UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "B"

TIME AND PLACE:	Special Conference Committee "B" convened on September 19, 2014 at 10:40 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	10:40 a.m.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	John M. Alexander, D.D.S. A. Rizkalla, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Shevaun Roukous, Adjudication Specialist
QUORUM:	All three members of the Committee were present.
Robert Banes, D.D.S. Case Nos.: 146993 and 149304	Dr. Banes appeared without counsel to discuss the allegations set forth in a Notice of the Board dated July 31, 2014. The Committee received statements from Dr. Banes and discussed the allegations with him.
Closed Meeting:	Dr. Rizkalla moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Robert Banes. Additionally, Dr. Rizkalla moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.
Reconvene:	Dr. Rizkalla moved that the Committee 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.

DECISION:
Case Nos.: 146993 and 149304

Ms. Roukous reported that the Committee found that while providing treatment to Patient A, Dr. Banes failed to document a diagnosis in the treatment record to justify the need to place a crown on tooth #30 and a filling in tooth #31, and to document the material used to cement the temporary crown on tooth #30.

The Committee also found that radiographs taken on February 1, 2012 and July 10, 2012, showed that Dr. Banes failed to address the periodontal defect and inflammation associated with Patient A's tooth #31; placed a crown on Patient A's tooth #30 that had an improper contour and open margins, and that invaded the biological width of space; and also placed a restoration on Patient A's tooth #31 that was poorly contoured and allowed for food to become trapped in the area.

The sanction reported by Ms. Roukous was that Dr. Banes shall pay a $1,000.00 monetary penalty.

Dr. Rizkalla moved to adopt the decision of the Committee. The motion was seconded and passed.

SECOND CONFERENCE: 1:05 p.m.

PRESIDING: Charles E. Gaskins, III, D.D.S.

MEMBERS PRESENT: John M. Alexander, D.D.S.
A. Rizkalla, D.D.S.

STAFF PRESENT: Kelley W. Palmatier, Deputy Executive Director
Donna Lee, Discipline Case Manager
Shevaun Roukous, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Michael Kahan, D.D.S.
Case No.: 147637

Dr. Kahan appeared with counsel, Kenneth Hirtz, to discuss the allegations set forth in a Notice of the Board dated July 31, 2014. The Committee received statements from Dr. Kahan and Mr. Hirtz and discussed the allegations with them.

Closed Meeting:

Dr. Rizkalla moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Michael Kahan. Additionally, Dr. Rizkalla moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The

motion was seconded and passed.

Reconvene: Dr. Rizkalla moved that the Committee 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.

DECISION:
Case No.: 147637

Ms. Roukous reported that the Committee dismissed the allegations against Dr. Kahan.

The decision was agreed to by consensus of the Committee.

THIRD CONFERENCE: 2:20 p.m.

PRESIDING: Charles E. Gaskins, III, D.D.S.

MEMBERS PRESENT: John M. Alexander, D.D.S.
A. Rizkalla, D.D.S.

STAFF PRESENT: Kelley W. Palmatier, Deputy Executive Director
Donna Lee, Discipline Case Manager
Shevaun Roukous, Adjudication Specialist

QUORUM: All three members of the Committee were present.

Juanita Baker, R.D.H., Applicant
Case No.: 158323

Ms. Baker did not appear to discuss her Application for Licensure by endorsement to practice dental hygiene in the Commonwealth of Virginia. Ms. Palmatier informed the Committee that by letter dated August 12, 2014, Ms. Baker submitted additional evidence for the Committee to consider and also notified the Board that she may not be able to attend the scheduled informal conference. The Committee Chair ruled that proper notice had been provided to Ms. Baker, and the informal conference proceeded in her absence.

Closed Meeting: Dr. Rizkalla moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Juanita Baker. Additionally, Dr. Rizkalla moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene: Dr. Rizkalla moved that the Committee 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.

DECISION:
Case No.: 158323

Ms. Roukous reported that the Committee found that Ms. Baker was granted a certificate to practice dental hygiene in the State of Alabama through the Alabama Dental Hygiene Program, which is not accredited by the Commission on Dental Accreditation of the American Dental Association; therefore, the Committee denied Ms. Baker's Application for Licensure by endorsement to practice dental hygiene in the Commonwealth of Virginia.

Dr. Rizkalla moved to adopt the decision of the Committee. The motion was seconded and passed.

Approval of Minutes: Upon a motion by Dr. Alexander, the minutes from the Informal Conference conducted on August 8, 2014 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 2:28 p.m.

Charles E. Gaskins, III, D.D.S. Chair

Sandra K. Reen, Executive Director

Date

Date