

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
February 26, 2021**

TIME AND PLACE: The virtual formal hearing of the Virginia Board of Dentistry was called to order at 2:03 p.m., on February 26, 2021, at the Perimeter Center, 9960 Mayland Drive, Henrico, Virginia 23233.

CALL TO ORDER: Dr. Petticolas called the meeting to order.

Consistent with Amendment 28 to HB29 (the Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Board is convening today's meeting virtually to consider such regulatory and business matters as are presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Dr. Petticolas provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

**BOARD MEMBERS
PRESENT VIRTUALLY:** Augustus A. Petticolas, Jr., D.D.S., President
Patricia B. Bonwell, R.D.H., PhD
Nathaniel C. Bryant, D.D.S.
Sandra J. Catchings, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S.
Perry E. Jones, D.D.S.
Margaret F. Lemaster, R.D.H.
J. Michael Martinez de Andino, J.D.
Dagoberto Zapatero, D.D.S.

**STAFF PRESENT AT THE
PERIMETER CENTER:** Sandra K. Reen, Executive Director, Board of Dentistry
Donna M. Lee, Discipline Case Manager, Board of Dentistry

**COUNSEL PRESENT
VIRTUALLY:** James E. Rutkowski, Assistant Attorney General

**OTHERS PRESENT
VIRTUALLY:** Jamie C. Sacksteder, Deputy Executive Director, Board of Dentistry
Anne Joseph, Adjudication Consultant, Administrative Proceedings Div.
M. Pamela Lima Vasquez, Court Reporter
Matthew S. Mower, D.M.D., Respondent

**ESTABLISHMENT OF A
QUORUM:** A roll call of the Board members and staff was completed. With ten members of the Board present, a quorum was established.

**Matthew Mower, D.M.D.
Case No.: 201957** Dr. Mower was present virtually without legal counsel in accordance with the Notice of the Board dated January 13, 2021.

Dr. Mower submitted a written objection to Commonwealth's Exhibit 3.

Dr. Petticolas overruled Dr. Mower's objection and informed Dr. Mower he could address his concerns in his testimony to the Board.

Dr. Bryant and Dr. Bonwell informed the Board that they did not receive Commonwealth's Exhibit 3.

Dr. Petticolas stated that on the advice of counsel, since a quorum could be established without Dr. Bryant and Dr. Bonwell, the hearing would proceed without their participation.

Dr. Petticolas swore in the witnesses.

Following Ms. Joseph's opening statement, Dr. Petticolas admitted into evidence Commonwealth's Exhibits 1-3.

Following Dr. Mower's opening statement, Dr. Petticolas admitted into evidence Respondent's Exhibit A.

Testifying on behalf of the Commonwealth was Dr. Glenn Evans, Radford Family Dentistry; Dr. Cameron Egan, Radford Family Dentistry; Parke Slater, DHP Senior Investigator; and Pamela Twombly, Deputy Director, DHP Enforcement Division.

During the testimony of Pamela Twombly, the Board went into a closed meeting to discuss Dr. Mower's medical and mental health records.

Closed Meeting:

Dr. Catchings moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(16) of the Code of Virginia for the purpose of consideration and discussion of medical and mental health records of Matthew Mower that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705(A)(5). Additionally, she moved that Board staff, Ms. Reen, Ms. Lee, and Board counsel, Mr. Rutkowski, Ms. Twombly, and Dr. Mower attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Catchings moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Dr. Mower testified on his own behalf.

Closed Meeting:

Dr. Catchings moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(16) of the Code of Virginia for the purpose of consideration and discussion of medical and mental health records of Matthew Mower that are excluded from the Freedom of Information Act by Virginia Code Section 2.2-3705(A)(5). Additionally, she moved that Board staff, Ms. Reen, Ms. Lee, Board counsel, Mr. Rutkowski, and Dr. Mower attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Catchings moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Ms. Joseph and Dr. Mower provided closing statements.

Closed Meeting:

Dr. Catchings moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) and § 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Matthew Mower, D.M.D. Additionally, she moved that Board staff, Ms. Reen, Ms. Lee, and Board counsel, Mr. Rutkowski, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. Following a second, a roll call vote was taken. The motion passed.

Reconvene:

Dr. Catchings moved to certify that the Board heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. Following a second, a roll call vote was taken. The motion passed.

DECISION:

Dr. Catchings moved to accept the Findings of Facts and Conclusions of Law as presented by the Commonwealth, and read by Mr. Rutkowski. Following a second, a roll call vote was taken. The motion passed.

Mr. Rutkowski reported that Dr. Mower's license to practice dentistry is continued on indefinite suspension; with said suspension stayed, upon proof of entry into a contract with the Virginia Health Practitioners' Monitoring Program. Dr. Mower was also issued a reprimand and assessed a monetary penalty of \$2,500.00. Dr. Mower shall not practice dentistry until the successful completion of 10 continuing education hours each in the subjects of risk management, endodontics, anger management, and safe ethical prescribing.

Dr. Catchings moved to accept the Board's decision as read by Mr. Rutkowski. Following a second, a roll call vote was taken. The motion passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 6:55 p.m.

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Virginia Board of Dentistry

Augustus A. Petticolas, Jr., D.D.S.
Augustus A. Petticolas, Jr., D.D.S., President

Sandra K Reen
Sandra K. Reen, Executive Director

March 25, 2021
Date

April 1, 2021
Date