

## **UPDATE: Opening arguments in federal trial of dentist**

Tuesday, Feb 19, 2008 - 12:05 PM Updated: 06:07 PM

By Daniel Gilbert  
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ABINGDON, Va. – Prosecutors and defense attorneys gave opening arguments this afternoon in the federal trial of a Pennington Gap dentist charged with fraud and racketeering. Roy Silas Shelburne is accused of performing unnecessary procedures on low-income youths and overcharging insurance companies and Medicaid.

Assistant U.S. Attorney Tony Giorno laid the groundwork for establishing criminal intent by introducing evidence demonstrating that Shelburne had a lavish lifestyle and was preoccupied with office finances.

Defense attorney Dennis Jones described his client as a Lee County native dedicated to serving his largely low-income clientele.

Both attorneys warned jurors to expect a “very complicated” trial.

For details on the evidence presented today, read Wednesday's Bristol Herald Courier.

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ABINGDON, Va. – A jury was empanelled this morning in the federal trial of a Pennington Gap dentist accused of defrauding insurance providers and Medicaid and performing unnecessary procedures on patients.

Roy Silas Shelburne was indicted in 2006 on charges of racketeering and health-care fraud after an investigation by Virginia and federal authorities. According to the eight-count indictment, Shelburne targeted young, low-income patients, including juveniles enrolled in the Harvest Child Care Ministries group home.

The prosecution alleges that Shelburne submitted nearly 150 false billings beginning in 1998. If convicted on all counts, he could face up to 120 years in prison.

Chief Judge James P. Jones told jurors he expects the case to continue well into next week.

Read Wednesday's *Bristol Herald Courier* for opening arguments in the case.

## Trial begins for dentist accused of racketeering

Wednesday, Feb 20, 2008 - 02:00 AM Updated: 12:17 PM

By Daniel Gilbert  
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ABINGDON, Va. – To begin each day at his Pennington Gap, Va., dental practice, Roy Silas Shelburne called a staff "huddle."

The purpose, as a witness described Tuesday in Shelburne's fraud trial in federal court, was to go over "production goals" – dollar totals each department was supposed to meet.

The daily huddle is key circumstantial evidence in the prosecutors' portrait of Shelburne – a dentist they claim was motivated by profit margins, who performed shoddy and unnecessary procedures on young, low-income patients, while bilking insurance companies and Medicaid to finance a lavish lifestyle.

Shelburne's defense attorney told a different story to jurors, describing the defendant as a Lee County, Va., native devoted to serving his low-income clientele even though Medicaid reimbursed him much less than private insurance companies.

Shelburne, 52, was indicted in 2006 on charges of racketeering and numerous counts of fraud. Prosecutors allege that between 1998 and 2004, the defendant collected from Medicaid – administered through the Virginia Department of Medical Assistance Services (DMAS) – for "medically unnecessary" procedures and services he did not provide, often maximizing profit by billing DMAS and private insurance companies for the same procedure.

If convicted on all counts, Shelburne could face up to 120 years in prison.

Much of the trial is expected to focus on the intricacies of billing protocols and dental procedures like "pulpotomies" – when the pulp chamber of a badly decayed tooth is scooped out and the tooth is crowned.

Assistant U.S. Attorney Anthony P. Giorno referenced the case of one 6-year-old patient on whom Shelburne performed four pulpotomies; allotting approximately the same time for that operation as for a routine teeth cleaning for his wife, who happened to have an appointment the same day.

In anticipation of the prosecution's evidence, defense attorney Dennis E. Jones warned jurors that the physical evidence – such as X-rays – is missing a dimension from a dentist's 3-D perspective while performing a procedure. Witnesses who question the need for a given procedure after the fact, Jones said, are engaging in "Monday morning quarterbacking."

Prosecutors Tuesday also entered as evidence a photo of Shelburne's house – an 8,000-square-foot structure with a home theater – and described a day in 2006 when he purchased two luxury automobiles for his daughters.

"He made money he was not entitled to make off the backs of children," Giorno told jurors.

Jones did not dispute his client's affluence – "It is true that he has a nice house" – and acknowledged that his office had made some "clerical errors" in billing the state and insurance companies. But he rejected the allegations that Shelburne knowingly submitted fraudulent statements, and argued such financial micro-management alleged by the prosecution would have been "an impossible task" for his client, the only full-fledged dentist in the practice.

The first day of trial finished with testimony from the prosecution's first witness, Phyllis Shackelford, a dental assistant to Shelburne, who described her ex-boss as "knowledgeable" about the office's finances.

In daily "huddles" of 15 or 20 minutes, Shackelford testified, Shelburne would go over "how much money each member was supposed to meet."

If staff did not meet the financial targets, Shelburne warned of cutting back on his employees' hours and benefits, and possible layoffs, Shackelford testified.

Shackelford also told jurors she frequently had doubts about whether some of the procedures Shelburne performed were necessary.

"Sometimes I just didn't see some of the things he seen," she testified.

Questioned by assistant prosecutor Michelle Brooks if she ever questioned Shelburne, Shackelford said she had not.

"I'm not a doctor," she responded.

Western District of Virginia Chief Judge James P. Jones said he expected the trial to last well into next week.

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## Testimony indicates credit balances disappeared from files in dentist fraud trial

Thursday, Feb 21, 2008 - 01:00 AM

By Daniel Gilbert  
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ABINGDON, Va. – Jurors in the federal fraud trial of a Pennington Gap, Va., dentist on Wednesday heard testimony about vanishing credit balances and procedures not performed that ended up on insurance claims.

Roy Silas Shelburne is accused of defrauding the state and private insurance companies by overcharging them for dental work, billing for unnecessary or unperformed procedures, and collecting multiple times on the same bill.

Witnesses Wednesday testified that on numerous occasions credit remaining in the accounts of some patients who lost Medicaid benefits had been "zeroed out," obliging them to pay out of pocket.

Cindy Wade, Shelburne's former financial coordinator, testified that such credit balances vanished overnight, while unperformed procedures she deleted nevertheless found their way into insurance claims.

As financial coordinator, it was Wade's responsibility to square treatment plans with dental work that was performed, as recorded in patient charts, and input the billing information into the office's computer system.

Wade testified Wednesday that she found discrepancies between what a patient was scheduled for and what work was actually performed often "a couple of times a day." She recalled deleting procedures that were not performed only to see them reappear on insurance claim forms.

Under questioning from assistant prosecutor Michelle Brooks, Wade said she submitted medical claims she knew to be false after trying to correct them in vain.

"Finally I just thought, 'You know what? Whatever,' " she testified, saying she was "intimidated" by Shelburne, who would become "irate and upset" on the occasions when she questioned him about billing discrepancies.

While several former employees testified that Shelburne often submitted bills himself, none of them said they saw him falsify information.

Defense attorney Dennis E. Jones questioned whether his client's former employees had an incentive to overcharge the state and insurance companies, noting that Shelburne gave financial bonuses to departments for meeting monthly "production goals."

Rather than overcharging for insurance, Jones submitted that Shelburne did not bill Medicaid for nitrous oxide – commonly known as laughing gas – which is covered.

Witnesses, however, described a double standard for Medicaid patients imposed by Shelburne.

Jammie Koomer, Shelburne's appointment coordinator, testified that her boss instructed her not to include a form called a "Guarantee of Services" – informing patients of a right to have corrective work done free of charge – to Medicaid patients.

She also testified Shelburne said he was "working too hard" for his Medicaid patients, and the reimbursements were too small.

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## Jury Grows Weary In Federal Trial of Lee County, Va., Dentist

Friday, Feb 29, 2008 - 01:15 AM Updated: 01:17 PM

By Debra McCown  
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ABINGDON, Va. – Slouching in their seats after nearly two weeks in federal court, jurors continued to hear testimony on Thursday in the federal fraud trial of Lee County dentist Roy Silas Shelburne.

Shelburne is accused of performing unnecessary dental procedures on low-income patients, including children, and collecting payment multiple times for the same treatment.

Thursday afternoon the jury heard from Tom Limoli, president of Atlanta Dental Consultants, who gave expert testimony for the defense about the clinical and billing records at Shelburne's practice.

Defense attorney Dennis Jones took Limoli line-by-line through a long list of alleged acts of wrongdoing at the dental practice; by mid-afternoon, Judge James P. Jones interrupted the testimony and sent the jury out of the room.

"The jury's been here two weeks, and they're really groggy. I'm not sure how much of this they're taking in" Jones told the lawyers. "I've been observing the jury this afternoon, and they're beat."

Jones suggested the defense attorney have his witness summarize the information, and once the jury came back in, he did so.

"Those services that appear on the billing statements and run sheets were very consistent with the doctor's clinical notations," Limoli said.

On the issue of alleged double-billing, Limoli said dealing with multiple insurance providers is a complicated proposition.

"Coordination of benefits is a nightmare in the dental field," he said. "Fewer and fewer plans are working together."

He said that in general, the information he was provided showed that in the cases in question, the first insurance plan was billed and then the second plan was billed later.

In cross-examination, special Assistant U.S. Attorney Michele Brooks asked Limoli specific questions about his testimony, and he acknowledged that he lacked certain pieces of information about the billing.

Further questioning him about his analysis of Shelburne's billing practices, Brooks said consistency between clinical notation and billing was not evidence that "upcoding" – or billing for more than procedures that were actually performed – did not occur.

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### **3:45 p.m. UPDATE: Federal Fraud Trial of Lee County Dentist Recesses**

Closing Arguments to Begin Wednesday

Tuesday, Mar 04, 2008 - 12:03 PM Updated: 04:06 PM

By Debra McCown  
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The federal fraud trial of a Lee County dentist was recessed at about 2:30 p.m. today until Wednesday morning, when the jury will hear closing arguments.

Court resumes at 9 a.m. Wednesday. The jury is expected to get the case by noon.

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ABINGDON, Va. - Roy Shelburne was calm on the witness stand this morning during hours of cross-examination in his federal fraud trial.

The Lee County dentist is accused of performing unnecessary dental procedures on low-income patients, including children, and collecting payment multiple times for the same treatment.

Shelburne was questioned today about billing at his practice, the quality and necessity of services provided and the purchase of cars for his daughters. The prosecutor was asking Shelburne about dental work done to some of his patients' baby teeth when the court broke for lunch.

The case is expected to be in the hands of the jury by day's end.

## UPDATE: Jury Dismissed For the Evening in Lee County Dentist Trial

Wednesday, Mar 05, 2008 - 05:00 PM Updated: 05:48 PM

By Debra McCown  
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5:40 p.m. Wednesday- ABINGDON, Va. - The jury deliberating in the fraud trial of Lee County dentist Roy Silas Shelburne was dismissed at about 5:30 p.m. today without reading a verdict.

Deliberations will resume at 9 a.m. Thursday. The case went to the jury at about 1:20 p.m. today.

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.3:40 p.m. Wednesday - ABINGDON - The fate of Lee County dentist Roy Silas Shelburne is in the hands of a jury this afternoon.

After closing arguments, the jury went out at about 1:20 p.m.

Check back on TriCities.com for updates and read Thursday's Bristol Herald Courier to see if there's a verdict.

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ABINGDON, Va. – The fraud trial of Lee County dentist Roy Silas Shelburne will continue for another day, a federal judge decided Tuesday.

Closing arguments are to be held today, and the case is expected to be in the jury's hands by lunchtime.

Shelburne is accused of doing unnecessary dental work on children and double-billing for dental services.

He was calm through hours of cross-examination on Tuesday, when he testified that while his staff may have made billing and record-keeping errors, there has been no wrongdoing.

"Sir, I've never billed for anything that I did not believe was necessary," Shelburne said. "If we ever received any payment that we were not entitled to ... then we returned that money."

Prosecutors also asked about his personal assets, including cars purchased for his daughters, and his house, which has a mortgage of more than \$500,000.

He testified he did not try to shield his assets from seizure during a lengthy investigation of his dental practice, and that he was not under stress to meet more than \$17,000 in monthly expenses.

He said the dental care he provided was necessary in his professional judgment.

"I've never said that what I've done has been perfect. I am human. I do make mistakes, sir," Shelburne said. "In every instance, in every service I have provided to my patients, I have tried my very best."

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## Federal Jury to Continue Deliberation Today in Dentist Case

Thursday, Mar 06, 2008 - 01:30 AM

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ABINGDON, Va. – Jury deliberation continues today in the federal fraud case of Roy Silas Shelburne, a Lee County dentist accused of doing unnecessary dental work and double-billing for dental services.

After four hours of considering the case Wednesday afternoon, the jurors decided to break for the night and return at 9 a.m. today.

When the case was placed in the jury's hands, Shelburne and about two dozen supporters – family members and members of his church family – huddled in a hallway outside the courtroom, where they prayed for "truth and justice."

The preacher, who would not give his name, asked them to remember the Biblical story of Joseph, who repeatedly suffered hardships through no fault of his own.

"In every bad situation in this book, the worse it gets, the better God is," he said. "As bad as this situation is, we ought to be expecting something great from God."

The jury heard closing arguments in the case Wednesday morning.

Special Assistant U.S. Attorney Michele Brooks reviewed more than two weeks of testimony in the case, including that of several of Shelburne's patients.

"The health-care fraud is really what this case is all about," Brooks said. "A parent should be able to trust the word of the health-care provider to tell them the truth ... especially for a small child."

She recalled the cases of a 6-year-old boy whose mother testified about four of his teeth Shelburne intended to drill but have never needed repair, a teenager who has false teeth after failed root canals and a woman who said she received three fillings, not the 15 claimed.

Brooks recalled Shelburne's employees, who testified that they would delete procedures not performed from the office computer, only to see them magically reappear – and credit balances on patients' accounts would also disappear.

She recalled the testimony of local dentists who questioned Shelburne's work.

She said Shelburne – not Medicaid or his employees – is to blame for fraud she claimed he committed against the most vulnerable of his patients.

Defense Attorney Dennis E. Jones reminded the jury of the presumption of innocence under U.S. law. He focused on the variation of different dentists' professional judgment and the involvement of Medicaid authorities in the health-care process.

"In every case wherein Dr. Shelburne did a root canal, there's somebody in Richmond authorizing and approving it," Jones said.

He also blamed the failures of a large, bureaucratic agency for billing errors, saying overpayments were made by Medicaid despite proper submission of billing forms.

He recalled the testimony of a dentist who challenged claims that particular dental work of Shelburne's was unnecessary.

"Success is not built on a bad-work product," Jones said, discussing the 25-year success of Shelburne's dental practice. "Y'all know that. ... It's built on a good-work product, it's built on the service that you provide and, to a certain point, it's built on the way you treat people."

He referred to Shelburne as a humanitarian and said the amount of money allegedly stolen in specific acts was small compared to overall business revenue.

While Jones referred to second-guessing of Shelburne's judgment as "Monday morning quarterbacking," assistant U.S. Attorney Anthony Giorno said the dentist's decisions were "so far outside the goalpost as to not even be arguably within judgment."

Questioning Shelburne's integrity, Giorno made light of family cruises he said Shelburne wrote off and pricey accommodations enjoyed en route to charity work in Honduras.

"Ask yourselves when you get back in the jury room," Giorno said, "Would I trust Dr. Shelburne enough to bring my child there?"

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## **BREAKING NEWS: Dentist Guilty on all Federal Counts**

Thursday, Mar 06, 2008 - 01:04 PM Updated: 08:52 AM

By Debra McCown  
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A federal jury has just found Lee County dentist Roy Silas Shelburne guilty on all counts of fraud. He was accused of doing unnecessary dental work and double-billing for it.

After more than seven hours of deliberations over two days, the jury found Shelburne guilty of health care fraud, racketeering, structuring a transaction to avoid reporting requirements and seven counts of money laundering.

His wife and three grown children burst into sobs, surrounded by tearful supporters as the jury read its verdict.

"We're just flabbergasted," said his mother, A. Drucelle Shelburne. "It's just absolutely unbelievable, inconceivable."

The court will reconvene at 1:30 to take up the issue of monetary forfeiture. Read tomorrow's Bristol Herald Courier to find out what happens in this matter, what family members have to say and what will likely happen next.

## Supporters of Lee County, Va., Dentists Can't Believe Guilty Verdict

Friday, Mar 07, 2008 - 01:30 AM

By Debra McCown  
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Bristol Herald Courier  
[E-mail](#) | [Biography](#)



ABINGDON, Va. – Roy Silas Shelburne will face up to 120 years in prison and a fine of up to \$1.25 million after his conviction Thursday on 10 felony charges involving his dental practice in Pennington Gap, Va.

After more than seven hours of deliberations over two days, a federal jury found Shelburne guilty of health-care fraud, racketeering, structuring a transaction to avoid reporting requirements and seven counts of money laundering.

His wife and three grown children, who have supported him throughout the lengthy ordeal, burst into sobs, surrounded by tearful supporters as the jury read its verdict.

"All things work for the good of those who love the Lord and according to his purpose, even this," Shelburne said as he left the courtroom Thursday afternoon. "May he be glorified."

Shelburne remains free on bond pending sentencing June 9.

"We're just flabbergasted," said his mother, A. Drucelle Shelburne, after the verdict was read. "It's just absolutely unbelievable – inconceivable."

The trial was attended by about two dozen supporters – family members and friends who maintained their belief in his innocence.

"All things work together for those who love the Lord," said daughter, Erika, echoing the statements her father has made since his 2006 indictment.

With a successful dental practice that allowed him to pay for a large home, expensive cars and extravagant trips to do charity work abroad, Shelburne had been considered a pillar of his Lee County community.

Based on state code, his conviction means the immediate suspension of his license to practice dentistry, effectively shutting down his practice.

At least two of his employees were present when the verdict was read Thursday.

"It was a wonderful place to work, and things was said untrue from people who testified against him," said one staff member, speaking for herself and a colleague. "He's kind and considerate, and he's the best dentist I've ever worked for."

The women did not give their names, citing concerns that their comments might make it difficult for them to find new jobs.

U.S. Attorney John Brownlee said Shelburne abused a position of trust as a dentist to whom families came for help when they needed dental treatment, and he performed painful, unnecessary procedures on children to satisfy his greed.

"Shelburne's criminal conduct toward these poor families and young foster children is one of the worst cases of abuse and fraud I have seen in my many years in law enforcement," Brownlee said.

"I'm just grateful to the jury for holding him accountable for his conduct."

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## Lee County, Va., Dentist Continues To Practice After Last Week's Guilty Verdict

Wednesday, Mar 12, 2008 - 01:45 AM

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PENNINGTON GAP, Va. – Days after a jury found dentist Roy Silas Shelburne guilty of victimizing young, low-income patients and bilking Medicaid for hundreds of thousands of dollars, he is back cleaning teeth and billing the state health-care agency.

Last Thursday, a federal jury found the dentist guilty of 10 felonies, including racketeering, health-care fraud and money laundering. He faces up to 120 years in prison and a \$1.25 million fine.

During the three-week trial, prosecutors laid out a scheme in which Shelburne, 51, performed unnecessary procedures on children, and defrauded Medicaid and private insurance companies by billing for procedures he did not perform, and collecting from both.

Shelburne's license is current and active, according to state health officials, and he is not breaking any law by practicing.

The director of the Virginia Department of Health Professions is bound by law to "immediately suspend" the license of any practitioner convicted of a felony.

But the jury's verdict does not carry the weight of a conviction until the sentencing phase, two state health officials said Tuesday, citing state and federal law.

Sandra Whitley Ryals, director of the state agency, said she would not have the authority to suspend Shelburne's license until after his sentencing, which is set for June 9.

But state health boards have another means of suspending a license. Any health regulatory board can suspend a practitioner's license if it finds that person poses a "substantial danger to the public health or safety," according to Virginia law.

Sandra Reen, executive director of the Virginia Board of Dentistry, said Tuesday the board "can investigate the matter and decide what action to take within its authority."

She declined to say whether an investigation of Shelburne has been opened or is pending.

Authorities hailed Shelburne's conviction last week.

"This dentist victimized children and low-income families, as well as the Medicaid system," Virginia Attorney General Bob McDonnell said in a March 6 statement.

Asked to comment on Shelburne's continuing practice, a spokesman for the attorney general said, "We don't have any comment on that."

At his dental practice in Pennington Gap on Tuesday, Shelburne had no comment.

But Kelly and Crystal Willis, who brought in their four children for routine teeth-cleaning on Tuesday, said the embattled dentist they've been seeing for four years has "good character."

The family from Big Stone Gap, Va., is a slice of the demographic Shelburne is accused of victimizing. The couple's four children – ages 8, 6, 4 and 2 – receive Medicaid benefits. The couple said they'd heard about the criminal allegations after their last appointment several months ago, and that Shelburne himself informed them Tuesday of last week's verdict.

But the charges and guilty finding weighed little with them.

"He's excellent with our kids," said Kelly Willis. "We've had no problems. We talk to him like you talk to a neighbor, and he knows my kids by name."

Crystal Willis said, "I don't care what he's done in his personal life. He's been good to us and our kids, and that's all that matters."

*Staff Writer Mike Owens contributed to this report.*

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## **Yank His License**

Thursday, Mar 13, 2008 - 12:21 AM

Lee County dentist Roy Silas Shelburne was back at work just days after his federal racketeering, money laundering and Medicaid fraud convictions.

It takes nerve to thumb one's nose at a jury verdict in such a manner.

The Virginia Board of Dentistry shouldn't allow this affront to justice to continue. The board should pull Shelburne's license.

If the board won't do this, then the U.S. District Court should. In fact, the U.S. attorney filed a motion Wednesday asking the court to take such action.

Shelburne's crimes are directly connected to the manner in which he practiced dentistry. He performed unnecessary, painful procedures on his patients, including poor children, to collect the Medicaid reimbursement. He double-billed for some procedures and charged Medicaid for work he didn't perform.

Federal prosecutors built a detailed case that Shelburne committed all sorts of fraudulent acts in order to enrich himself. The jury believed the prosecution's witnesses and convicted the dentist on 10 felony counts.

It seems incredible that the law doesn't require immediate revocation of a medical professional's license under these circumstances. But it does not.

Shelburne will be forced to forfeit his license after his June sentencing, but the law doesn't require such a forfeiture upon conviction.

There's no justification for allowing him to continue to practice during that time. His crimes grew out of his practice; they weren't unrelated to it. Worse, his ability to continue practicing – and making money – is an incentive for his defense team to string out the sentencing process. The fact that Shelburne is, undoubtedly, headed to federal prison is incentive enough for delay.

While there is no automatic license revocation, the Virginia Board of Dentistry has the authority to investigate independently and act. The board doesn't have to wait on the court. It can take Shelburne's license based on its own findings.

A Dentistry Board investigation could be ongoing. We don't know. Sandra Reen, the Dentistry Board's executive director, was asked about this matter and refused to comment.

State law gives the Dentistry Board the right to yank Shelburne's license if he poses "a substantial danger to the public health or safety." His convictions – particularly those that involved subjecting children to unnecessary medical procedures for financial gain – prove that his continued practice poses just such a threat.

Shelburne's sentencing is scheduled for June 9. He faces up to 120 years in federal prison and a \$1.25 million fine. The nature of those penalties underscores the seriousness of his actions.

We urge the Dentistry Board or the federal court to act to protect Shelburne's patients and the taxpayers' pocketbook. Shelburne is now a convicted felon. He committed fraud. He violated the most sacrosanct tenet of medicine – to do no harm.

He doesn't deserve to practice his profession while he waits for his punishment.

## Prosecutor Tries To Stop Work Of Convicted Lee County, Va., Dentist

Thursday, Mar 13, 2008 - 02:16 AM

By Daniel Gilbert  
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ABINGDON, Va. – A federal prosecutor on Wednesday filed a motion to bar a dentist convicted of felonies from practicing.

The motion by U.S. Attorney John L. Brownlee came a day after the Herald Courier reported that Roy Shelburne's license is active and that he continues to practice dentistry in Lee County, Va.

A jury March 6 convicted Shelburne of 10 federal felonies, including racketeering, health-care fraud and money laundering. He is not supposed to be sentenced until June and under an existing regulatory loophole could have continued to practice dentistry until his sentencing.

"It appears state regulatory agencies have not restricted the defendant's ability to practice dentistry or his ability to bill government agencies for dental procedures," Brownlee wrote in the motion filed in federal court.

Brownlee has asked U.S. Western District Chief Judge James P. Jones to prohibit Shelburne from practicing by amending his probation conditions, "to protect the health and safety of the public and prevent further fraudulent billing."

Sandra Whitley Ryals, director of the Virginia Department of Health Professions, said Tuesday she could not impose "mandatory suspension" in Shelburne's case.

At issue is Ryals' interpretation of "conviction," which is not explicitly defined in state or federal law, and can range in meaning from a jury's guilty verdict to a judge entering a final judgment after sentencing a defendant.

"The jury does in fact convict a person," Judge Jones told the Herald Courier in a Wednesday telephone interview. But, "a conviction is not final until the sentencing – that's when a judgment is actually entered," he said.

Jones declined to comment specifically on Shelburne's case.

Ryals, drawing on legal advice, said she interprets conviction to mean after the sentencing phase, which in Shelburne's case is set for June.

The Virginia Board of Dentistry also has the authority to suspend a license when it determines that a dentist poses a "substantial danger" to public safety. Executive Director Sandra Reen would not say Tuesday whether the board was investigating Shelburne.

Several patients at Shelburne's office in Pennington Gap on Tuesday praised the dentist, in spite of his recent conviction.

"We've never had a problem," said Kelly Willis, who has been taking his young children – who receive Medicaid benefits – to see Shelburne for four years. "God willing, things will work out in court and he'll keep his license."

While Brownlee and Virginia Attorney General Bob McDonnell hailed the jury's March 6 verdict, Shelburne's attorney, Dennis E. Jones, called it "the greatest miscarriage of justice" in his legal career, and said it should have "a great chilling effect on the medical community."

Dennis Jones said he and his client were discussing an appeal, and said the jury's verdict "may not be the final word on whether Dr. Shelburne is guilty or innocent."

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## Miscarriage Of Justice For Dentist

Sunday, Mar 23, 2008 - 12:34 AM Updated: 08:31 AM

I have recently been informed about the Dr. Roy Shelburne fraud case. I am very concerned about what appears to be a gross miscarriage of justice that will have far-reaching effects on not only Shelburne and his family, but dentistry in general.

I am the CEO and owner of the Pride Institute, a national dental practice management company. We were founded by Dr. Jim Pride – a dentist who was an advocate of fee-for-service dentistry and a well-respected leader in our profession. Our mission is to serve our clients with the finest information and counsel to support the achievement of personal and professional goals and to enhance the quality of dental care provided to patients.

I have no doubts that training ethical dental clinicians in strong fundamental business principles not only results in well-run, viable practices but the very best clinical care for their patients. It is those dentists who help their patients achieve optimal oral health, enhance their own personal success and are able to give back to their community (which Shelburne was doing as the only provider of Medicaid in his community).

The mere suggestion that Shelburne's guilt may have stemmed from applying basic business principles like morning huddles, staff meetings, "open book" statistical management to his practice or that the trappings of his personal success (i.e. house, vacations, etc.) is tied in anyway to unethical, fraudulent activities is irresponsible and dangerous! Most dentists I have worked with over the years are really good people who want to better themselves and others. They take the responsibility of being a health care provider seriously and take care of their patients, their dental staff and impact their community in many positive ways.

I knew Shelburne when he studied at Pride. He was no different. I am hoping that people can rise above their judgment of what is perceived to be a luxurious lifestyle and look at the very real facts of Shelburne's situation.

**Amy Morgan**  
**Novato, Calif.**