APPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "A"

TIME AND PLACE:	Special Conference Committee "A" convened on March 1, 2013 at 9:05 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
FIRST CONFERENCE:	9:05 a.m.
PRESIDING:	Martha C. Cutright, D.D.S.
MEMBERS PRESENT:	Surya P. Dhakar, D.D.S. Tammy K. Swecker, R.D.H.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Indy Toliver, Adjudication Specialist
QUORUM:	All three members of the Committee were present.
James Nottingham, DDS **Case No.: 141417**	Dr. Nottingham appeared with counsel, R. Barrow Blackwell, to discuss the allegations set forth in a Notice of the Board dated January 15, 2013. The Committee received statements from Dr. Nottingham and Mr. Blackwell and discussed the allegations with them.
Closed Meeting:	Ms. Swecker 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 James Nottingham. Additionally, Ms. Swecker moved that Ms. Palmatier, Ms. Lee, and Ms. Toliver 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:	Ms. Swecker 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.: 141417

Ms. Toliver reported that the Committee found that between October 11, 2010 to September 17, 2011, Dr. Nottingham prescribed approximately 1,980 dosage units of Vicodin to Patient A, an individual he knew or should have known did not have legitimate pain associated with dental treatment and who was drug seeking.

The Committee also found that Dr. Nottingham practiced outside the scope of his dental education, training, and experience by treating Patient A's chronic back pain with approximately 1,530 dosage units of Vicodin between January 11, 2011 and September 17, 2011.

Dr. Nottingham failed to obtain an updated health history during his care and treatment of Patient A, and he also failed to include a diagnosis in Patient A's treatment record to explain the need for restorations performed on teeth #3, 13, 14 and 31.

The sanctions reported by Ms. Toliver were that Dr. Nottingham shall receive a reprimand and pay a $10,000 monetary penalty. Dr. Nottingham's license shall be placed on probation subject to the terms and conditions that within 6 months from the date of entry of the Order he shall successfully complete 7 hours of continuing education in pharmacology and prescription writing.

Ms. Swecker moved to adopt the decision of the Committee. The motion was seconded and passed.

SECOND CONFERENCE: 2:42 p.m.

PRESIDING: Martha C. Cutright, D.D.S.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Tammy K. Swecker, R.D.H.

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.

Richard Stone, DMD
Case No.: 145010

Dr. Stone appeared without counsel to discuss the allegations set forth in a Notice of the Board dated January 4, 2013. The Committee received statements from Dr. Stone and discussed the allegations with him.

Closed Meeting: Ms. Swecker 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 Stone. Additionally, Ms. Swecker 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: Ms. Swecker 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.: 145010

Ms. Roukous reported that the Committee found that Dr. Stone failed to comply with the Consent Order of the Board entered June 9, 2011, in that he failed to pay the $1,000.00 monetary penalty and to successfully complete three continuing education hours in risk management.

The sanctions reported by Ms. Roukous were that Dr. Stone shall pay a $1,500.00 monetary penalty and that his license be placed on probation subject to the terms and conditions that within 6 months from the date of entry of the Order he shall successfully complete 4 hours of continuing education in risk management.

Ms. Swecker moved to adopt the decision of the Committee. The motion was seconded and passed.

THIRD CONFERENCE: 3:10 p.m.

PRESIDING: Martha C. Cutright, D.D.S.

MEMBERS PRESENT: Surya P. Dhakar, D.D.S.
Tammy K. Swecker, R.D.H.

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.

Khalid Choudhary, DDS
Case No.: 143968

Dr. Choudhary appeared with counsel, Doug Coleman, to discuss the allegations set forth in a Notice of the Board dated January 29,

2013. The Committee received statements from Dr. Choudhary and Mr. Coleman and discussed the allegations with them.

Closed Meeting: Ms. Swecker 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 Khalid Choudhary. Additionally, Ms. Swecker 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: Ms. Swecker 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.: 143968

Ms. Roukous reported that the Committee found that Dr. Choudhary answered "no" to Question #3(k) on his Application for License to Practice Dentistry dated April 20, 2010, which asks, "Have you ever had any malpractice claims brought aginst you?", despite the fact that Dr. Choudhary had malpractice claims brought against him on December 5, 2008 and February 24, 2010.

The sanction reported by Ms. Roukous was that Dr. Choudhary shall pay a $500 monetary penalty.

Ms. Swecker moved to adopt the decision of the Committee. The motion was seconded and passed.

Approval of Minutes: Upon a motion by Ms. Swecker, the minutes from the Informal Conference conducted on January 11, 2013 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 4:00 p.m.

Martha C. Cutright, DDS

Martha C. Cutright, DDS, Chair

4/12/2013

Date

Sandra K Reen

Sandra K. Reen, Executive Director

April 15, 2013

Date