

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
March 18, 2021**

TIME AND PLACE: The virtual formal hearing of the Virginia Board of Dentistry was called to order at 1:00 p.m., on March 18, 2021.

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.
Sultan E. Chaudhry, D.D.S.
Perry E. Jones, D.D.S.
Margaret F. Lemaster, R.D.H.
J. Michael Martinez de Andino, J.D.

BOARD MEMBERS ABSENT: Sandra J. Catchings, D.D.S.
Jamiah Dawson, D.D.S.
Dag Zapatero, D.D.S.

STAFF PRESENT VIRTUALLY: Sandra K. Reen, Executive Director, Board of Dentistry
Jamie C. Sacksteder, Deputy 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: Lori Pound, Adjudication Consultant, Administrative Proceedings Div.
Camron Jordan, Court Reporter, Veteran Reporters, Inc.
Darlene Nicoletti, D.D.S., Respondent
Corey M. Tisdale, Esquire, Counsel for Respondent

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

**Darlene Nicoletti, D.D.S.
Case No.: 204109** Dr. Nicoletti was present with legal counsel in accordance with the Notice of the Board dated November 5, 2020.

Dr. Petticolas swore in the witnesses.

Dr. Petticolas stated there was an editorial correction in Allegation #2(h) in the Notice which should read as follows: "Dr. Nicoletti's history of substance abuse, positive screenings, and noncompliance with HPMP's requirement for ongoing treatment and monitoring."

There were no objections to the amended language.

Upon a request by Ms. Pound and no objections by Mr. Tisdale, the witnesses were sequestered.

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

Mr. Tisdale made an opening statement; however, he did not have any exhibits to present on behalf of the Respondent.

Testifying on behalf of the Commonwealth was David Robinson, DHP Adjudication Specialist and Amy Ressler, Program Administrator Director for the Health Practitioners' Monitoring Program (HPMP).

Testifying on behalf of the Respondent was Dr. Kevin Doyle, Dr. Bruce Clemons, Kate Basco, R.N., and Dr. Nicoletti.

Ms. Pound and Mr. Tisdale provided closing statements.

Closed Meeting:

Dr. Bryant 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 Darlene Nicoletti, D.D.S. Additionally, he moved that Board staff, Ms. Reen, Ms. Sacksteder, 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. Bryant 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. Bryant moved to accept the Findings of Facts and Conclusions of Law as presented by the Commonwealth, amended by the Board, and read by Mr. Rutkowski. Following a second, a roll call vote was taken. The motion passed.

Mr. Rutkowski reported that Dr. Nicoletti's license to practice dentistry is reinstated; stayed pending proof of entry into a substance abuse monitoring program at HPMP or another program approved by the Board and successful completion of the program. Dr. Nicoletti also has to document completion of 15 hours of continuing education for the period ending March 2019, March 2020 and March 2021.

Dr. Bryant 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 5:40 p.m.

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

Sandra K. Reen
Sandra K. Reen, Executive Director

June 16, 2021
Date

6-16-21
Date