Approved

VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING
December 6, 2012

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:05 a.m., on December 6, 2012 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Herbert R. Boyd, III, D.D.S., President

MEMBERS PRESENT:
Martha C. Cutright, D.D.S.
Charles E. Gaskins, III, D.D.S.
Jeffrey Levin, D.D.S.
Evelyn M. Rolon, D.M.D.
Melanie C. Swain, R.D.H.
Tammy K. Swecker, R.D.H.
James D. Watkins, D.D.S.

MEMBER ABSENT:
Surya P. Dhakar, D.D.S.
Myra Howard, Citizen Member

STAFF PRESENT:
Sandra K. Reen., Executive Director
Donna Lee, Discipline Case Manager

COUNSEL PRESENT: Howard M. Casway, Senior Assistant Attorney General

OTHERS PRESENT:
Wayne T. Halbleib, Senior Assistant Attorney General
Indy Toliver, Adjudication Specialist
Mary F. Treta, Court Reporter, Crane-Snead & Associates, Inc.

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

Michelle Rice, R.D.H.
Case No.: 145441

Ms. Rice was not present. Mr. Halbleib addressed the matter that proper notice was sent to the Respondent, and introduced into evidence an Affidavit signed by Ms. Reen that verified that the Notice of Summary Suspension and Formal Hearing and Statement of Particulars were sent by certified mail to Ms. Rice's address of record on file with the Board.

Dr. Boyd ruled that adequate notice was given in this case based upon the representations of the Commonwealth and the hearing proceeded in the Respondent's absence.

Dr. Boyd swore in the witness.

Following Mr. Halbleib's opening statement, Dr. Boyd admitted into evidence Commonwealth's Exhibits 1 through 3.

Testifying on behalf of the Commonwealth was Sherry Foster, DHP Senior Investigator.

Closed Meeting: Dr. Levin 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 to deliberate for the purpose of reaching a decision in the matter of Ms. Rice. Additionally, it was moved that Board staff, Sandra Reen, Donna Lee, and Board counsel, Howard Casway, 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. Levin moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

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

Decision: Dr. Boyd asked Mr. Casway to report the Findings of Fact, Conclusions of Law and Sanctions adopted by the Board.

Mr. Casway reviewed the findings and conclusions and then reported that the Board decided to indefinitely suspend Ms. Rice's license to practice dental hygiene in the Commonwealth of Virginia; stayed the suspension contingent upon her entry into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program and remaining compliant with the terms of the Recovery Monitoring Contract.

Dr. Levin moved to adopt the Findings of Fact, Conclusions of Law and Sanctions as read by Mr. Casway. The motion was seconded and passed.

ADJOURNMENT: The Board adjourned at 10:33 a.m.

Herbert R. Boyd, III, D.D.S., President

Sandra K. Reen, Executive Director

Date

March 8, 2013
Date