

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
March 10, 2016**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:05 a.m., on March 10, 2016 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Tammy K. Swecker, R.D.H., Secretary-Treasurer

MEMBERS PRESENT: John M. Alexander, D.D.S.
Tonya A. Parris-Wilkins, D.D.S.
Carol R. Russek, J.D., Citizen Member
Melanie C. Swain, R.D.H.
James D. Watkins, D.D.S.

MEMBERS ABSENT: Evelyn M. Rolon, D.M.D.
Bruce S. Wyman, D.M.D.

STAFF PRESENT: Sandra K. Reen, Executive Director
Huong Q. Vu, Operations Manager

COUNSEL PRESENT: Erin L. Barrett, Assistant Attorney General

OTHERS PRESENT: James E. Schliessmann, Senior Assistant Attorney General
Tiffany A. Laney, Adjudication Specialist
Andrea Pegram, Court Reporter.

**ESTABLISHMENT OF
A QUORUM:** With six members present, a quorum was established.

**James A. Pollard, D.D.S.
Case No.: 155229** Dr. Pollard was present without legal counsel in accordance with the Notice of the Board dated November 4, 2015.

Ms. Swecker swore in the witnesses.

Following Mr. Schliessmann's opening statement, Ms. Swecker admitted into evidence Commonwealth's Exhibits 1 through 3.

Following Dr. Pollard's opening statement, Ms. Swecker admitted into evidence Respondent's Exhibit A.

Testifying on behalf of the Commonwealth were Laura Pezzulo, DHP Senior Investigator, Brandon S. Fletcher, Pharmacist, Bethany Sawyer Pettry, Pharmacist, David Petrunyak, Pharmacist, and Jamie Pauley, Pharmacist.

Testifying on behalf of Dr. Pollard were Jane Kelly Mattox, former Office Manager and Michelle Miller, Dental Assistant. Dr. Pollard testified on his own behalf.

Closed Meeting:

Dr. Watkins moved that the Board enter into a closed meeting pursuant to §2.2-3711(A)(27) and Section 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Dr. Pollard. Additionally, he moved that Board staff, Ms. Reen, Ms. Vu, and Board counsel, Ms. Barrett 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. Watkins 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.

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

Decision:

Dr. Watkins moved to accept the Findings of Facts and Conclusion of Law as presented by the Commonwealth, amended by the Board, and read by Ms. Barrett. The motion was seconded and passed.

Ms. Barrett reported that the Board decided to reprimand Dr. Pollard with the following terms and conditions:

- Monetary Penalty of \$7,000.00 to be paid to the Board within 33 days from entry of Order;
- Indefinite Restriction on prescribing Schedule II medications until Dr. Pollard takes and completes the required continuing education courses;
- Completion of two continuing education courses:
 - 7 hours on the principles of pharmacology and prescription writing and
 - 4 hours in risk management for the administration of sedation.

Both courses must be taken from a dental program

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accredited by the Commission on Dental Accreditation of
the American Dental Association (CODA).

Dr. Watkins moved to adopt the sanctions as read by Ms. Barrett.
The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 3:33 p.m.



Tammy K. Swecker, R.D.H., Secretary-Treasurer

Sandra K. Reen, Executive Director

June 10 2016
Date

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