

APPROVED DRAFT

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE: Special Conference Committee "A" convened on August 28, 2009 at 9:00 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

FIRST CONFERENCE 9:00 a.m.

PRESIDING: Augustus A. Petticolas, D.D.S. substituting for Dr. Zimmet

MEMBER PRESENT: Jacqueline Pace, RDH

MEMBER ABSENT: Paul N. Zimmet, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director
Gail Ross, Adjudication Specialist

QUORUM: Two members of the Committee were present.

Donald Kern, D.D.S.
Case No.: 122181 Dr. Kern appeared with his attorney, Barry Koch and his office assistant Shelly Lewis to discuss the allegations set forth in a Notice of the Board dated July 2, 2009. The Committee received statements from Dr. Kern his attorney and Ms. Lewis and discussed the allegations with them.

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

Reconvene: Ms. Pace 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. 122181 Ms. Pace reported that the Committee found Dr. Kern failed to document his treatment records to include the drugs prescribed, administered and dispensed and that he practiced outside of the scope of his dental education, training and experience by prescribing Viagra.

The sanctions reported by Ms. Ross were that Dr. Kern shall be assessed a \$3,000 monetary penalty. Ms. Pace moved to adopt the decision of the Committee. The motion was seconded and passed.

ADJOURNMENT: With all business concluded, the Committee adjourned at 10:28 a.m.

Augustus Petticolas D.D.S., Substitute Chair

Sandra K. Reen, Executive Director

Date

Date