

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "A" MEETING

TIME AND PLACE: Special Conference Committee "A" convened on March 30, 2007, at 9:02 a.m., at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

FIRST CONFERENCE: 9:02 a.m.

PRESIDING: Meera A. Gokli, D.D.S.

MEMBERS PRESENT: Millard D. Stith, Jr.
Glenn A. Young, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh Kiczales, Adjudication Specialist

QUORUM: All three members of the Committee were present.

MINUTES: The minutes of the Committee's February 2, 2007 meeting were approved as submitted.

**Stephen W. Paulette,
D.D.S.
Case No. 102008 and
Kathryn A. Biery, D.D.S.
Case Nos. 102009, 103192,
104672**

Dr. Gokli convened the meeting and asked Dr. Paulette and Dr. Biery if they both agreed to address allegations #1 and #2 in their respective notices at the same time. When they each stated yes, Dr. Gokli explained the procedures that would be followed to complete the informal conferences for both respondents.

Dr. Paulette and Dr. Biery appeared with counsel, Gerald C. Canann, II, Esq., and Donna Lett, Paralegal, to discuss allegations that they may have violated laws and regulations governing the practice of dentistry in that:

1. On or about January 28, 2005, they may have failed to perform a complete pre-operative assessment and systems review of Patient A who experienced two (2) laryngospasms necessitating intubation and transport to the University of Virginia Hospitals for emergency treatment.
2. Dental records for Patient A do not reflect a comprehensive pre-operative assessment to include a systems review and criteria for administering anesthesia, vitals signs, an adequate description of the

procedure performed, or a listing of the quantity of drugs administered.

The Board received statements on behalf of the Commonwealth from Matthew R. Cooke, D.D.S.

The Board received statements on behalf of Dr. Paulette and Dr. Biery from Christopher L. Maestrello, D.D.S. and Robert Campbell, D.D.S.

The Committee received Dr. Paulette's and Dr. Biery's statements and discussed the evidence in the case with them.

Dr. Young moved to continue Dr. Biery's informal conference until the Committee reached a decision in Dr. Paulette's case. The motion was seconded and passed.

Closed Meeting:

Dr. Young moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Stephen W. Paulette, D.D.S. Additionally, Dr. Young moved that Board staff, Sandra Reen, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Young moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision in the Matter of
Stephen W. Paulette,
D.D.S.**

Ms. Kiczales read the Findings of Fact and Conclusions of Law and Sanctions imposed as adopted by the Committee as follows:

1. Dr. Paulette currently holds a Virginia dental license.
2. Allegation #2, Dr. Paulette violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(3) of the Regulations, in that, by his own admission, he failed to document the recording of vital signs from 9:38 a.m. until 10:00 a.m.

The sanctions reported by Ms. Kiczales was that Dr. Paulette be assessed a \$1,000.00 monetary penalty.

Dr. Young moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Kiczales. The motion was seconded and passed.

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

**Reconvene in the Matter of
Kathryn A. Biery, D.D.S.**

The Committee reconvened to discuss the remainder of the allegations that Dr. Biery may have violated laws and regulations governing the practice of dentistry in that:

3. On or about January 28, 2005, she permitted a dental assistant to administer nitrous oxide to Patient A.
4. On or about April 15, 2005, during the course of Dr. Biery's treatment of Patient B, she failed to adequately document a pre-operative diagnosis and the procedure to be performed. Further, in Patient B's anesthesia record, she failed to document the person administering the anesthesia, the patient's blood pressure reading and pulse.
5. On or about April 15, 2005, during the course of Dr. Biery's treatment of Patient B, she noted a left buccal injection in the anesthesia record, while the "master" patient record indicated a buccal injection on the right.
6. On or about April 15, 2005, Dr. Biery failed to have a treatment team of three (3) people during the administration of general anesthesia to Patient B, as required.

7. On or about July 14, 2005, Dr. Biery billed a CareCredit account in the name of Patient C's father for a dental procedure that had not yet been performed on Patient C.
8. As a general practice, Dr. Biery permitted and instructed dental assistants to administer anxiolysis or inhalation analgesia, deep sedation/general anesthesia and conscious sedation to patients, which is outside their scope of practice.

The Committee received Dr. Biery's statements and discussed the evidence in the case with her.

Closed Meeting:

Dr. Young moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Kathryn A. Biery, D.D.S. Additionally, Dr. Young moved that Board staff, Sandra Reen, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Young moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Ms. Kiczales reported that the Committee decided to refer the matter to the Board for a Formal Hearing. Dr. Young moved that the Committee's decision to refer the case to a Formal Hearing be adopted. The motion was seconded and passed.

SECOND CONFERENCE:

4:26 p.m.

PRESIDING:

Meera A. Gokli, D.D.S.

MEMBERS PRESENT: Glenn A. Young, D.D.S.

MEMBERS ABSENT: Millard D. Stith, Jr.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

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

**William D. Crockett, D.D.S.
Case No. 102457** William D. Crockett, D.D.S., appeared with counsel, Claude Whitehead, Esq. to discuss allegations that he may have violated laws and regulations governing the practice of dentistry in that:

1. On or about August 15, 2003 to November 2, 2004, he failed to document Patient A's full name on each page of the records;
2. On or about October 21, 2004, he failed to note in Patient A's chart that Valium was administered; and
3. On or about October 21, 2004, Patient A had temporary veneers placed by Dr. Crockett. Subsequently, on or about November 9, 2004, another dentist found that the temporary restorations he placed were over-contoured, bulky and under the gingival tissue. In addition, the temporary restorations were bonded permanently to teeth #'s 5 to 11.

The Committee received statements from Lynn Young, Office Manager, on behalf of Dr. Crockett.

The Committee received Dr. Crockett's statements and discussed the evidence in the case with him. Mr. Whitehead left before Dr. Crockett finished his statements. Dr. Crockett elected to proceed without Mr. Whitehead.

Closed Meeting: Dr. Young moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of William D. Crockett, D.D.S. Additionally, Dr. Young moved that Board staff, Sandra Reen and Cheri Emma-

Leigh, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Young moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision:

Ms. Ross read the Findings of Fact and Conclusions of Law and Sanctions imposed adopted by the Committee as follows:

1. Dr. Crockett currently holds a Virginia dental license.
2. Allegation #2: Dr. Crockett violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(4) of the Regulations of the Board of Dentistry, in that, on or about October 21, 2004, he failed to note in Patient A's chart that Valium and local anesthetic was administered.

The sanctions reported by Ms. Ross were that Dr. Crockett complete four (4) continuing education hours in recordkeeping and be assessed a \$1,000.00 monetary penalty.

Dr. Young moved that the Committee adopt the Findings of Fact and Conclusions of Law, and Sanctions imposed as read by Ms. Ross. The motion was seconded and passed.

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

**Virginia Board of Dentistry
Special Conference Committee A
March 30, 2007**

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ADJOURNMENT: With all business concluded, the Committee adjourned at 6:21 p.m.

Meera A. Gokli, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date