed to provide direction of Patient E's treatment.

The Committee found that Dr. Dost failed to diagnose and treat decay on Patient C's tooth #21; Patient D's tooth #19, Patient E's tooth #6, Patient H's tooth #31, Patient I's teeth #13, 14, 28 and 39; Patient K's tooth #14; Patient M's tooth #19; Patient P's teeth #3, 4, and 30; and Patient S's tooth #17.

The Committee found that Dr. Dost failed to fully fill and obdurate the canals of Patient D's tooth #19, as evidenced in a radiograph taken on the same date of treatment.

When Dr. Dost provided treatment to Patient F's tooth #5, radiographs showed that he failed to adequately fill the apical portion of the tooth during root canal therapy, and delivered an ill-fitting crown with open margins. Radiographs also showed that when Dr. Dost performed a resin-composite restoration on Patient F's tooth #3, it was poorly placed and had mesial and distal overhangs.

Dr. Dost failed to diagnose an ill-fitting crown with open margins on Patient I's tooth #4 and Patient L's tooth #4.

Dr. Dost failed to refer Patient E to a periodontist after noting Patient E had pocket depths of 2-7 millimeters; and he failed to refer Patient O to a periodontist when the periodontal probing showed 8 mm pockets.

Dr. Dost prescribed oxycodone to Patient R without providing treatment or without noting a therapeutic purpose on several dates in 2009 and 2010, and he failed to include in Patient R's treatment record the oxycodone prescriptions he wrote on several dates in 2008 and 2009.

Dr. Dost prescribed hydrocodone to Patient S without providing treatment or without noting a therapeutic purpose on numerous dates in 2009 and 2010, and he failed to list in the treatment records all drugs prescribed to Patient S and the quantity on numerous dates in 2008, 2009, and 2010.

The sanctions reported by Ms. Toliver were that Dr. Dost shall receive a reprimand and pay a $2,500 monetary penalty. Dr. Dost's license shall be placed on probation for a period of not less than 12 months subject to terms and conditions. Dr. Dost shall not prescribe, dispense or administer any Schedule II controlled substances until all terms and conditions have been completed.

Dr. Dost is prohibited from performing and/or completing endodontic therapy until he has successfully completed 7 hours of continuing education in principles of pharmacology and prescription writing, 20 hours of continuing education in endodontics, to include 10 hours in clinical training, and 7 hours of continuing education in radiographic diagnosis and interpretation.

Dr. Dost shall be the subject of an unannounced inspection, to include a random sample of 10 complete patient records for patients who receive endodontic treatment subsequent to his completion of his terms and conditions.

Ms. Swain moved to adopt the decision of the Committee. The motion was seconded and passed.

Approval of Minutes: Upon a motion by Ms. Swain, the minutes from the Informal Conference conducted on March 15, 2013 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 9:05 p.m.

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Charles E. Gaskins, III, DDS, Chair

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Sandra K. Reen, Executive Director

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Date

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Date