

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE: Special Conference Committee "A" convened on January 20, 2012 at 9:05 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

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

MEMBERS PRESENT: Augustus A. Petticolas, Jr., D.D.S.

MEMBERS ABSENT: Meera A. Gokli, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director
Donna Lee, Discipline Case Manager
Kelley Wynne, Adjudication Specialist

QUORUM: With two members present, a quorum was established.

**Richard A. Smith, DDS
Case No.: 130551** Dr. Smith appeared without counsel to discuss the allegations set forth in a Notice of the Board dated August 1, 2011. The Committee received statements from Dr. Smith and discussed the allegations with him.

Closed Meeting: Dr. Petticolas 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 Richard A. Smith. Additionally, Dr. Petticolas moved that Mr. Heaberlin, Ms. Lee and Ms. Wynne 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. Petticolas 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.: 130551** Ms. Wynne reported that the Committee found Dr. Smith failed to include patient names in treatment records for Patients A-E; failed to obtain initial health histories or update health histories for

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Patients A-K; and failed to maintain duplicate laboratory work orders for dental procedures performed on Patients B and E.

Dr. Smith failed to include a diagnosis, treatment rendered, materials used and all drugs administered and the quantity while documenting his patients' treatment records.

Dr. Smith failed to properly treat Patient E and/or refer her to a specialist for treatment of temporal mandibular joint disorder, and he failed to document the diagnosis in the patient's record.

Dr. Smith also failed to document a diagnosis, treatment or exam before prescribing controlled substances to several patients. Dr. Smith on numerous occasions prescribed controlled substances to Patients E, F, G, J, and K without providing treatment. Further, Dr. Smith post-dated two prescriptions for Patient K.

The sanctions reported by Ms. Wynne were that Dr. Smith shall receive a reprimand; be placed on indefinite probation for a period of not less than 24 months; and be assessed a \$10,000 monetary penalty. Dr. Smith shall complete 16 continuing education hours in prescription writing, controlled substance abuse, and pharmacology.

Dr. Smith shall surrender his Drug Enforcement Administration registration for Schedule II through V controlled substances to the United States Department of Justice Drug Enforcement Administration.

Dr. Smith's dental practice shall be the subject of three unannounced inspections, to include a records inspection with 10 patient treatment records, which will be reviewed by Board members.

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

ADJOURNMENT:

With all business concluded, the Committee adjourned at 2:18 p.m.

Martha C. Cutright, DDS
Herbert R. Boyd, III, DDS, Chair

4/13/2012
Date

Sandra K. Reen
Sandra K. Reen, Executive Director

April 16, 2012
Date