

DRAFT UNAPPROVED
BOARD OF DENTISTRY
MINUTES
SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE: Special Conference Committee "A" convened on March 4, 2011 at 9:05 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Martha C. Cutright, D.D.S.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Meera A. Gokli, D.D.S.

MEMBERS ABSENT: Augustus A. Petticolas, Jr., D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director
Donna Lee, Discipline Case Manager
Gail Ross, Adjudication Specialist

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

Gregory Harvey, DMD
Case No.: 132169 Dr. Harvey appeared with counsel, Christopher Stevens, and Joshua Nelson, General Manager, to discuss the allegations set forth in a Notice of the Board dated January 18, 2011. The Committee received statements from Dr. Harvey, Mr. Stevens and expert witness, Dr. Robert A. Strauss, Professor, Department of Oral and Maxillofacial Surgery at VCU School of Dentistry and discussed the allegations with them.

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

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

DECISION:
Case No. 132169 Ms. Ross reported that the Committee found Dr. Harvey diagnosed Patient A with an infection as a result of tooth #19, but failed to properly treat Patient A by either referral or extraction. He failed to recognize that Patient A's infection made him an inappropriate candidate for laser biostimulation.

**Virginia Board of Dentistry
Special Conference Committee "A"
March 4, 2011**

Dr. Harvey violated Board statutes and regulations when he directed an unlicensed dental assistant to perform biostimulation laser treatment to Patient A's extraoral head and neck region; furthermore, such treatment is outside the scope of Dr. Harvey's dental education, training and experience.

The sanctions reported by Ms. Ross were that Dr. Harvey shall receive a reprimand. Within 6 months from the date of entry of the Order, Dr. Harvey shall complete not less than 7 hours of continuing education in the diagnosis and treatment of oral infections and 4 hours of continuing education in risk management and shall pay a \$5,000 monetary penalty. The summary restriction that made it unlawful for Dr. Harvey to use or authorize others to use laser therapy to treat patients is lifted. Dr. Harvey is permitted to only use laser therapy intraorally and shall not delegate to others who are not licensed dentists to use laser treatment in his practice.

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

Approval of Minutes:

Upon a motion by Dr. Levin, the minutes from the Informal Conference conducted on January 21, 2011 were approved.

ADJOURNMENT:

With all business concluded, the committee adjourned at 12:22 p.m.

Martha C. Cutright, DDS, Chair

Sandra K. Reen, Executive Director

Date

Date