UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE:	Special Conference Committee "A" convened on October 4, 2013 at 9:07 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	9:07 a.m.
PRESIDING:	Tammy K. Swecker, R.D.H.
MEMBERS PRESENT:	Surya P. Dhakar, D.D.S. Bruce S. Wyman, D.M.D.
STAFF PRESENT:	Sandra K. Reen, Executive Director Donna Lee, Discipline Case Manager Indy Toliver, Adjudication Specialist
QUORUM:	All three members of the Committee were present.
Ruth Cauthen, DDS **Case No.: 144432**	Dr. Cauthen was not present. Mr. Canaan, counsel for Dr. Cauthen, appeared before the Committee and informed the Committee that Dr. Cauthen had agreed to sign the consent order that was previously offered by the Board in lieu of proceeding with the informal conference.
Closed Meeting:	Dr. Dhakar 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 Ruth Cauthen. Additionally, Dr. Dhakar moved that Ms. Reen 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. Dhakar 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.: 144432

Dr. Wyman moved that the Committee adopt the Consent Order pertaining to Dr. Cauthen in lieu of proceeding with the scheduled informal conference. The motion was seconded and passed.

SECOND CONFERENCE: 10:03 a.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Sandra K. Reen, Executive Director
Donna Lee, Discipline Case Manager
Indy Toliver, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Farhad Hakim, DDS
Case No.: 145247

Dr. Hakim appeared with counsel, Kenneth Hirtz, to discuss the allegations set forth in a Notice of the Board dated August 14, 2013. The Committee received statements and additional evidence from Dr. Hakim and Mr. Hirtz and discussed the allegations with them.

Closed Meeting:

Dr. Dhakar 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 Farhad Hakim. Additionally, Dr. Dhakar moved that Ms. Reen, 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. Dhakar 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.: 145247

Ms. Toliver reported that the Committee found that while performing root canal therapy on Patient A's tooth #31, Dr. Hakim created an access opening for the root canal that was too large and rendered the tooth non-restorable, as evidenced by radiographs taken by his practice on October 10, 2012; and that he also used a file that exceeded the apex of the tooth.

The Committee further found that Dr. Hakim billed Patient A and his insurer for completed root canal therapy on tooth #31, despite the fact the procedure was not completed.

The sanctions reported by Ms. Toliver were that Dr. Hakim shall be issued a reprimand and pay a $1,000.00 monetary penalty. Dr. Hakim's license shall be placed on probation subject to the terms and conditions that within 6 months from the date of entry of the Order he shall successfully complete 4 hours of continuing education in risk management and 7 hours of continuing education in hands-on endodontics. It was further ordered that Dr. Hakim shall take and pass the Board's Dental Law Examination.

Dr. Wyman moved to adopt the decision of the Committee. The motion was seconded and passed with a 2 to 1 vote in favor of the motion. Dr. Dhakar voted against the motion.

THIRD CONFERENCE: 12:20 p.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Sandra K. Reen, Executive Director
Donna Lee, Discipline Case Manager
Indy Toliver, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Hee Don Kim, DDS
Case No.: 143562

Dr. Kim appeared without counsel to discuss the allegations set forth in a Notice of the Board dated August 15, 2013. The Committee received statements from Dr. Kim and discussed the allegations with him.

Closed Meeting: Dr. Dhakar 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 Hee Don Kim. Additionally, Dr. Dhakar moved that Ms. Reen, 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. Dhakar 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.: 143562

Ms. Toliver reported that the Committee found that Dr. Kim submitted claims to Patient A's insurance carrier for services performed from April 4, 2011 through July 28, 2011, despite the fact that Patient A paid for these services at each dental visit. Dr. Kim collected payment from Patient A's insurance carrier in the amount of $1,970.00 for these services and the payment was not refunded to Patient A until July 16, 2012.

The Committee further found that on August 27, 2010, Dr. Kim placed implants at the site of Patient A's teeth #7, 8, 9, and 10 despite the fact that there was insufficient bone structure to support implants, as evidenced in a radiograph taken at his practice on August 9, 2010. Patient A lost the implants at tooth sites #7, 8, 9, and 10.

Dr. Kim placed a bridge on Patient A's teeth #7-11on April 29, 2011 that was not properly seated and had open margins, as evidenced in radiographs taken on January 23, 2012 at another practice. The bridge was not properly supported because Dr. Kim used a natural tooth abutment and an implant supported abutment.

Dr. Kim failed to document that he informed Patient A of the option of removing the failed implant, grafting the implant site, or placing a new implant following the unsuccessful attempt for an implant at tooth site #9; failed to obtain a complete health history on Patient A's initial visit or any subsequent visit; failed to obtain an updated health history; and failed to document that he removed Patient A's failed implant at tooth site #9.

Dr. Kim gave Patient A the original radiographs at the time she requested a copy of her dental records and failed to maintain a copy for his record.

The sanctions reported by Ms. Toliver were that Dr. Kim shall be issued a reprimand and pay a $5,000.00 monetary penalty. Dr. Kim's license shall be placed on probation subject to the terms and conditions that within one year from the date of entry of the Order he shall successfully complete 60 hours of continuing education in implant surgery, to include hands-on practice; 10 hours of

continuing education in implant prosthetics; and 7 hours of continuing education in recordkeeping and risk management.

Dr. Kim shall be prohibited from performing and/or completing any implant surgeries until he has successfully completed the 60 hours of continuing education in implant surgery.

Dr. Kim shall be prohibited from performing and/or completing any implant prosthetics until he has successfully completed the 10 hours of continuing education in implant prosthetics.

Dr. Kim shall take and pass the Board's Dental Law Examination.

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

FOURTH CONFERENCE: 2:37 p.m.

PRESIDING: Tammy K. Swecker, R.D.H.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Sandra K. Reen, Executive Director
Donna Lee, Discipline Case Manager
Indy Toliver, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Carol Morgan, DDS
Case No.: 144658

Dr. Morgan appeared with counsel, Gerald C. Canaan, to discuss the allegations set forth in a Notice of the Board dated August 15, 2013. The Committee received statements and additional evidence from Dr. Morgan and Mr. Canaan and discussed the allegations with them.

Closed Meeting: Dr. Dhakar 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 Carol Morgan. Additionally, Dr. Dhakar moved that Ms. Reen, 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. Dhakar 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.: 144658

Ms. Toliver reported that the Committee found that while providing treatment to Patient A on December 14, 2009, Dr. Morgan placed an implant at tooth site #30 too deep, as evidenced by radiographs taken on the same date at her practice.

The Committee further found that Dr. Morgan incorrectly seated Patient A's abutment at tooth site #30 when placing the implant at tooth site #30 on December 14, 2009, which left an open gap, as evidenced in radiographs taken by her practice on April 27, 2010.

Ms. Toliver reported that the Committee imposed no sanction against Dr. Morgan.

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

FIFTH CONFERENCE: 4:47 p.m.

PRESIDING: Surya P. Dhakar, D.D.S.

MEMBERS PRESENT: Bruce S. Wyman, D.M.D.

MEMBERS ABSENT: Tammy K. Swecker, R.D.H.

STAFF PRESENT: Sandra K. Reen, Executive Director
Donna Lee, Discipline Case Manager
Indy Toliver, Adjudication Specialist

QUORUM: With two members present, a quorum was established.

Tu Minh Tran, DDS
Case No.: 144911

Dr. Tran appeared with counsel, Donna Foster and Lindsay Lewis, to discuss the allegations set forth in a Notice of the Board dated August 20, 2013. The Committee received statements from Dr. Tran, Ms. Foster and Ms. Lewis, and discussed the allegations with them.

Closed Meeting:

Dr. Dhakar 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 Tu Minh Tran. Additionally, Dr. Dhakar moved that Ms. Reen, 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. Dhakar 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.: 144911

Ms. Toliver reported that the Committee found that by Consent Agreement for Probation effective June 13, 2008, the Massachusetts Board of Registration in Dentistry placed Dr. Tran's license on probation subject to terms and conditions to include completion of certain continuing education requirements, and the development and provision of in-service training to all staff of Kool Smiles located in Massachusetts. This action was for allegations of failure to follow CDC guidelines relating to spore testing, sterile equipment and documentation of hepatitis vaccination for licensees.

The Committee further found that by Public Consent Order for Renewal of License effective February 15, 2011, the Georgia Board of Dentistry placed Dr. Tran's dental license on probation for two years and required him to complete 14 continuing education hours in risk management and ethics, complete the Law and Ethics Professionalism Course, and pay a monetary penalty of $500.00. This action was based on the Consent Agreement for Probation entered into by Dr. Tran with the Massachusetts Board of Registration in Dentistry.

Ms. Toliver reported that the Committee imposed no sanction against Dr. Tran.

The decision was unanimously accepted by the Committee.

SIXTH CONFERENCE: 5:40 p.m.

PRESIDING: Surya P. Dhakar, D.D.S.

MEMBERS PRESENT: Bruce S. Wyman, D.M.D.

MEMBERS ABSENT: Tammy K. Swecker, R.D.H.

Virginia Board of Dentistry
Special Conference Committee "A"
October 4, 2013

STAFF PRESENT:	Sandra K. Reen, Deputy Executive Director Donna Lee, Discipline Case Manager Indy Toliver, Adjudication Specialist
QUORUM:	With two members present, a quorum was established.
Nrupur Patel, DDS **Case No.: 145702**	Dr. Patel appeared with counsel, Kenneth Hirtz, to discuss the allegations set forth in a Notice of the Board dated August 21, 2013. The Committee received statements from Dr. Patel and Dr. Hirtz and discussed the allegations with them.
Closed Meeting:	Dr. Dhakar 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 Nrupur Patel. Additionally, Dr. Dhakar moved that Ms. Reen, 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. Dhakar 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.: 145702**	Ms. Toliver reported that the Committee found that Dr. Patel failed to include her address on Patient A's duplicate laboratory work order dated December 6, 2011. Ms. Toliver reported that the Committee imposed no sanction against Dr. Patel. The decision was unanimously accepted by the Committee.
Approval of Minutes:	Upon a motion by Dr. Wyman, the minutes from the Informal Conference conducted on August 23, 2013 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 6:32 p.m.

Tammy K. Swecker, R.D.H., Chair

Sandra K. Reen, Executive Director

Date

Date