

DAILY-NEWS RECORD ONLINE

Dentists Face Disciplinary Hearing

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By David Reynolds

RICHMOND — After discussing allegations against a prominent area dentist, a disciplinary panel of the Virginia Board of Dentistry decided the entire board should hear the case.

On Friday, a three-member panel of the regulatory board that oversees dentists considered allegations against Dr. Kathryn Biery, but instead of deciding the case, the panel withheld judgment until the rest of the board hears the allegations.

Biery and her husband, Dr. Stephen Paulette, were in Richmond Friday for a disciplinary hearing in connection with their sedation of 3-year-old Dakota Jeffries in January 2005.

Dakota, of Berryville, was flown to the University of Virginia Medical Center after receiving sedation during an appointment for fillings in her baby teeth, according to her family and 911 records.

The board concluded its case against Paulette Friday, finding only that he failed to properly document the child's emergency. He was fined \$1,000, panelists said during the hearing.

But the inquiry into Biery's conduct went beyond the Jeffries incident. Panelists raised allegations made by her former employees that she regularly allowed assistants to sedate children and offered bonuses to top performers in her practice.

Biery denied that assistants sedated patients, and said the bonuses encouraged employees to build good rapport with patients.

A larger panel will consider the case but a date hasn't been set.

The Emergency

On Jan. 28, 2005, Jeffries was sedated at Biery and Paulette's office off U.S. 33 near Harrisonburg. After complications developed at the dentists' office, she was flown to the University of Virginia Medical Center, with a tube allowing her to breathe. Dakota, now 5, recovered, according to her parents, Chris and Aleasha Jeffries.

In October 2005, The Daily News-Record reported Dakota's emergency as well as the concerns of former employees about the office's use of sedation.

The board, which has the power to suspend or revoke licenses, investigated the incident and in November 2006 alleged that Paulette and Biery may have broken state regulations during Dakota's treatment, records show.

Dueling Experts

During a five-hour hearing on Friday, the panel questioned the couple on Dakota's treatment, referring to her as "Patient A." They also questioned Biery on the allegations of her former employees.

Dr. Matthew R. Cooke, who spoke as an expert at the panel's request, said poor records made knowing exactly what happened on Jan. 28, 2005, impossible.

"Was a good pre-operative assessment done? I don't know, it wasn't documented," Cooke said.

He cited "large gaps" in the records documenting Dakota's treatment, including two, one-hour periods

where he could tell nothing about Dakota's care.

Cooke also said he didn't understand the choice of medicines, and that the combination of drugs used was unique to the practice.

Also, Dakota received 100 milligrams of the anti-histamine Vistaril, when 30 milligrams was the maximum dose appropriate, Cooke said.

Dr. Christopher Maestrello, an expert witness for Biery and Paulette, said office records did show a pre-operative assessment and that nothing indicated Dakota was a risk for sedation.

Also, he said, the mix of drugs isn't unusual. "It's a combination I use, and I use it on a daily basis," Maestrello said.

He said 100 milligrams wasn't an excessive amount of Vistaril for Dakota.

Dr. Robert Campbell, also a witness for Biery and Paulette, complimented the dentists' handling of Dakota's emergency. "They essentially saved this youngster, and they did it very nicely," he said.

The Office

Paulette and Biery admitted record-keeping errors during Dakota's emergency, but said that happened because they were focused on saving the child.

Biery and Paulette never admitted wrongdoing in patient care.

Their attorney Gerald C. Canaan, II referred to the couple's extensive training in sedation, and said their peers respect their work.

Paulette is a pediatric dentist and oral surgeon. Biery is a general dentist trained in anesthesia.

In 2006, their office successfully performed 2,000 anesthesia cases — a volume their staff is trained to handle, Biery said.

With four people trained in anesthesia, the office runs three anesthesia rooms at a time and specializes in sedating children with special needs or anxiety, she said.

More Concerns

The panel's questioning of Biery went beyond Dakota's emergency to concerns about Biery's running of the busy office.

Panelists, citing a report compiled by a board of dentistry investigator, asked Biery if she allowed dental assistants to give liquid sedation, nitrous oxide or general anesthesia as former employees have alleged.

"What gets me is that three different people say the same things," said panelist Dr. Meera A. Gokli. "Basically, that they saw things that should not be done."

Dr. Glenn A. Young, another dentist on the board, told Biery that the investigator's report made "pretty disturbing reading."

Biery said her accusers were disgruntled former employees, and that all but one had been fired for not following her strict standards of care.

"I know it's my word against theirs," Biery said. "It didn't happen."

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