

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
October 14, 2016
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Z. Vance Morgan, IV, DMD, President
Arthur L. Bruce, DMD, Vice President
Dennis A. Martin, DMD, Secretary
Carolyn L. Brown, DMD
Philip M. Prickett, DMD
Walter J. Machowski, Jr., DMD
Elaine A. Murphy, RDH
Eric C. Schweitzer, Esquire
Samuel M. Hazel, DMD
Paul S. Coombs, Jr., DMD
Jessica Keisler, RDH

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
Pleas Faglie, OIE Investigator
Adrian Rivera, OIE Investigator
Adam Russell, LLR Advice Attorney
Prentiss C. Shealey, LLR Litigation Attorney ODC
Jennifer Thompson, Court Reporter
Bruce Horn, DMD, WREB
Charles Bumgardner, DMD
Lois Bell, CDA
Lee Muthig, RDH--MTC
Richard Forbes, DMD
Walter Kostrezewski, DMD
Rocky Napier, DMD
Colleen Rooney

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. Morgan, Board President, called the meeting to order at 9:00 a.m. All votes referenced herein were unanimous unless otherwise noted.

APPROVAL OF THE AGENDA:

Motion: A motion was made by Mr. Schweitzer to approve the Agenda. Dr. Machowski seconded the motion. The motion carried.

APPROVAL OF THE MINUTES:

Motion: A motion was made by Dr. Bruce to approve the minutes of the last meeting on July 8, 2016. Mr. Schweitzer seconded the motion. The motion carried.

DISCIPLINARY ISSUES REPORTS:

Dr. Morgan recused himself from the meeting and turned the meeting over to the Vice-President, Dr. Bruce.

Investigative Review Committee (IRC) Reports:

The IRC report was presented by Mark Sanders, OIE Investigator. He stated there are 23 proposed dismissals.

Motion: A motion was made by Dr. Prickett to accept the dismissal report. Ms. Murphy seconded the motion. The motion carried.

Mr. Sanders presented a request for two (2) formal complaints to be submitted.

Motion: Mr. Schweitzer made a motion to accept the Formal Complaints. Ms. Murphy seconded it. The motion carried.

Mr. Sanders proposed three (3) Letters of Caution.

Motion: Dr. Hazel made a motion to accept the Letters of Caution. Mr. Schweitzer seconded it. The motion carried.

Mr. Sanders presented the statistical report as information.

OIE and ODC Management Reports:

Prentiss Shealey, Attorney from the Office of Disciplinary Counsel, presented the ODC Report. Currently, there are 31 open cases on 19 respondents. There are five (5) cases that are pending consent agreements, five (5) that are pending memorandum of agreements, sixteen (16) that are pending panel hearings. Three (3) are pending a board hearing and one (1) is pending a Board Order. Fifteen (15) cases have been closed. There are no cases on appeal. There was not a motion to approve this report.

WREB Presentation

Dr. Bruce Horn gave a power point presentation on the WREB examination. The Board took the information under advisement.

DISPLINARY ISSUES: Disciplinary hearings are closed for the Board of Dentistry.

Motion: Dr. Machowski made a motion to go into executive session to receive legal advice on this matter. Said motion was properly seconded. The motion carried.

Disciplinary Hearing—MOA—Case No. 2016-12

A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss Shealey, Esq. The Respondent was present and was represented by her attorneys, Sally Rogers, Esq. and Ralph Barbieri, Esq. A court reporter was present. The closed hearing commenced.

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Motion: Mr. Schweitzer made a motion to go into executive session to receive legal advice on this matter. Said motion was properly seconded. The motion carried.

Motion: Mr. Schweitzer made a motion to return to open session. Said motion was properly seconded. The motion carried.

Motion: Dr. Prickett made a motion to dismiss the case. Said motion was properly seconded. The motion carried.

Application Hearing--Reinstatement

Dr. Richard M. Forbes is seeking reinstatement of his dentistry license in this state. Dr. Forbes was not represented by an attorney. Mr. Russell advised the Board.

After a brief discussion with Dr. Forbes, Mr. Schweitzer made a motion to go into executive session to seek legal advice. Said motion was properly seconded. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Said motion was properly seconded. The motion carried.

Dr. Prickett made a motion to accept the reinstatement of his dental license. Said motion was properly seconded. The motion carried.

Application Hearing—Initial Application

Colleen Rooney, RDH, is seeking licensure as a dental hygienist. Ms. Rooney was not represented by an attorney. Mr. Russell advised the Board.

She was requested to meet with the board due to a "yes" answer on her application.

Dr. Coombs made motion to go into executive session to seek legal advice. Said motion was properly seconded. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Said motion was properly seconded. The motion carried.

Mr. Schweitzer made a motion to approve Mr. Rooney's application for licensure. Said motion was properly seconded. The motion carried.

Application Hearing—Initial Application

Dr. Walter Kroztrzeski is seeking licensure as a dentist by credentials. Dr. Kroztrzeski was not represented by an attorney. Mr. Russell advised the Board.

Dr. Machowski made a motion to go into executive session to seek legal advice. Said motion was properly seconded. The motion carried.

Dr. Machowski made a motion to come out of executive session. Said motion was properly seconded.

Mr. Schweitzer made a motion that this Board is not allowed to grant the license request presented here due to the statutory language of our law. Since he has an unresolved disciplinary matter in another state, the board cannot by law grant him a license by credentials. The board's advice attorney, Mr. Russell, referenced Code 40-15-275 (a) (5).

Mr. Russell stated that he could become licensed through examination. Said motion was properly seconded. The motion carried.

NEW BUSINESS

Sedation Application and Permit Approvals

After much discussion, Dr. Machowski made a motion to accept the sedation applications and permits as written. Said motion was properly seconded. The motion carried.

Dr. Bruce made a motion to approve the sedation applications and permit forms. Said motion was properly seconded. The motion carried.

Mr. Schweitzer made a motion to approve the permit facility checklist. Said motion was properly seconded. The motion carried.

Ratification of Dental Licenses

Mr. Schweitzer made a motion to approve licenses for ratification. Said motion was properly seconded. The motion carried.

In-House Memberships Within Dental Offices

Mr. Russell wanted to discuss whether or not it is a violation of the code of ethics to set up a membership plan, where one would enroll in a certain dentistry plan and pay a certain fee per month. After a brief discussion, it was determined that this would not be a violation of the Dental Practice Act, but they may want to consider the implications of insurance contracts.

Corporate Dentistry

Prentiss Shealey was requesting guidance on who a complaint should be made against for IRC issues when a corporate dental office is involved. After a discussion, it was determined the licensee (licensed dentist) is held responsible for violations occurring in a corporate owned dental office.

REPORTS/INFORMATION

Administrative Information

Lisa Hawsey gave the administrative report since Dr. Melton had to leave to attend another called board meeting. The financial report was provided as information. Boards are audited annually. Dr. Melton wanted to note the renewal dates are from October 3, 2016 through February 28, 2017. The new dental board newsletter is posted on the website under publications. The new CE requirement of two credit hours for infection control is required for dentists and the dental office workers. ADA has an online CE course for infection control 2016. A domestic violence course is required during the coming renewal period, but will not affect their renewal this time. A list of approved domestic violence courses are listed on the LLR main web page.

Four (4) board members have asked to attend the AADB and the ADA meetings in Denver, CO on October 18th through 24th. Dr. Morgan, Dr. Machowski, Dr. Hazel and Dr. Coombs have expressed an interest in attending. Ballots will be mailed out shortly for the District Two board member election. There are five candidates on the ballot.

The next board meeting is scheduled for January 20, 2017.

If the board would like to revise any FAQ's on the website, please email them to Dr. Melton.

Financial Report

The financial report was self-explanatory and included in their board meeting packet.

Legal

No information

Discussion Topics

Mr. Schweitzer mentioned that his term is up in December and that he is the layperson on the board. He is not elected, but appointed by the Governor. Mr. Schweitzer stated that Dr. Melton had asked if he would be willing to continue to serve, if the Governor would allow him to continue, but for not more than two (2) years.

Ms. Hawsey stated that she neglected to mention that Dr. Melton wanted the board to know that there were 222 new licenses issued since the last Board meeting and seven (7) reinstatements. We have a total of 12,232 active credentials to date.

Dr. Machowski gave a brief report on the ADEX meeting he attended in Chicago, Ill. He stated that he was able to nominate Teresa Gonzales to be the board representative on ADEX from South Carolina. (She is a dentist at MUSC in Pathology and Pain Management.) Dr. Machowski stated she did agree to serve.

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Public Comments

Dr. Rocky Napier asked the Board if they knew what constitutes working or practicing as a dentist. Does the Board's statute have an accurate assessment of full-time dentists working in the state? Dr. Morgan stated when one completes their registration, they would put how many hour they work on the license renewal form. Dr. Napier asked if the public had access to that information. Since Dr. Melton was not present at that time, he stated he would contact her later.

Dr. Napier also asked if the domestic violence continuing education is a requirement or something that just the Governor would like to see taken.

While Mr. Russell researched this matter, Dr. Prickett held a discussion on the Board policy for IV establishment which was approved in 2008. No new changes were made to the policy at this time related to the CEs.

RE: CEs

Mr. Russell stated he would like to defer to Dr. Melton.

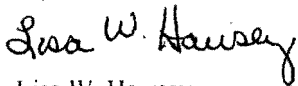
Lois Bell stated she is from the S.C. Dental Assistants Association and also newly appointed Board of Director member for DANB discussed the requirements for the infection control. Dr. Napier stated their annual meeting will be in Charleston from April 27th – 30th.

Announcements: Next Meeting date --January 20, 2017

Adjournment

With no further business, the meeting adjourned at 2:32 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.