

Minutes of the South Carolina Board of Dentistry  
Business Meeting, Reinstatement and Application Hearings, Disciplinary Hearings  
January 10, 2014  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present were:

John M. Whittington, D.M.D., President  
Douglas J. Alterman, D.M.D., Vice President  
Z. Vance Morgan, IV, D.M.D., Secretary  
Arthur L. Bruce, D.M.D.  
Paul S. Coombs, D.M.D.  
Felicia L. Goins, D.D.S.  
Samuel M. Hazel, D.M.D.  
Dennis A. Martin, D.M.D.  
Elaine A. Murphy, R.D.H.  
Sherie Williams-Barbare, R.D.H.

Board member with an Excused absence:

Eric C. Schweitzer, Esquire

Staff and others present were:

Joseph L. Brown, D.M.D.  
Kate K. Cox, LLR Administrator  
Angela D. Gaines, R.D.H.  
Suzanne Hawkins, LLR Litigation Attorney, Office of General Counsel (OGC)  
Lisa Hawsey, LLR Administrative Assistant  
Kristen M. Holland, R.D.H.  
Carl J. Lockwood, D.M.D.  
David Love, OIE  
Sara McCartha, LLR Advice Attorney  
Thea Samonson, Thompson Court Reporter  
Jonathan G. Smith, D.M.D.  
Charles F. Wade, D.M.D.

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CALL TO ORDER:

The Regular Session of the South Carolina Board of Dentistry was held at the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Room 108, in Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE STATE NEWSPAPER AND ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the meeting and a quorum having been noted as present, Dr. Whittington, President, called the meeting to order at 9:10 a.m. All votes referenced herein were unanimous unless otherwise noted.

INTRODUCE NEW MEMBERS:

Dr. Whittington introduced the two new Board members, Dr. Paul S. Coombs from District 5 and Dr. Samuel M. Hazel from District 6.

APPROVAL OF THE AGENDA:

**Motion:** A motion was made by Dr. Bruce to approve the Agenda with amending that the Unfinished Business item of the Sedation Bill be moved up. Dr. Morgan seconded the motion. The motion carried.

APPROVAL OF THE MINUTES:

**Motion:** A motion was made by Dr. Bruce to approve the Minutes of the October 11, 2013 Board meeting, Minutes of Sedation Committee Meeting on October 4, 2013, and Sedation Roundtable meeting on October 25, 2013. Dr. Morgan seconded the motion. The motion carried.

UNFINISHED BUSINESS ITEM (Agenda Amended):

Sedation Committee Update Report:

Dr. Wade reported on the Committee's progress and noted the Committee will continue to meet with all stakeholders for comments. He reported that the South Carolina Dental Association will have the bill sponsored and filed. He noted the Board's Newsletter has mentioned the Sedation issue and comment on the bill will be in the next newsletter as well. It was reported that if the bill passes it will take effect in 2015.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Report:

The IRC report was presented by Mr. Love.

**Motion:** A motion was made by Dr. Morgan to approve the IRC report authorizing seven (7) Dismissals. Dr. Goins seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Goins to approve the IRC report authorizing two (2) Authorizations for Formal Complaints. Dr. Alterman seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Alterman to approve the IRC report authorizing the issuance of three (3) Letters of Caution. Dr. Morgan seconded the motion. The motion carried.

OIE and OGC Management Reports:

The OIE Management Reports and OGC Management Reports were presented. All were accepted as information.

APPLICATION HEARING:

Kristen M. Holland, R.D.H.:

An application hearing was held for Ms. Holland. Ms. McCartha advised the Board. Ms. Holland was present and waived her right to counsel. A court reporter was present. The hearing commenced.

**Motion:** Dr. Hazel made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

**Motion:** Dr. Morgan made a motion to return to Open Session. Dr. Bruce seconded the motion. The motion carried.

**Motion:** Dr. Alterman made a motion to not approve licensure by credentials as a dental hygienist for Ms. Holland. Dr. Goins seconded the motion. The motion carried. It was stated that licensure may be sought by examination.

REINSTATEMENT APPLICATION HEARINGS:

Carl J. Lockwood, D.M.D.:

A reinstatement application hearing was held for Dr. Lockwood. Ms. McCarthy advised the Board. Dr. Lockwood was present and waived his right to counsel. A court reporter was present. The hearing commenced.

**Motion:** Dr. Morgan made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

**Motion:** Dr. Martin made a motion to return to Open Session. Dr. Alterman seconded the motion. The motion carried.

**Motion:** Dr. Goins made a motion to approve the reinstatement application for licensure for Dr. Lockwood with probationary status pending the resolution of a disciplinary matter. It was stated that an Order will be written. Dr. Alterman seconded the motion. The motion carried.

Angela D. Gaines, R.D.H.:

A reinstatement application hearing was held for Ms. Gaines. Ms. McCarthy advised the Board. Ms. Gaines was present and waived her right to counsel. A court reporter was present. The hearing commenced.

**Motion:** Dr. Martin made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

**Motion:** Dr. Martin made a motion to return to Open Session. Dr. Alterman seconded the motion. The motion carried.

**Motion:** Ms. Williams-Barbare made a motion to approve the reinstatement application for licensure for Ms. Gaines for her dental hygiene license. Ms. Murphy seconded the motion. The motion carried.

REQUESTS FOR RELEASE FROM PROBATION ORDERED BY CONSENT AGREEMENTS: Disciplinary hearings are closed.

Joseph L. Brown, D.M.D.

A request was heard from Dr. Brown to be released from probation ordered by a Consent Agreement. Ms. McCarthy advised the Board. Dr. Brown was present and waived his right to counsel. A court reporter was present.

**Motion:** Dr. Martin made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

**Motion:** Dr. Alterman made a motion to return to Open Session. Dr. Morgan seconded the motion. The motion carried.

**Motion:** Dr. Morgan made a motion to accept the request and Dr. Brown was taken off probation. Dr. Goins seconded the motion. The motion carried.

Jonathan G. Smith, D.M.D.

A request was heard from Dr. Smith to be released from probation ordered by a Consent Agreement. Ms. McCartha advised the Board. Dr. Smith was present and waived his right to counsel. A court reporter was present.

**Motion:** Dr. Alterman made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

**Motion:** Dr. Hazel made a motion to return to Open Session. Dr. Morgan seconded the motion. The motion carried.

**Motion:** Dr. Morgan made a motion to accept the request and Dr. Smith was taken off probation for case 2008-78 and to leave the remaining probation in place on Case 2011-73 until July 13, 2014. Dr. Coombs seconded the motion. The motion carried. It was noted an Order will be written.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given by Mrs. Cox to include the LLR staffing list; to note the Board has 10,919 credentialed licensees and registrants on file; to report a hearing panel was held on December 13, 2013 and will be reported to the Board on April 11, 2014; to note the District Seven (7) Election will be as announced in the late spring; and to note the Statement of Economic Interests must be filed by March 30, 2014. Mrs. Cox reported CRDTS will send a dentist and a dental hygienist to the next Board meeting to give a presentation on their CRDTS examinations at the April 11, 2014 meeting.

Dr. Alterman reported on the AADA meeting in New Orleans held October 30 - 31, 2013.

The Winter Board Newsletter was discussed; and it was reported information is needed for the newsletter and status of the proposed Sedation Legislation is needed. The Board meeting dates for 2014 were reported to be April 11, July 11, and October 17.

Financial Report:

Financial Report of the Board was given as information by Mrs. Cox.

UNFINISHED BUSINESS:

Licensure Examinations Accepted by South Carolina:

Licensure exams accepted by the Board for dental hygienists were discussed by Ms. Williams-Barbare to be SRТА - Southern Regional Testing Agency, NERB - North East Regional Board, CRDTS - Central Regional Dental Testing Services, and ADEX - American Board of Dental Examiners. Licensure exams accepted by the Board for dentists were discussed by Dr. Morgan to be SRТА - Southern Regional Testing Agency, NERB - North East Regional Board, CRDTS - Central Regional Dental Testing Services, and ADEX - American Board of Dental Examiners.

Delineation of Duties for Dental Hygienists and Dental Assistants Duties:

The chart of delineated duties published in the Board's 2013 Summer Newsletter has been reviewed again by the advice attorney and will be republished in the next Newsletter. The Board removed language regarding radiology in Section III, IV, and V as radiology was not mentioned in statute. This was the only change in the chart.

NEW BUSINESS:

Regulatory Taskforce Review Recommendations:

Ms. McCartha presented the Regulatory Taskforce Review Recommendations for the Board of Dentistry from Governor Haley in a letter to the Board. The Governor asked the Board to lower the fee for the application for dentists by credentials to be the same fee as the application by examination. Discussion followed.

**Motion:** A motion was made to establish a committee to study the Board's fees and the fees for license application by credentials in the surrounding states. Dr. Martin and Dr. Hazel were asked to do the study on fees and bring their findings to the April 11, 2014 meeting. The motion was seconded. The motion passed.

Ms. McCartha was asked to write a letter of response to the Governor by January 31, 2014 regarding this study.

Inspector General Report on Prescription Drug Abuse:

Ms. McCartha presented the Inspector General Report on Prescription Drug Abuse as information for the Board and to inform the Board that a taskforce will be set up to address this matter with educational and enforcement components. The Board of Medicine, the Board of Nursing, and the Board of Pharmacy, and the head of the Bureau of Drug Control have had a meeting. The Board of Dentistry was noted to be considered as a potential representative on the taskforce. She noted that no immediate action by the Board is required.

Question on Final Impressions by Orthodontists:

The Board addressed a question on who can do final impressions and it was reported that this is a professional judgment made by the dentist.

Question on New Technologies and Rules:

The Board addressed a question on the legality of certain duties assigned to a dental assistant in this technological world. It was asked can dental assistants scan the mouth for a cerac machine or E4D impression; and it was asked can an assistant design a crown or inlay/onlay on a computer screen of a cerac or E4D. Ms. Williams-Barbare stated a dental assistant cannot take final impressions, cannot scan the mouth, and should not set up the machine. Discussion followed about not allowing design prep and everything should be by doctor's orders and review. It was stated that Dr. Alterman and Ms. McCartha will write a response.

Ratification of Licenses and Registrations; Approval of Volunteer Clinic:

Newly issued licenses and registrations were presented to the Board for ratification for dates up through January 6, 2014 and an application for a Volunteer Clinic.

**Motion:** Dr. Alterman made a motion to ratify the lists of licensed dentists, licensed dental hygienists, registered dental technicians, and the volunteer clinic. Dr. Goins seconded the motion. The motion carried.

LEGAL:

Proposed Chapter 10 - Board Fees Placement Options:

Ms. McCartha presented the information regarding choices of where to place all fees for the Boards into a Chapter 10 "LLR Fee Regulation" and into Board's Regulations with reference to this Chapter 10 and LLR's web site for the Board's fees. Discussion followed.

**Motion:** Dr. Alterman made a motion to accept the choice to place the Board's fees into a Chapter 10 "LLR Fee Regulation" with a reference in the Dentistry Board's Regulations to this Chapter 10 and a reference to LLR's web site for the Board's fees. Dr. Bruce seconded the motion. The motion passed.

**FYI - Joint Advisory Opinion:**

Ms. McCarthy presented Joint Advisory Opinion for information only regarding over the counter medications in schools. No action of the Board was required.

**DISCUSSION TOPICS:**

Discussion topics mentioned were on electronic signatures, corporate dentistry challenges, no terminology/definition for dental therapist, teledentistry, spore testing under DHEC, and NC teeth whitening issues. There were no motions and no votes were taken.

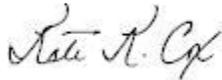
**PUBLIC COMMENT:**

There was none.

**ANNOUNCEMENTS and ADJOURNMENT:**

It was announced the meetings for 2014 are scheduled to be on April 14, July 11, and October 17. There being no further business or announcements Dr. Whittington adjourned the meeting.

Respectfully submitted,



Kate K. Cox  
Administrator