

**APPROVED**

**BOARD OF DENTISTRY**

**MINUTES**

**SPECIAL CONFERENCE COMMITTEE "C"**

**TIME AND PLACE:** Special Conference Committee "C" convened on March 29, 2013 at 9:13 a.m., at the Department of Health Professions, Perimeter Center, 2<sup>nd</sup> Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

**FIRST CONFERENCE:** 9:13 a.m.

**PRESIDING:** Myra Howard

**MEMBERS PRESENT:** Charles E. Gaskins, III, D.D.S.  
James D. Watkins, D.D.S.

**MEMBERS ABSENT:** Evelyn M. Rolon, D.M.D.

**STAFF PRESENT:** Kelley W. Palmatier, Deputy Executive Director  
Donna Lee, Discipline Case Manager  
Indy Toliver, Adjudication Specialist

**QUORUM:** With three members present, a quorum was established.

**James A. Pollard, DDS**  
**Case No.: 141984**  
Dr. Pollard appeared without counsel to discuss the allegations set forth in a Notice of the Board dated January 30, 2013. The Committee received statements from Dr. Pollard and discussed the allegations with him.

**Closed Meeting:** Dr. Watkins 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 A. Pollard. Additionally, Dr. Watkins 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:** Dr. Watkins 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.

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**DECISION:**  
Case No.: 141984

Ms. Toliver reported that the Committee found that Dr. Pollard collected payment from Patient A for crowns intended for teeth #18 and 20, despite the fact that the treatment record does not indicate that final impressions were taken, that a laboratory order was processed to fabricate the crowns, or that the crowns were ever seated. Dr. Pollard did not refund or inform Patient A of the credit balance.

The Committee further found that Dr. Pollard failed to include in the treatment record of Patient A a diagnosis that justified the treatment plan dated April 19, 2010; and that he also failed to document the quantity of vasoconstrictor used in the anesthetic that was dispensed on numerous dates.

The sanctions reported by Ms. Toliver were that Dr. Pollard shall pay a \$2,000.00 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 7 hours of continuing education in recordkeeping and risk management.

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

**SECOND CONFERENCE:** 11:35 a.m.

**PRESIDING:** Myra Howard

**MEMBERS PRESENT:** Charles E. Gaskins, III, D.D.S.

**MEMBERS ABSENT:** Evelyn M. Rolon, D.M.D.  
James D. Watkins, D.D.S.

**STAFF PRESENT:** Kelley W. Palmatier, Deputy Executive Director  
Donna Lee, Discipline Case Manager  
Indy Toliver, Adjudication Specialist

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

**Cleophus Clark, DDS**  
Case No.: 144849  
Dr. Clark appeared with counsel, Kenneth Roeber, to discuss the allegations set forth in a Notice of the Board dated January 24, 2013. The Committee received statements from Dr. Clark and Mr. Roeber and discussed the allegations with them.

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**Closed Meeting:** Dr. Gaskins 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 Cleophus Clark. Additionally, Dr. Gaskins 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:** Dr. Gaskins 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:** Ms. Toliver reported that the Committee dismissed the allegations against Dr. Clark.  
**Case No.: 144849**

The decision was unanimously accepted by the Committee.

**THIRD CONFERENCE:** 1:20 p.m.

**PRESIDING:** Myra Howard

**MEMBERS PRESENT:** Charles E. Gaskins, III, D.D.S.  
James D. Watkins, D.D.S.

**MEMBERS ABSENT:** Evelyn M. Rolon, D.M.D.

**STAFF PRESENT:** Kelley W. Palmatier, Deputy Executive Director  
Donna Lee, Discipline Case Manager  
Indy Toliver, Adjudication Specialist

**QUORUM:** With three members present, a quorum was established.

**Christine Mai, DDS**  
**Case No.: 144583**  
Dr. Mai appeared without counsel to discuss the allegations set forth in a Notice of the Board dated January 31, 2013. The Committee received statements from Dr. Mai and discussed the allegations with her.

**Closed Meeting:** Dr. Watkins 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 Christine Mai. Additionally, Dr. Watkins moved that Ms. Palmatier, Ms. Lee, and Ms. Toliver attend the closed meeting

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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. Watkins 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.: 144583

Ms. Toliver reported that the Committee found that Dr. Mai certified to Patient A's insurance carrier that a crown was seated on Patient A's tooth #30, despite the fact that the treatment record did not show that the treatment was ever completed.

The Committee further found that Dr. Mai collected payment from Patient A's insurance carrier for a crown intended for tooth #30, however, the crown was never delivered to Patient A. Dr. Mai returned to Patient A's insurance carrier the insurance payment received for seating the crown.

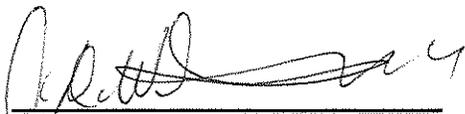
**Approval of Minutes:**

The sanction reported by Ms. Toliver was that Dr. Mai shall pay a \$500.00 monetary penalty.

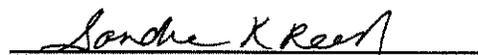
Upon a motion by Dr. Gaskins, the minutes from the Informal Conference conducted on October 26, 2012 were approved.

**ADJOURNMENT:**

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

  
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Myra Howard, Chair

6-21-13  
Date

  
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Sandra K. Reen, Executive Director

June 21, 2013  
Date