

VIRGINIA BOARD OF DENTISTRY

AGENDA

March 12 and 13, 2009

Department of Health Professions

Perimeter Center - 9960 Mayland Drive, 2nd Floor Conference Center -Richmond, Virginia 23233

March 12, 2009

9:00 a.m. Formal Hearings

March 13, 2009

PAGE

8:15 a.m. Executive Committee – Dr. Gokli, Chair

- Approval of Minutes
 - December 7, 2007
 - December 12, 2008
- Code of Conduct for Board Members – Dr. Levin
- Professional Code of Conduct – Dr. Levin
- Communication with Licensees – Ms. Reen

9:00 a.m. Board Meeting

Call to Order – Dr. Gokli, President

Evacuation Announcement – Ms. Reen

Public Comment

Approval of Minutes

- December 11, 2008 Formal Hearing 1-3
- December 12, 2008 Board Meeting 4-9

DHP Director’s Report – Ms. Whitley-Ryals

- DHP Performs 10

Liaison/Committee Reports

- BHP – Dr. Gokli
- Executive Committee – Dr. Gokli
- Regulatory/Legislative Committee – Dr. Watkins
 - February 25, 2009 Draft Minutes 11-14
- SRTA – Dr. Watkins and Dr. Pirok
- Southern Conference of Deans and Dental Examiners – Dr. Pirok
- CODA UVA Site Visit – Dr. Pirok

Legislation and Regulation

- Regulatory Action 15-17
- Petition for Rule-making – Alden S. Anderson III 18-30
- Petition for Rule-making by Len Futerman, DDS 31-32
- Report of the 2009 General Assembly 33-40

PAGE

Board Discussion/Action

- | | |
|---------------------------------|-------|
| • CODA Notice to VCU | 41-44 |
| • Priority for AADE | 45 |
| • ADEX Correspondence | 46-65 |
| • CRDTS Correspondence | 66-97 |
| • Digital Impression Technology | 98-99 |
| • Thank you email | 100 |

Report on Case Activity – Mr. Heaberlin

Executive Director’s Report/Business – Ms. Reen

Board Counsel Report – Mr. Casway

Adjourn

**Executive
Committee
Meeting**

UNAPPROVED - DRAFT

**BOARD OF DENTISTRY
MINUTES OF EXECUTIVE COMMITTEE**

Friday, December 7, 2007

**Department of Health Professions
9960 Mayland Drive, 2nd Floor
Richmond, Virginia 23233
Board Room 3**

- CALL TO ORDER:** The meeting was called to order at 8:30 a.m.
- PRESIDING:** Paul N. Zimmet, D.D.S., Chair
- MEMBERS PRESENT:** Meera A. Gokli, D.D.S.
Edward P. Snyder, D.D.S.
James D. Watkins, D.D.S.
- MEMBERS ABSENT:** None.
- STAFF PRESENT:** Sandra Reen, Executive Director
Elaine Yeatts, Senior Policy Analyst
Catherine Chappell, Administrative Staff Assistant
- COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General
- QUORUM:** With all members present, a quorum was established.
- PUBLIC COMMENT:** None
- APPROVAL OF MINUTES:** Dr. Zimmet asked if the Committee members had reviewed the minutes from the August 3, 2007 meeting. Dr. Watkins moved to approve the minutes of the August 3, 2007 meeting as written. The motion was seconded and passed.
- AMENDMENT OF BYLAWS:** Ms. Reen presented a proposed amendment to Article V, Section 1. d. of the Bylaws to provide for expert professionals outside of board members to assist staff in probable cause determination. She suggested that the words "and knowledgeable professionals" be added after the word "members." Dr. Watkins moved to recommend approval of the amendment to the Bylaws. The motion was seconded and carried.
- Additionally, Ms. Reen requested that the Executive Committee approve inviting Dr. Charles Cuttino, III to serve as an agency subordinate. Dr. Watkins moved to approve

**Virginia Board of Dentistry
Executive Committee Meeting
December 7, 2007**

Dr. Cuttino as an agency subordinate. The Committee reaffirmed that Ms. Reen is authorized to assign cases to subordinates. The motion was seconded and carried.

ADJOURNMENT

With all business concluded, the Committee adjourned at 8:35 a.m.

Paul N. Zimmet, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date

UNAPPROVED - DRAFT
BOARD OF DENTISTRY
MINUTES OF EXECUTIVE COMMITTEE

Friday, December 12, 2008

Department of Health Professions
9960 Mayland Drive, 2nd Floor
Richmond, Virginia 23233
Hearing Room 4

CALL TO ORDER: The meeting was called to order at 8:20 a.m.

PRESIDING: Meera A. Gokli, D.D.S., Chair

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Jacqueline Pace, R.D.H.
Paul N. Zimmet, D.D.S

STAFF PRESENT: Sandra Reen, Executive Director

COUNSEL PRESENT: Howard Casway, Senior Assistant Attorney General

QUORUM: All members were present.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: Ms. Reen advised that the pending minutes would need to be acted on at the next meeting because they were not included in the agenda materials.

REVIEW OF BYLAWS: Ms. Reen stated that the Committee is responsible for reviewing the bylaws to address any needed amendments and that she was not aware of any changes being needed. Dr. Zimmet asked about changing the meeting designated for the election of officers to the March meeting. Following discussion it was agreed not to make the change.

CODE OF CONDUCT: Ms. Reen noted that the Board has asked the Committee to review the Board of Nursing's Code of Conduct to decide if the Board should adopt a similar policy regarding the conduct of members. She further advised that she had also provided the Board of Medicine's Standards of Professional Conduct for review to get a sense whether the Board should be looking at adopting similar policies addressing the conduct of licensees.

Dr. Gokli asked if there was a need to have a policy for board members similar to Nursing's. It was agreed that new members would benefit from having some of this type of

**Virginia Board of Dentistry
Executive Committee Meeting
December 7, 2007**

guidance and it was decided that Dr. Levin would draft a proposal for consideration by the Committee at its next meeting.

Dr. Gokli then asked if it was the sense of the Committee that the Board should establish standards of professional conduct. Ms. Reen noted that presently the Board is unable to directly charge ethics violations even though we have statutory authority. Mr. Casway added that the board cannot use that authority because we do not have regulations that set the standards to be followed. It was agreed that regulatory language should be pursued and Dr. Levin agreed to draft a proposal for discussion at the next meeting.

ADJOURNMENT

With all business concluded, the Committee adjourned at 8:55 a.m.

Meera A. Gokli, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date

DISCUSSION DRAFT

Code of Conduct for Members of the Virginia Board of Dentistry

The Code of Conduct represents the proper demeanor for board members when interacting with colleagues, patients, and the public. It shall include the observance of and compliance with the Board of Dentistry's purpose, policies, and procedures as well as the laws, rules and regulations of the Commonwealth of Virginia.

A Board of Dentistry Member

- **Refrains from harm to the public, profession, or staff by**
 - Making the public health and safety the first and most important consideration in all actions and discussions as a member of the Board of Dentistry
 - Striving to do that which is right and good
 - Not interfering with reporting, investigations, or adjudication of alleged violations of the statutes or regulations governing practice
 - Respecting the public right to self determination and confidentiality
 - Respecting the legal, personal rights, dignity and privacy of all members of the Profession, Board, and individuals who are subject to investigation
 - Safeguarding the confidentiality of all records and materials pertaining to Board of Dentistry matters
 - Obtaining and maintaining knowledge of governmental laws, rules and regulations that govern the practice of Dentistry in the Commonwealth of Virginia and the conduct of public business by the Board
 - Complying with the Dental Practice Act and related laws, rules and regulations of the Commonwealth that promote public health and safety of all citizens
 - Reporting violations of the Commonwealth of Virginia's Dental Practice Act, Environmental Protection Act, pharmacology and radiological safety health rules and regulations
 - Reporting illegal or unethical acts of others whether inside or outside the dental professions that would endanger the public

DISCUSSION DRAFT

- **Maintains proper attire, decorum, and behavior during any meeting concerning matters of the Board of Dentistry by**
 - Treating all people fairly regardless of race, color, gender and ethnic origin
 - Making statements that are true and founded on fact
 - Recusing himself if there is a conflict or perceived conflict
 - Always behaving ethically, without a conflict of interest. Refraining from becoming involved in investigations and cases where there is a cause for ethical dilemmas
 - Preparing for each meeting by reading all required materials and informing the President if not able to prepare
 - Being on time for each meeting
 - Turning off electronic equipment
 - Informing the Executive Director if going to be tardy or miss a meeting
 - Ensuring that demeanor and body language remains appropriate
 - Being fair, equitable, impartial and consistent
 - Refraining from chewing gum, eating or drinking during informal conferences, formal hearings and public meetings
 - Allowing for an orderly conduct of all meetings, hearings, and conferences
 - Protecting the rights to due process and protecting the integrity of the individuals who appear before the Board
 - Accepting the decisions made by the Board regardless of personal opinion

- **Conducts oneself in a manner which will maintain or elevate the integrity of the Board and the esteem of the dental professions by**
 - Keeping knowledge and skills current in relation to the professions of Dentistry

DISCUSSION DRAFT

- Avoiding communication and relationships that could impair your professional judgment or the risk of exploiting confidences
- Consulting the Executive Director of the Board of Dentistry if any ethical or controversial dilemmas should arise affecting your duties as a member of the Board of Dentistry
- Seeking consultation when necessary from the Executive Director, staff, Board Counsel, or experts when appropriate through correct channels
- Seeking appropriate advice and guidance when faced with unresolved ethical dilemmas
- Not claiming to represent, speak, or write opinions of the Board of Dentistry without prior permission from the Executive Director in concert with the President of the Board of Dentistry
- Not discussing matters of confidentiality or conducting business outside the Board of Dentistry regular meetings which include matters pertaining to the Board of Dentistry with other members of the Board of Dentistry without a proper quorum or authority to conduct such matters
- Only undertaking assignments that one is qualified to perform completely and without a conflict of interest
- Representing the Board of Dentistry without impairment from substance abuse, cognitive deficiency or mental illness
- Increasing professional competency through continuous learning always incorporating knowledge into your actions and discussion making; be accurate and consistent
- Conducting themselves with honesty and integrity at all times
- Reporting violations of the Code of Conduct to Executive Director of the Board of Dentistry who reports the violations to the President of the Board and the Director of Health Professions
- Refraining from actions that expose the Board of Dentistry to legal, ethical, or financial risks

DISCUSSION DRAFT

**Board of Dentistry
Code of Conduct
Page 4 of 4**

- Maintaining professional boundaries in relationships with other members of the Board of Dentistry
- Always acting in the best interests of the Board of Dentistry