

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL *AD HOC* CONFERENCE COMMITTEE

TIME AND PLACE: A Special *Ad Hoc* Conference Committee convened on May 15, 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: Paul N. Zimmet, D.D.S.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Misty Mesimer, R.D.H.

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

QUORUM: All three members of the Committee were present.

**David P. Mueller, D.D.S.
Case No.: 119833** Dr. Mueller appeared with his attorney, Janeé Joslin to discuss the allegations set forth in a Notice of the Board dated February 19, 2009. The Committee received statements from Dr. Mueller and Ms. Joslin and discussed the allegations with them.

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

Reconvene: Ms. Mesimer 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. 119833** Ms. Ross reported that the Committee found Dr. Mueller practiced outside of the scope of his dental education, training and experience by prescribing Albuterol inhalers for treatment of asthma; furthermore, he provided wound care that was not within the head and neck region of the body.

The sanctions reported by Ms. Ross were that Dr. Mueller shall receive a reprimand, complete not less than six (6) continuing education hours in risk management and be assessed a \$1,000 monetary penalty. Ms. Mesimer moved to adopt the decision of the Committee. The motion was seconded and passed.

SECOND CONFERENCE 11:00 a.m.

PRESIDING: Paul N. Zimmet, D.D.S.

**Virginia Board of Dentistry
Special *Ad Hoc* Conference Committee
May 15, 2009**

MEMBERS PRESENT: Jeffrey Levin., D.D.S.
Misty Mesimer, R.D.H.

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

QUORUM: All three members of the Committee were present.

**Derrick M. Broadaway,
D.D.S.** Dr. Broadaway appeared without counsel to discuss the allegations set forth in a Notice of the Board dated January 27, 2009. The Committee received statements from Dr. Broadaway and discussed the allegations with him.

**Case Nos.: 93284, 94667,
102738, 102939, 105951,
109549, 110403, 112992,
113008, 113050, 113537,
114098, 115869**

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

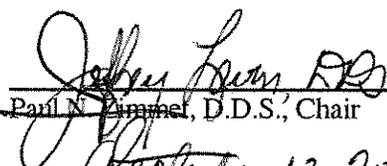
Reconvene: Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

DECISION: Ms. Ross reported that the Committee found that Dr. Broadaway delivered an ill-fitting crown to Patient A on August 26, 2002; performed an incomplete extraction on Patient C on April 6, 2005; failed to deliver a properly fitting denture to Patient D in March of 2006; failed to make a timely refund to Patient E's insurance company for a crown that was never seated; improperly drilled Patient H's tooth on April 4, 2006; failed to inform Patient I about an unfinished root canal and failed to finish treatment for more than one year; delivered an ill-fitting crown to Patient J on February 28, 2002; failed to completely fill the canals during root canal therapy on patients M and N and failed to diagnose a fistula on Patient N and failed to document treatment records to include type and amount of anesthesia used, diagnosis for treatment rendered, record pocket depths, update health histories and properly include patient names on treatment records.

The sanctions reported by Ms. Ross were that Dr. Broadaway shall be assessed a \$10,000 monetary penalty. He shall be placed on indefinite probation with terms to include seven (7) hours of continuing education in risk management and recordkeeping, forty (40) hours of continuing education in endodontics, forty (40) hours of continuing education in fixed and removable prosthodontics, and Dr. Broadaway shall take and pass a regional licensing exam in endodontics and prosthodontics. Dr. Broadaway shall not practice endodontics or prosthodontics until the terms of the Order are meant. Dr. Broadaway shall be subject to one records inspection within a year of completion of the terms of the Board Order. Ms. Mesimer moved to adopt the decision of the Committee. The motion was seconded and passed.

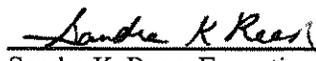
Virginia Board of Dentistry
Special *Ad Hoc* Conference Committee
May 15, 2009

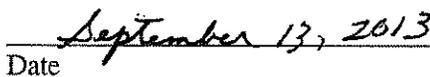
ADJOURNMENT: With all business concluded, the Committee adjourned at 2:40 p.m.



Paul N. Lammert, D.D.S., Chair

Date



Sandra K. Reen, Executive Director

Date