

**UNAPPROVED DRAFT**

**BOARD OF DENTISTRY**

**MINUTES**

**SPECIAL CONFERENCE COMMITTEE "B" MEETING**

**TIME AND PLACE:** Special Conference Committee "B" convened on October 12, 2007, at 9:06 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

**APPROVAL OF MINUTES:** Ms. Sissom moved to approve the minutes of the Special Conference Committee "B" meetings held on August 17, 2007, and September 7, 2007. The motion was seconded and passed.

**PRESIDING:** Edward P. Snyder, D.D.S.

**MEMBERS PRESENT:** Myra Howard  
Misty L. Sissom, R.D. H.

**MEMBERS ABSENT:** Darryl J. Pirok, D.D.S.

**STAFF PRESENT:** Alan Heaberlin, Deputy Director  
Cheri Emma-Leigh, Operations Manager  
Gail W. Ross, Adjudication Specialist

**QUORUM:** Three members of the Committee were present.

**Jerry A. Miles, D.D.S.  
Case No. 107060** Jerry A. Miles, D.D.S. appeared without counsel to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. In or about 2005, he failed to deliver a properly fitting night guard/retainer, which Patient A paid for in advance.
2. In or about 2005, he maintained inadequate records for Patient A, in that:
  - a. He failed to record August 2005 dates of treatment in the patient record.
  - b. A health history was not maintained in the patient record.
  - c. In or about June 2005, he ordered a night guard/retainer, but failed to note a diagnosis in the patient record which would justify the order.
  - d. X-rays or copies were not maintained in the patient record.

- e. In or about June 2005, he failed to retain a duplicate of an original laboratory work order for a night guard/retainer. In addition, on or about August 12, 2005, he received an incorrect night guard/retainer from the laboratory, which he reordered, and by his own admission recorded an incorrect date, September 23, 2005, on the work order. Further, when he reordered the night guard/retainer, he failed to include his signature on the work order.
3. In or about September 2005, he sold his practice and transferred patient records without providing proper notice to current patients. Specifically:
    - a. The notice failed to specify that a patient could request in writing that the records or copies be sent to any other like-regulated provider of the patient's choice or provided to the patient pursuant to § 32.1-127.1:03 of the Code.
    - b. The notice failed to disclose whether he would bill any charges for supplying the patient or the provider chosen by the patient with the original or copies of the patient's records.

**Closed Meeting:**

Ms. Sissom 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 Jerry A. Miles, D.D.S. Additionally, Ms. Sissom moved that Board staff, Alan Heaberlin, 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:**

Ms. Sissom 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.

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

**Decision:**

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

1. Dr. Miles holds a current Virginia dental license.
2. In or about 2005, Dr. Miles maintained inadequate records for Patient A, in that:
  - a. Dr. Miles violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(1) of the Regulations, in that, he failed to record August 2005 dates of treatment in the patient record.
  - b. Dr. Miles violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(3) of the Regulations, in that, in or about June 2005, he ordered a night guard/retainer, but failed to note a diagnosis in the patient record which would justify the order.
  - c. Dr. Miles violated §§ 54.1-2706(9) and 54.1-2719.B of the Code and 18 VAC 60-20-15(8) of the Regulations, in that, in or about June 2005, he failed to retain a duplicate of an original laboratory work order for a night guard/retainer. Dr. Miles reordered the night guard/retainer on September 23, 2005. When he reordered the night guard/retainer, he failed to include his signature on the work order.
3. Dr. Miles violated §§ 54.1-2706(9) and 54.1-2405.A of the Code and 18 VAC 60-20-170(4) of the Regulations, in that in or about September 2005, Dr. Miles sold his practice and transferred patient records without providing proper notice to current patients. Specifically:
  - a. The notice failed to specify that a patient could request in writing that the records or copies be sent to any other like-regulated provider of the patient's choice or provided to the patient pursuant to § 32.1-127.1:03 of the Code.

- b. The notice failed to disclose whether he would bill any charges for supplying the patient or the provider chosen by the patient with the original or copies of the patient's records.

The sanctions reported by Ms. Ross were that Dr. Miles be required to complete 7 (seven) continuing education hours in recordkeeping.

Ms. Howard moved that the Committee adopt the Findings of Fact and Conclusions of Law, and sanctions imposed as reported 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. Miles unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Miles. 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**

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 10:17 a.m.

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Edward P. Snyder, D.D.S., Chair

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Sandra K. Reen, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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