

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
July 13, 2018
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Dennis A. Martin, DMD, President
Paul S. Coombs, Jr., DMD, Vice-President
Carolyn Brown, DMD, Secretary
Walter J. Machowski, Jr., DMD
Philip M. Prickett, DMD
Charles G. Bumgardner, DMD
Donald L. Marler, DMD
Jessica M. Keisler, RDH
Samuel M. Hazel, DMD, was not present
Elaine A. Murphy, RDH was not present

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
P.C. Faglie, OIE Chief Investigator
Adam Russell, Esq. LLR Advice Counsel
Prentiss Shealey, Esquire, LLR Litigation Attorney ODC
Heather R. Landry, Court Reporter
Robyn Madden, Esq.
Dr. Gordon Gray
Wendy Haefner, RDH
Shea Brighthop
Dr. Jose Ravelo
Dr. Gary Eder
Dr. Joseph Solinger
Bree Matchette, RDH
Tracie Martin, RDH
Valerie Hardin, RDH
Joyce Rivers, RDH
Jamie Williams, RDH
Phil Latham, SCDA
Piedmont Dental Society Dentist Member (Cannot determine name from sign-in sheet)
Syleste Small
Rick Wilson, Esquire, RPP
Lois Bell
Alexis Robinson
Tammi Byrd, SCDHA
Lee Muthig, Midlands Technical College
Nancy Johnston, SCDHA
Dr. Rocky Napier, SCDA
Ray Moore, Murphy & Grantland
Thomas Edmonds, Legislative Liaison, SCDA

BOARD MEETING MINUTES

July 13, 2018

Page 2

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. Martin, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Dr. Samuel M. Hazel and Elaine A. Murphy, RDH were not present. Adam Russell, Esq. served as the Board's Advice Attorney. The Board members introduced themselves.

APPROVAL OF THE AGENDA

Dr. Coombs made a motion to approve the agenda. Dr. Machowski seconded it. The motion carried.

APPROVAL OF MINUTES

Dr. Bumgardner made a motion to approve the minutes for all three of the meetings as submitted. Dr. Coombs seconded it. The motion carried.

BOARD ABSENCES

Dr. Melton stated Dr. Sam Hazel contacted our office in advance and stated he would not be here today. Elaine Murphy, RDH was also absent. Dr. Martin asked if there was a motion to approve the absences for Dr. Hazel and Ms. Murphy until she arrives. Dr. Bumgardner made a motion to excuse their absences. Dr. Prickett seconded it.

OIE Report

P.C. Faglie presented the report due to Mark Sanders' absence.

Mr. Faglie stated the Board has 12 cases recommended for dismissal.

Dr. Bumgardner made a motion for the 12 cases to be dismissed. Dr. Coombs seconded it. The motion carried.

Mr. Faglie stated there are three cases recommended for formal complaints.

Dr. Coombs made a motion to accept all three of the formal complaints. Dr. Bumgardner seconded it. The motion carried.

Mr. Faglie stated there are seven letters of caution to submit.

There was a discussion on the use of letters of caution.

Dr. Coombs made a motion to accept the letters of caution as submitted. Dr. Prickett seconded it. The motion carried.

Discussion on Modification or Termination of RPP Requirements

Rick Wilson, Esquire, represents RPP and has requested that the Dentistry Board consider the modification of the policy under RPP if the practitioner has met the Board ordered requirements. The Medical Board, Nursing Board and Pharmacy Board in South Carolina have already approved this modification.

Dr. Prickett made a motion to accept the revisions of the policy. Dr. Bumgardner seconded it. After a brief discussion, the motion carried.

ODC REPORT

Prentiss Shealey, Esquire presented the report.

She stated the Board currently has 32 pending cases in legal. This is with 22 respondents. There are nine pending panel hearings; nine pending board hearings. She stated their office caught one mistake in the report given. She stated the pending order should be closed and the number in that column should be zero. The number of closed cases is 52.

She stated this report is for information only and does not require a vote.

Disciplinary Hearings

RE: Case No. 2015-62

A closed hearing was held for the Respondent. Adam Russell, Esq. advised the Board. Robyn Madden, Esq. represented the Respondent. The state was represented by Prentiss Shealey, Esq.

After the case was presented by both attorneys and the Respondent, Dr. Prickett made a motion to go into executive session to seek legal advice. The motion was passed with all members signifying aye with no opposition.

Dr. Bumgardner made a motion to come out of executive session. Dr. Machowski seconded it. The motion carried.

Dr. Prickett made a motion to accept the MOA (Memorandum of Agreement) and that they want to extend the Respondent's probation of five years at the end of the current probation. Dr. Prickett also recommends 10 CEs, continuing education in areas of documentation and record keeping and that the Board impose a \$1,200.00 fine.

Dr. Marler seconded it. The motion carried.

RE: Case No. 2017-84

Before the hearing began, Dr. Prickett recused himself from this hearing and then exited the room.

A closed hearing was held for the Respondent. Adam Russell, Esq. advised the Board. Robyn Madden, Esq. represented the Respondent. The state was represented by Prentiss Shealey, Esq.

After the case was presented by both attorneys and the Respondent, Dr. Machowski made a motion to go into executive session to seek legal advice. After a brief discussion, Dr. Bumgardner seconded the motion. The motion carried.

Dr. Bumgardner made a motion to come out of executive session. Dr. Machowski seconded it. The motion carried.

Dr. Coombs made a motion to issue a private reprimand and to impose a \$1,200.00 fine. Dr. Bumgardner seconded the motion. The motion carried.

RE: Case No. 2016-43

A closed hearing was held for the Respondent. Adam Russell, Esq. advised the Board. The Respondent nor an attorney representing the Respondent was present. The State was represented by Prentiss Shealey, Esq.

After Ms. Shealey presented the facts pertaining to the request to submit a consent agreement, Dr. Bumgardner made a motion to approve the consent agreement. Dr. Coombs seconded it. The motion carried.

RE: Case No. 2013-73, Case No. 2014-16 and Case No. 2014-80

A closed hearing was held for the Respondent. Adam Russell, Esq. advised the Board. The Respondent nor an attorney representing the Respondent was present. The State was represented by Prentiss Shealey, Esq. Ms.

Shealey stated these cases are all for one Respondent. After Ms. Shealey presented the facts pertaining to the consent agreement, Dr. Bumgardner made a motion to accept the consent agreement. Dr. Machowski seconded it. The motion carried.

Application Hearings

Initial Application with Education Not From ADA Accredited School

Dr. Jose Ravelo is seeking a dental license in this state. Since Dr. Ravelo's application indicated his education for his general dental degree was not obtained from an ADA accredited dental school, he was requested to meet with the Board. Dr. Ravelo was not represented by an attorney. Adam Russell, Esq. advised the Board. After a brief discussion with Dr. Ravelo, Dr. Coombs made a motion to go into executive session to seek legal advice. Dr. Machowski seconded it. The motion carried.

Dr. Machowski made a motion to come out of executive session. Dr. Marler seconded it. The motion carried. Dr. Prickett stated that as an oral surgeon too, Dr. Ravelo trained at one of the best schools. Dr. Prickett then made a motion that the Board cannot accept his application because of the statute that states one must have completed an ADA accredited school. Dr. Prickett stated this is very unfortunate and that Dr. Ravelo is greatly trained, but because of what the law says, he has to make a motion to reject his application. Dr. Bumgardner seconded it. The motion carried.

Initial Application with "Yes" Answer

Dr. Gary Eder is seeking a dental license by way of credentials. Since he answered "yes" to one or more questions on the application, he is required to meet with the Board. Dr. Eder was not represented by an attorney. Adam Russell, Esq. advised the Board. After a brief discussion with Dr. Eder, Dr. Prickett made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

Dr. Machowski made a motion to come out of executive session. Dr. Marler seconded it.

Dr. Machowski made a motion that the Board defer action on this case pending documentation that the individual has met the hourly requirement of 1200 hours per year for the past five years. Dr. Marler seconded it. The motion carried.

Initial Application with "Yes" Answer

Dr. Joseph Solinger is seeking a dental license by way of credential. Since he answered "yes" to one or more questions on the application, he is required to meet with the Board. Dr. Solinger was not represented by an attorney. Adam Russell, Esq. advised the Board. After a brief discussion with the Board, Dr. Prickett made a motion to accept his application. Dr. Machowski seconded it. The President, Dr. Martin then stated that he requests to go into executive session with counsel to seek legal advice. Dr. Coombs seconded it. Dr. Prickett then retracted his motion to accept his application. The motion carried by all members signifying aye with no opposition.

Dr. Bumgardner made a motion to come out of executive session. Dr. Marler seconded it. The motion carried.

Dr. Brown asked Dr. Solinger what clinical exam he took. Dr. Solinger stated he took Western Regionals.

Dr. Coombs made a motion to deny Dr. Solinger's request for licensure by way of credentials because he did not take one of the South Carolina board approved regional exams. Dr. Machowski seconded it. The motion carried.

Application For "Board Waiver" Request

Syleste Small, RDH is seeking a dental hygiene license by way of credentials. Ms. Small is requesting permission to take the National Board exam one more time, as she has not successfully completed the National Exam in the allotted number of times to take it. Ms. Small was not represented by an attorney. Adam Russell, Esq. advised the Board. After a brief discussion with Ms. Small, Dr. Prickett made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

Dr. Prickett made a motion to come out of executive session. Dr. Bumgardner seconded it.

Dr. Coombs made a motion to allow Ms. Small to re-take the National Board Dental Hygiene exam based on meeting the following two criteria: The first one is that she complete a one-year remediation dental hygiene course and the second one is that the National Dental Board, Dental Hygiene Board, approves her request to take the exam. Dr. Prickett seconded it. The motion carried.

Reinstatement Application for Lapsed License

Tracie G. Martin is seeking reinstatement of her dental hygiene license. Ms. Martin was present and was not represented by an attorney. Adam Russell, Esq. advised the Board. Ms. Martin's license expired on March 1, 2015. Ms. Martin was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet with the Board to explain her competency and why she did not renew her license on time. After a discussion with the Board, Dr. Bumgardner made a motion to reinstate her license. Dr. Prickett seconded it. The motion carried.

Reinstatement Application for Lapsed License

Bree Matchette is seeking reinstatement of her dental hygiene license. Ms. Matchette was present and was not represented by an attorney. Adam Russell, Esq. advised the Board. Ms. Matchette's license expired on March 1, 1997. Ms. Matchette was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet with the Board to explain her competency and why she did not renew her license on time. After a discussion with the Board, Dr. Machowski made a motion to grant her reinstatement upon completion of an accepted remediation training for a minimum of four (4) weeks. Dr. Coombs seconded it as well as Dr. Prickett. The motion carried.

Reinstatement Application for Lapsed License

Valerie A. Hardin is seeking reinstatement of her dental hygiene license. Ms. Hardin was present and was not represented by an attorney. Adam Russell, Esq. advised the Board. Ms. Hardin's license expired on March 1, 2003. Ms. Hardin was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet with the Board to explain her competency and why she did not renew her license on time. After a discussion with the Board, Dr. Coombs made a motion to reinstate her license. Dr. Bumgardner seconded it. The motion carried.

Reinstatement Application for Lapsed License

Joyce K. Rivers is seeking reinstatement of her dental hygiene license. Ms. Rivers was present and was not represented by an attorney. Adam Russell, Esq. advised the Board. Ms. Rivers' license expired on March 1, 2017. Ms. Rivers was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet with the Board to explain her competency and why she did not renew her license on time. After a discussion with the Board, Dr. Prickett made a motion to reinstate her license. Dr. Brown seconded it. The motion carried.

Reinstatement Application for Lapsed License

Jamie L. Williams is seeking reinstatement of her dental hygiene license. Ms. Williams was present and was not represented by an attorney. Adam Russell, Esq. advised the Board. Ms. Williams' license expired on March 1, 2013. Ms. Williams was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet with the Board to explain her competency and why she did not renew her license on time. After a discussion with the Board, Dr. Bumgardner made a motion to reinstate her license. Dr. Coombs seconded it. The motion carried.

Public Comments

Dr. Thomas Edmonds came to the podium to speak. He serves as the legislative liaison for the South Carolina Dental Association. He came before the Board today to request to the Board to reconsider action taken regarding restorative dentistry technique known as atraumatic restorative technique or ART and similar restorative therapies that were taken at the January 19, 2018 board meeting. The Board engaged in a discussion with Dr. Edmonds as well as Ray Moore, Esq., attorney for the S.C. Dental Association. Adam Russell, Esquire, Board Counsel, refuted and clarified statements presented by Ray Moore, Esquire. Tammi Byrd, who represents the S.C. Dental Association Hygiene Association asked to speak on this topic as well. Nancy Stewart, a Board appointed CRDTS dental hygiene examiner contributed to this topic also. With further discussion with the Board, the President, Dr. Martin, stated the Board would take all of their suggestions under advisement.

OLD BUSINESS

Follow-up on Sedation Permits at MUSC (Clinics and Residencies) and Palmetto Health AEGD Residency

Dr. Prickett stated that Dr. Cynthia Hipp at MUSC talked to all of the departments about using sedation and dental accreditation in January. Dr. Martin asked if they need permits. Dr. Prickett stated they do not need permits. Therefore, they will not need to be inspected by LLR.

Discussion on CE Broker Tracking for Licensee CE Audit Required by LLR

Dr. Melton stated that CE Broker is an electronic digital repository for licensees—their certificates of attendance. She stated LLR has over the last year or so implemented a rule that licensees need to be audited as per our statutes and regulations. Therefore, as of this renewal period, we will be encouraging the licensees to utilize the CE Broker system. As of licensure period, of 2021 to 2023 and forward, we will be requiring that CE Broker be utilized as the repository of CE certificates. The Board then discussed this process with Dr. Melton.

NEW BUSINESS

Ratification of Licenses

After a brief discussion on this matter, Dr. Coombs made a motion to approve the ratification list as provided. Dr. Bumgardner seconded it. The motion carried.

Promulgation on Use of Botox in a Dental Setting as Recommended by Botox Committee

As chair of the Botox Subcommittee, Dr. Prickett presented the proposed regulation to be approved by the Board. Dr. Prickett made a motion for the Board to approve the proposed regulation with a correction. Dr. Coombs seconded it. All members signifying aye with no opposition, the motion passed.

Promulgation of Regulations to Amend Chapter 39 of the Code of Regulations

Dr. Machowski reviewed the three suggested amendments proposed by the Regulations Subcommittee. He then asked that all three proposals be approved to be sent to the legislative liaison and forwarded to the legislature. All members signifying aye with no opposition, the vote passed.

REPORTS

Board Regulations Review Dental Committee Report

The Board discussed the various types of CPR classes. No votes were taken on this matter.

Public Relations Dental Committee Report

Dr. Melton stated the topics for the newsletter have been pulled together.

Administrative Information

Dr. Melton stated since the last meeting, we have conducted elections for Congressional District Numbers 4 and 6. Dr. William Stewart was voted in as the board member for Congressional District 4. Dr. Melton stated we had to send a second notice to get a nominee for Congressional District 6. Dr. Melton stated Dr. Ansari was voted in as board member for Congressional District 6. The public member seat remains open, which will be appointed by the Governor. It was mentioned that Ms. Murphy, Dr. Hazel, Dr. Martin and Dr. Brown will be rotating off of the board at the end of this year.

The Board then discussed the process of how board members are selected.

Dr. Melton stated their statistical report is as given.

Dr. Melton stated that she would like to continue to encourage the Board members to continue to direct questions regarding applications to her and for them not to try to answer questions pertaining to applications.

Financial Report

Dr. Melton stated the financial report is provided in their board meeting materials. Dr. Coombs asked why the Board is paying for immigration and OSHA. Adams Russell, Esquire, the Board's advice attorney, stated Immigration is the SAVE background checks. When someone gets a license, they have to be a US citizen. Their department runs those reports for the Board. Mr. Russell stated he is not sure about OSHA. Dr. Bumgardner asked some questions concerning the financial report. Dr. Melton stated she would be glad to ask a person from the Finance area to answer those questions for them. Dr. Bumgardner stated he would like that.

AADB Meeting Report

Dr. Bumgardner stated that along with himself, Dr. Brown and Dr. Melton attended the meeting. Dr. Bumgardner gave a report of the meeting. He stated Dr. Brown has a wonderful report about the meeting in the board meeting materials. Dr. Melton stated her report is in there as well.

SRTA Delegates (Proxy Permission)

Dr. Martin stated he would like to serve as the proxy for the vote portion. He stated he would also like to see if Ms. Murphy would do it too. Dr. Machowski stated he would do a proxy too.

CRDTS Annual (Board Rep and Board Administrator)

Dr. Marler made a motion for Dr. Martin to attend the CRDTS meeting in August and for Dr. Melton to serve as the administrative liaison. Dr. Coombs seconded it. The motion carried.

Amend Application to Reflect ADEX No Longer Affiliated with Some Regional Testing Agencies

The Board had a brief discussion pertaining to ADEX, but no votes were taken at this time.

Dr. Machowski stated ADEX meets once a year for the general membership. He stated he has been on the Prosthodontics Committee for about one year.

Dr. Martin stated that MUSC currently administers exams given by CITA.

LEGAL COMMENTS

Follow up on Notice of Filing on Laser Usage in Dental Practices

Adam Russell, Esq. stated he received an email that the notice of the laser regulation as well as other ones that they voted on today will be taken to the legislative council today and they will be published in the State Register on July 26th.

Dr. Prickett made a motion to go into executive session to discuss some cases around the country and the application process. Dr. Machowski seconded it. The motion carried.

Dr. Bumgardner made a motion to come out of executive session. Dr. Coombs seconded it. All were in favor by signifying with aye except for one nay.

Dr. Coombs made a motion for the Board to eliminate the process of providing applications to many of the board members to sign off on them and then come back to the full board for ratification. Instead, allow the staff to issue a license to a person who applies and has no issues. Dr. Bumgardner seconded it. Adam Russell, Esq. stated that this means the Board will eliminate the review of applications by the executive committee. The applications can be approved without Board approval who have a clean application without any "yes" answers. Dr. Coombs seconded the motion. The motion carried.

BOARD MEETING MINUTES

July 13, 2018

Page 8

Mr. Russell stated that the April minutes included a motion to amend the January minutes. But upon review of the transcript, it appears that the January minutes were correct. He would like to recommend that there would be a motion to withdraw the April motion to amend the January minutes. Dr. Bumgardner made a motion to withdraw the motion to amend the January minutes. Dr. Coombs seconded it. The motion carried. Mr. Russell stated the January and the April minutes can now be posted.

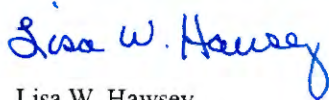
Announcements

Dr. Martin stated that the next meeting date is October 12, 2018. He stated he would like to know who will be President, Vice-President and Secretary going forward. Dr. Bumgardner stated Dr. Coombs will be President. Dr. Machowski stated Carolyn (Dr. Brown) would be Vice-President. But, if she is rotating off, it is unclear right now. A brief discussion took place on the Board members who will be rotating off and who will be remaining.

Adjournment

Dr. Coombs made a motion to adjourn. Dr. Marler seconded it. The motion carried. The meeting adjourned at 3:36 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.