BEFORE THE VIRGINIA BOARD OF DENTISTRY

IN RE: CHARLES W. MARTIN, D.D.S.
License Number: 0401-005432
Case Number: 158568

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Dentistry ("Board") held an informal conference on May 13, 2016, in Henrico County, Virginia, to inquire into allegations that Charles W. Martin, D.D.S., may have violated certain laws and regulations governing the practice of dentistry in the Commonwealth of Virginia.

Charles W. Martin, D.D.S., appeared at this proceeding and was represented by Marc A. Brown, Esquire.

NOTICE

By letter dated January 6, 2016, the Board of Dentistry sent a Notice of Informal Conference ("Notice") to Dr. Martin notifying him that an informal conference would be held on March 4, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Dentistry. By letter dated January 29, 2016, the Board of Dentistry notified Dr. Martin that the informal conference had been continued to May 13, 2016.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Charles W. Martin, D.D.S., was issued License Number 0401-005432 to practice dentistry on June 11, 1979, which is scheduled to expire on March 31, 2017.
2. Dr. Martin has prior Board history for which the Board entered an Order dated November 24, 2008 and Consent Orders dated March 7, 2007; June 3, 1999; and May 2, 1997.

3. Dr. Martin violated Virginia Code §§ 54.1-2706(9) and 32.1-127.1:03(A) in that he provided Patient B’s health care records to Patient A.

4. Dr. Martin violated Virginia Code § 54.1-2706(9) and 18VAC60-20-15(1) of the Regulations Governing Dental Practice [currently found at 18 VAC 60-21-90.B(1) of the Regulations Governing the Practice of Dentistry] in that he failed to document Patient A’s name on the written treatment records.

5. Dr. Martin informed the Committee that he did make adjustments to Patient A’s upper denture and intentionally left tissue in Patient A’s anterior maxilla to reduce her discomfort when wearing the denture.

6. Dr. Martin also presented documentation to the Committee that showed that he did, in fact, recommended periodontal surgery to treat the insufficient attached facial gingiva on Patient A’s tooth #29.

7. Dr. Martin acknowledged to the Committee that Patient B’s records were mistakenly sent to Patient A. He informed the Committee that he has implemented changes in his dental office to prevent this from happening in the future.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Dentistry hereby ORDERS as follows:

1. Within six months from the date of entry of this Order, Charles W. Martin, D.D.S., shall provide written proof satisfactory to the Board of successful completion of a 7 credit hour continuing education course in recordkeeping and risk management. This continuing education course shall be
obtained from approved sponsors set forth in 18 VAC 60-21-250.C of the Board’s Regulations Governing the Practice of Dentistry. This course shall be approved in advance of registration by the Board. Requests for approval must be received within 15 business days prior to the course date. All continuing education hours/courses shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

2. Charles W. Martin, D.D.S., shall comply with all laws and regulations governing the practice of dentistry in the Commonwealth of Virginia.

Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of dentistry shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §54.1-2708.2, the Board imposes administrative costs in the amount of $2,267.00, which shall be submitted to the Board no later than July 7, 2016 by certified check or money order. Failure to pay this assessment by the deadline referenced above may constitute a violation of the Order, which may result in the imposition of additional sanctions and will result in the matter being sent to collections.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

[Signature]
Sandra K. Reen
Executive Director
Virginia Board of Dentistry

ENTERED AND MAILED: May 23, 2016