

APPROVED

BOARD OF DENTISTRY

**MINUTES
FORMAL HEARING**

TIME AND PLACE: A meeting of the Virginia Board of Dentistry convened on June 5, 2008, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

FIRST FORMAL HEARING: 9:06 a.m.

PRESIDING: Paul N. Zimmet, D.D.S.

MEMBERS PRESENT: Meera A. Gokli, D.D.S.
Myra Howard, D.D.S.
Jeffrey Levin, D.D.S.
Glenn A. Young, D.D.S.

MEMBERS ABSENT: Jacqueline G. Pace, R.D.H.

MEMBERS EXCUSED: Edward P. Snyder, D.D.S.
Misty L. Sissom, R.D.H.
Darryl J. Pirok, D.D.S.
James D. Watkins, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Administrative Assistant

COUNSEL PRESENT: Howard Casway, Senior Assistant Attorney General

OTHERS PRESENT: William Clay Garrett, Assistant Attorney General
Janelle Pannell, Intern, Office of Attorney General
Gail W. Ross, Adjudication Specialist
Lisa Mattson, Court Reporter, Cavalier Reporting, Inc.

QUORUM: With five members of the Board present, a panel was established.

**Mohammad Ali Tabatabaeei-Fatemi, D.D.S.
Case No. 116281** Mohammad Ali Tabatabaeei-Fatemi, D.D.S. appeared without counsel to discuss his application for a license to practice dentistry in Virginia and to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that

1. On his application received by the Board on June 4, 2007, he failed to disclose required information.
2. By Consent Order entered on December 15, 2004, his license to practice dentistry in the State of Maryland was suspended.

The Board admitted into evidence Commonwealth's exhibits 1 and 2.

The Board admitted into evidence Respondent's exhibits A through E.

Testifying on behalf of the Respondent was Sean Sayyar, D.D.S.

Dr. Tabatabaeei-Fatemi testified on his own behalf.

Closed Meeting:

Dr. Gokli moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Mohammad Ali Tabatabaeei-Fatemi, D.D.S. Additionally, Dr. Gokli moved that Board Staff, Sandra Reen, and Board Counsel, Howard Casway, and Janelle Pannell, an Intern from the Office of Attorney General, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Gokli 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 Board. The motion was seconded and passed.

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

Decision:

Mr. Casway read the Findings of Fact adopted by the Board indicating that:

1. Dr. Tabatabaeei-Fatemi, D.D.S., petitioned the

Board of Dentistry for issuance of a dental license in the Commonwealth of Virginia on June 4, 2007.

2. Dr. Tabatabaeei-Fatemi violated § 54.1-2706(1) of the Code, in that his licensure application received by the Board on June 4, 2007, he answered “No” to Question 3(k).
3. Dr. Tabatabaeei-Fatemi violated § 54.1-2706(14) of the Code, in that in a Final Consent Order (“Consent Order”) entered on December 15, 2004, Dr. Tabatabaeei-Fatemi’s license to practice dentistry in the State of Maryland was suspended for a period of one year with all but four months stayed and was thereafter reinstated on probation for a period of two years with terms.

Mr. Casway reported that the Board concluded that Dr. Tabatabaeei-Fatemi does not meet the requirements for licensure as set forth in § 54.1-2709.C(iii) of the Code and 18 VAC 60-20-71(6) of the Board’s regulations.

Mr. Casway advised that it is the Board’s decision to deny Dr. Tabatabaeei-Fatemi’s application to practice dentistry in the Commonwealth of Virginia.

Dr. Gokli moved to adopt the Findings of Fact, Conclusions of Law and the denial of Dr. Tabatabaeei-Fatemi’s application as read by Mr. Casway and issue an Order stating such. The motion was seconded and passed.

SECOND FORMAL HEARING:

11:12 a.m.

PRESIDING:

Paul N. Zimmet, D.D.S.

MEMBERS PRESENT:

Meera A. Gokli, D.D.S.
Myra Howard, D.D.S.
Jeffrey Levin, D.D.S.
Glenn A. Young, D.D.S.

MEMBERS ABSENT:

Jacqueline G. Pace, R.D.H.
James D. Watkins, D.D.S.

MEMBERS EXCUSED: Edward P. Snyder, D.D.S.
Misty L. Sissom, R.D.H.
Darryl J. Pirok, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Administrative Assistant

COUNSEL PRESENT: Howard Casway, Senior Assistant Attorney General

OTHERS PRESENT: James Schliessmann, Assistant Attorney General
Julia Bennett, Adjudication Specialist
Lisa Mattson, Court Reporter, Cavalier Reporting, Inc.
David Lockhart, Security Officer, American Security Group
Brad Hughes, Security Officer, American Security Group
Janelle Pannell, Intern, Office of Attorney General

QUORUM: With five members of the Board present, a panel was established.

**Gregory P. Lynne,
D.D.S.
Case No. 114178**

Gregory P. Lynne, D.D.S. appeared with counsel, Mark Baron, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that

1. Between, on, or about April 5-6, 2006, Dr. Lynne's supervising dentist observed him performing an extraction on Patient Z's lower left first molar by first cleanly breaking off the crown, which was intact with minimal decay, and then laying a periosteal flap down to the apex of the roots, followed by removal of the alveolar bone with a bone bur until buccal bone was removed down to the root tips.
2. Staff members frequently observed or noted that Dr. Lynne failed to prescribe necessary antibiotics and appropriate pain medications to patients following dental procedures.
3. Staff members frequently observed or noted that Dr. Lynne failed to administer adequate anesthesia to patients prior to and during dental procedures.
4. During the 2005-2006 time periods, multiple staff members observed him falling asleep during the

performance of dental procedures on patients.

5. On or about February 21, 2007, while preparing to seat the first patient of the day for treatment, he engaged in threatening and disruptive behavior.

Mr. Schliessmann submitted Commonwealth's exhibits 1 through 12 to the Board. The Board admitted into evidence Commonwealth's exhibits 1 through 11. Mr. Baron objected to the late submission of Commonwealth's exhibit #12, stating that one of the CDs sent to him and Dr. Lynne was defective. Upon examination of the CDs Dr. Lynne and Mr. Baron received, Dr. Zimmet ruled that Commonwealth's exhibit #12 was not admissible because the disks were not readable.

The Board admitted into evidence Respondent's exhibits A through S.

Testifying on behalf of the Commonwealth were James Steere, D.D.S., John O. Marsh, M.D., Leith Ellis, Senior Investigator, George A. Smith, D.D.S., Linda Defibaugh, D.A., Tammy Coyner, D.A., Dana Vandevander, R.N., Charles Cuttino, D.D.S., and testifying by telephone was Linda J. Huestis, R.N.

Dr. Lynne testified on his own behalf.

Closed Meeting:

Dr. Gokli moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Gregory P. Lynne, D.D.S. Additionally, Dr. Gokli moved that Board Staff, Sandra Reen, and Board Counsel, Howard Casway, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Gokli 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 Board. The motion was seconded and passed.

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

Decision:

Mr. Casway read the three Findings of Facts adopted by the Board indicating that:

1. Gregory P. Lynne, D.D.S., was issued license number 0401-006150 to practice dentistry in the Commonwealth of Virginia.
2. On February 14, 2008, by Order of Summary Restriction, the Board restricted Dr. Lynne's license to practice dentistry by prohibiting him from performing extractions or other oral surgical procedures in the Commonwealth of Virginia.
3. While employed with the Virginia Department of Corrections:
 - a. On or about April 5-6, 2006, Dr. Lynne's supervising dentist, George Smith, D.D.S., observed him completing an extraction on Patient Z's lower left first molar wherein Dr. Lynne had first broken off the crown, which was intact with obvious decay, laying an envelope flap down to the apex of the roots, followed by removal of the alveolar bone with a bone bur until buccal bone was removed down to the root tips. Said method of extraction produced greater than necessary tissue trauma, causing or increasing the likelihood of subsequent infection. Dr. Lynne denied that he intentionally fractured the clinical crown because it would make an extraction more difficult. Charles Cuttino, D.D.S., O.M.S., provided expert testimony that any procedure whereby the crown of the tooth is intentionally fractured can lead to permanent destruction of the alveolar bone, which may prevent adequate reconstruction of the mouth at a later date. In the case of Patient Z's tooth #19, the x-ray demonstrated a removal of the crown of an otherwise structurally sound tooth with visible tooth decay.
 - b. Even though Dr. Smith, Dr. Lynne's supervisor, advised him to discontinue breaking off crowns during extraction procedures, Dr. Lynne continued to do so. Subsequently, on or about May 11, 2006, Dr. Smith suspended Dr. Lynne's oral surgery privileges until he completed an approved continuing education class in oral surgery. When

Dr. Lynne failed to take such class by, on, or about March 9, 2007, his employment was terminated due to this and other matters.

- c. Dr. Lynne failed to prescribe necessary antibiotics and appropriate pain medications to patients following lengthy dental procedures.

Mr. Casway reported that the Board concluded that Finding of Fact No. 3(a)–(c) constitutes violations of § 54.1-2706(5) and (11) of the Code.

Mr. Casway advised that the sanctions adopted by the Board were that Dr. Lynne’s license shall continue to be subject to the RESTRICTION that he may not extract teeth or perform oral surgery, until such time as he provides satisfactory written evidence to the Board of the following:

1. Completion of no less than eighteen (18) continuing education contact hours in Oral Surgery for the General Dentist.
2. Completion of no less than four (4) hours in an anger management course.
3. Successful completion of the Board’s online Virginia Dental Law Examination.

Dr. Levin moved to adopt the Findings of Fact, Conclusions of Law and sanctions imposed as read by Mr. Casway and issue an Order stating such. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 12:48 a.m. on Friday, June 06, 2008.

Paul N. Zimmet, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date