

BOARD MEETING MINUTES

July 12, 2019

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Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
July 12, 2019
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Paul S. Coombs, Jr., DMD, President
Carolyn Brown., DMD, Vice-President
Walter J. Machowski, Jr., DMD, Secretary
Philip M. Prickett, DMD
Charles G. Bumgardner, DMD
Jessica M. Keisler, RDH
Murtuza Ansari, DMD
William David Stewart, DMD
Donald L. Marler, DMD

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
Mark Sanders, OIE Chief Investigator
Bob Horner, Esq., LLR Advice Counsel
Prentiss Shealey, Esquire, LLR Litigation Attorney ODC
Abhijit Deshpande, LLR Director of Finance & Procurement
Shayna Overfelt, CDCA Representative (via telephone)
Kimber Cobbs, CRDTS Executive Director (via telephone)
Heather R. Landry, Court Reporter
Robyn Madden, RPP
Asia Sumter, RPP
Jordan Bronstein, DMD
Sally Daly, DMD
Kathleen Nohe, CDT
Amanda Bayton, RDH
Elizabeth DePalma, RDH
Theresa Edwards
John Davis, DMD
John Cosby, DDS
Lee Muthig, RDH, Dental Hygiene Coordinator, Midlands Technical College
Amanda Hogan, Hygiene Instructor, Midlands Technical College
Kara Hoefler, Hygiene Instructor, Midlands Technical College
Nancy Stewart, RDH
Julia Mikell, DDS, S.C.Dental Association
William Swope, Esq.

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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. Coombs, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Bob Horner, Esq., served as the Board's Advice Attorney. The Board members introduced themselves.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

Dr. Stewart made a motion to approve the minutes. Dr. Bumgardner seconded it. The motion carried.

BOARD ABSENCES—No Absences

DISCIPLINARY ISSUES REPORT

Mark Sanders, OIE Chief Investigator, gave the report. He stated his office is submitting 27 cases for dismissal.

Dr. Bumgardner made a motion to accept the cases for dismissal. Dr. Brown seconded it. The motion carried.

Mr. Sanders submitted four formal complaints for approval. Dr. Machowski made a motion to accept the four formal complaints. Dr. Ansari seconded it. The motion carried.

Mr. Sanders presented four letters of caution for approval. Dr. Bumgardner made a motion to accept the letters of caution. Dr. Marler seconded it. The motion carried.

Mr. Sanders stated for the second quarter ending June 30th, OIE received 24 cases; for the second quarter ending June 30th, OIE closed 14 cases. As of today's date, there are 37 active investigations in OIE.

ODC REPORTS

Prentiss Shealey, Esq. reported that the Office of Disciplinary Counsel has 31 open cases, and that's 22 respondents. There are seven that are pending consent agreements; there are ten that are pending memorandum of agreements; nine are pending a panel hearing; three are pending a board hearing that will be heard today; two are pending a final order; 11 cases were closed since July of last year.

Disciplinary Hearings

Prentiss Shealey, Esq. stated there are three cases for this Respondent and this is a closed hearing.

The case numbers are 2018-22, 2018-72 and 2018-73

A closed hearing was held for the Respondent. Bob Horner, Esq. advised the Board. The Respondent was represented by William Swope, Esq. The state was represented by Prentiss Shealey, Esq. After the cases were presented by both Attorneys and the Respondent, Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Marler seconded it. The motion carried.

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

Dr. Machowski made a motion that the Board impose a public reprimand, that he must continue with the RPP program for a period of five years, at the end of which he must come back before the Board, that he has no possession of nitrous or no use of nitrous during the entire time of his RPP, that he take four hours of continuing education on chart maintenance. Further, his license shall be suspended for five years with a stay during the period of five years at which time when he comes back with RPP, he can apply for his license to be fully reinstated. His

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continuing education must be completed within six months and there will be a \$2,000.00 fine to be paid within six months. Dr. Ansari seconded it. The motion carried.

Application Hearings

Initial Applications With “Yes” Answers

Dr. Jordan Bronstein is seeking a dental license through examination. He answered “yes” to one or more of the personal history questions on his application, and is required to meet with the Board. Dr. Bronstein was not represented by an attorney. Bob Horner, Esq. advised the Board. After a brief discussion with the Board, Dr. Bumgardner made a motion to grant Dr. Bronstein a dental license in South Carolina. Dr. Marler seconded it. The motion carried.

Dr. Matthew Nogle is seeking a dental license through credentials. He answered “yes” to one or more of the personal history questions on his application, and is required to meet with the Board. Dr. Nogle was not represented by an attorney. Bob Horner, Esq. advised the Board. After a brief discussion with the Board, Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Ansari seconded it. The motion carried. Dr. Machowski made a motion to come out of executive session. Dr. Ansari seconded it. The motion carried. Dr. Bumgardner made a motion to deny Dr. Nogle licensure to practice dentistry in South Carolina by credential based off of Section 40-15-275, that he has not proven he has actively practiced dentistry over the past five years. Dr. Marler seconded it. The motion carried.

Reinstatements

Dr. Sally N. Daly is seeking reinstatement of her dentistry license. Dr. Daly’s dentistry license expired on March 1, 2019. Dr. Daly was not represented by an attorney. Bob Horner, Esq. advised the Board. Dr. Daly was required to meet with the Board to reinstate her dental 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 go into executive session to seek legal advice. Dr. Machowski seconded it. The motion carried. Dr. Marler made a motion to come out of executive session. Dr. Machowski seconded it. Dr. Bumgardner made a motion to grant Dr. Daly’s reinstatement of her South Carolina dental license. Dr. Ansari seconded it. The motion carried. (Dr. Machowski voted “no”.)

Dr. William Davis was seeking reinstatement of his dentistry license. Dr. Davis’ dental license expired on March 1, 2019. Dr. Davis was not represented by an attorney. Bob Horner, Esq. represented the Board. Dr. Davis was required to meet with the Board to explain his competency and why he did not renew his license on time. After a discussion with the Board, Dr. Bumgardner made a motion to reinstate his dentistry license. Dr. Marler seconded it. The motion carried.

Dr. Andrew Nadolski was seeking reinstatement of his dentistry license. His dentistry license expired on March 1, 2011. He was not represented by an attorney. Bob Horner, Esq. represented the Board. Dr. Nadolski was required to meet with the Board to explain his competency and why he did not renew his license on time. After a discussion with the Board, Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Marler seconded it. The motion carried. Dr. Machowski made a motion to come out of executive session. Dr. Ansari seconded it. The motion carried. Dr. Bumgardner made a motion to deny his request for reinstatement of his dental license based on section 40-15-170, that he is not within the six-year time limit of reinstatement. Dr. Machowski seconded it. The motion carried.

Dr. Gary Stough was seeking reinstatement of his dentistry license. His dentistry license expired on March 1, 2009. He was not represented by an attorney. Bob Horner, Esq. represented the Board. Dr. Stough was required to meet with the Board to explain his competency and why he did not renew his license on time. After a discussion with the Board, Dr. Bumgardner made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried. Dr. Stewart made a motion to come out of executive session. Dr. Marler seconded it. Dr. Bumgardner made a motion to grant Dr. Stough reinstatement of his South Carolina dental license. Dr. Machowski seconded it. The motion carried.

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Amanda Bayton, RDH was seeking reinstatement of her dental hygiene license. Her dental hygiene license expired on March 1, 2011. She was not represented by an attorney. Bob Horner, Esq. advised the Board. Ms. Bayton was required to 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 deny Ms. Bayton's reinstatement of her dental hygiene license. Dr. Marler seconded it. The motion carried.

Elizabeth DePalma, RDH was seeking reinstatement of her dental hygiene license. Her dental hygiene license expired on March 1, 2008. She was not represented by an attorney. Bob Horner, Esq. advised the Board. Ms. DePalma was required to 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 deny Ms. DePalma's reinstatement of her dental hygiene license. Dr. Brown seconded it. The motion carried.

Lori Queener, RDH was seeking reinstatement of her dental hygiene license. Her dental hygiene license expired on March 1, 2015. She was not represented by an attorney. Bob Horner, Esq. advised the Board. Ms. Queener was required to 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 go into executive session to seek legal advice. Ms. Keisler seconded it. The motion carried. Dr. Bumgardner made a motion to come out of executive session. Dr. Marler seconded it. The motion carried. Dr. Machowski made a motion to grant Ms. Queener reinstatement of her dental hygiene license upon successful completion of a board-accepted refresher course. Dr. Bumgardner seconded the motion. The motion carried.

Kathleen Nohe, CDT was seeking reinstatement of her dental technician license. Her dental technician license expired on March 1, 2015. She was not represented by an attorney. Bob Horner, Esq. advised the Board. Ms. Nohe was required to 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 grant Ms. Nohe's reinstatement of her dental technician license. Dr. Machowski seconded it. The motion carried.

Presentation on Clinical Examination Agencies and Differences Between Exams

Dr. John Cosby gave a presentation concerning all of the dental examinations that are given throughout the United States. The board engaged in a few discussions with Dr. Cosby during his presentation. No votes were taken during or after his presentation.

REPORTS/INFORMATION

Dental Applications Review Committee Meeting Report and Recommendations Report

Dr. Marler, Chairman of the Dental Applications Review Committee, gave the report. Dr. Marler made a motion to go into executive session to seek legal advice. Dr. Ansari seconded it. The motion carried. Dr. Ansari made a motion to come out of executive session. Dr. Machowski seconded it. The motion carried.

Dr. Marler stated that the Dental Review Committee consisted of Dr. Ansari, Dr. Bumgardner, Jessica Keisler, RDH, and himself. Dr. Marler would like to make the following separate motions with respect to the dental hygiene application for licensure. Under the basis for licensure, item number three, it states there are three ways to meet criteria number three to become licensed: clinical examination, active license and practice, and license within two years. Active license and practice and license within two year are not supported by the Practice Act. Dr. Marler made a motion to strike those two licensing pathways from the dental hygienist application. In numeral three on the application, clinical examination, Dr. Marler made a motion that the Board rewrite that section so it reads as follows: "You must have successfully completed a board-approved clinical licensure examination within the past six years. The Board accepts results from ADEX and CRDTS administered exams. Under number three of the application, following clinical examination, Dr. Marler made a motion that the Board add two subsections, A and B. Dr. Marler made a motion that subsection A would read as follows: If you have gone more than six years without actively practicing or since your testing date, you will be required to establish your competency. Dr. Marler made a motion

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to insert subsection B, which would read as follow: The Board may conduct examinations and interviews to test the qualifications of an applicant and may require additional information to ascertain the applicant's ability to render competent dental care. The Board at its discretion may refuse to issue a license to an applicant that the Board determines is not competent to practice—proof of high professional fitness and moral character. This is South Carolina Code 40-15-170, South Carolina Code 40-1-110.

Dr. Coombs stated he would like to hold those motions for a vote until the October 11, 2019 meeting.

Dr. Machowski made a motion to table the motions until the next meeting so that everybody has a chance to review it. Dr. Brown seconded it. The motion carried.

Dr. Bumgardner stated the committee looked at the laws on licensure by credentials for dentists. He stated the South Carolina State Dental Board requests additional staffing to allow the Board to comply with South Carolina Code of law, Section 45-15-275. The Board requests that additional staffing for review of these licensees or licenses would be done quarterly and would require investigative skills to determine if licensees have complied with the law. Dr. Bumgardner made a motion to write a letter to the director asking for additional staff for this complex task. Dr. Ansari seconded it. The motion carried.

Sedation Applications and Inspection Committee Meeting and Recommendations Report

Deferred to the October board meeting

Administrative Report

Dr. Melton reported that since the last board meeting, between April 2nd and July 11th, our office has issued 200 initial licenses. She reported that there are 12,959 active credentials. She stated she had to send a proposed travel budget to the Director of LLR.

She reported that our office will be preparing for an election for a board member from District 5. This will be Dr. Coombs' seat. He will finish his term on December 31, 2019.

After a brief discussion with the Board about the board member appointment process, Dr. Melton concluded her report.

OLD BUSINESS

Budget Discussion by Finance Director

Abhijit Deshpande, Director of Finance and Procurement at LLR, stated that since he has joined working at LLR, one of his tasks was simplifying the financial information reports. After a brief discussion with the Board regarding budget matters, he concluded his report.

NEW BUSINESS

Discuss Acceptance of CDCA Nitrous Oxide and Infiltration Exams and Results for Dental Hygiene

Shayla Overfelt, and a couple of other CDCA representatives met with the Board via phone conference. Ms. Overfelt introduced Dr. Ellis Hall, Dr. Stewart and Ms. Pat Connolly-Atkins, RDH. They are experts on the exam process. Ms. Overfelt and the others on the conference call gave an outline of how the infiltration anesthesia and nitrous oxide examinations are administered, etc. Their presentation was taken as information and no votes were taken during or after the presentation.

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Discuss Acceptance of CRDTS Infiltration Exam and Results for Dental Hygienists

Kimber Cobbs, CRDTS Executive Director, met with the Board, via phone conference. She gave a presentation of the infiltration anesthesia examination process for CRDTS. Her presentation was taken as information and no votes were taken during or after the presentation.

Discuss Dental Hygiene Infiltration Anesthesia Refresher Course Presentation

Amanda Hogan, RDH and Kara Hoefer, RDH, Midlands Technical College Instructors, met with the Board to seek approval for the refresher course that is offered at Midlands Technical College for infiltration anesthesia. After their presentation, Ms. Keisler made a motion to approve them to teach the infiltration anesthesia refresher course at Midlands Technical College. Dr. Bumgardner seconded it. The motion carried.

Update on Dental Hygiene Vacant Seat Election Results

Dr. Melton, Administrator, stated Elizabeth Marchi, RDH won the recent dental hygiene election to be on the Board of Dentistry.

Vote on Dental Anesthesiology Being Added to Specialty Exams and Applications

Dr. Melton, Administrator, stated that on March 11, 2019, the ADA approved anesthesiology as a specialty for dentists. Dr. Melton introduced two dentists, who have been working as dental anesthesiologists, Dr. Henly and Dr. Castell. Both of them spoke on their experiences working within this specialty. After a discussion with the Board, Dr. Brown made a motion to go into executive session to seek legal advice. Dr. Bumgardner seconded it. The motion carried. Dr. Machowski made a motion to come out of executive session. Dr. Marler seconded it. The motion carried. Dr. Machowski made a motion that the Board recognize dental anesthesiology as a specialty in the state of South Carolina. Ms. Keisler seconded it. The motion carried.

Vote on Board Members to Attend AADB, SRTA (proxy) and Southern Deans and Directors Meetings

Dr. Coombs, President, asked who would like to attend the AADB meeting in Las Vegas. Dr. Bumgardner, Dr. Machowski, Dr. Ansari and Dr. Brown expressed interest in attending.

Dr. Coombs, President, asked who would like to attend the mid-winter AADB conference in Chicago. Dr. Stewart and Dr. Ansari expressed interest.

Dr. Coombs, President, asked who was interested in attending the Southern Conference of Dental Deans meeting to be held in Alabama in January. Dr. Machowski stated he would like to attend that one.

The Board discussed handling the SRTA meeting by proxy.

Dr. Coombs, President, asked if anyone wanted to attend the CRDTS meeting. Dr. Marler stated he would like to attend.

Dr. Coombs, President, asked if anyone wanted to attend the CITA annual meeting in January in San Diego. Dr. Coombs stated that he plans on attending as a CITA member, not representing the Board, as he will no longer be on the Board. Dr. Machowski stated he would like to attend. Dr. Marler stated he would like to attend the CITA meeting too. Dr. Machowski stated he will be attending the ADEX meeting. Dr. Stewart expressed interest in attending ADEX too.

Vote on 2020 and 2021 Board Meeting Dates

A discussion ensued pertaining to the board meeting dates for the April 2020 and the April 2021 meetings. After a brief discussion, Dr. Machowski made a motion to approve April 3, 2020 and April 9, 2021. Dr. Bumgardner seconded it. The motion carried.

Election of Board Officers for 2020

The Board voted Dr. Brown as President by signifying with aye and no opposition. The vote passed.

The Board voted Dr. Machowski for Vice-president with signifying with aye and no opposition. The vote passed.

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The Board voted Dr. Bumgardner for Secretary with signifying with aye and no opposition. The vote passed.

LEGAL

Review and Vote on Regulations for 2020

Bob Horner, Esq., Advice Attorney, stated there is a copy of the 2020 proposed regulations in their materials. He stated they need to vote on these because the Botox material has been removed. A discussion ensued pertaining to submitting the proposed regulations for publication. After a brief discussion, Mr. Horner stated this matter can be tabled until the next meeting in October, at which time a vote can be taken.

Discuss Updated Joint Prescribing Guidelines

Mr. Horner presented the Prescribing Guidelines for review and discussion. The guideline have been reviewed and approved by the nursing and medical boards. Dr. Coombs recommended the review and discussion of the guidelines be tabled for the October meeting to allow board members proper time to review the document. Dr. Brown made a motion to go into executive session to seek legal advice. Dr. Stewart seconded it. The motion carried.

Dr. Machowski made a motion to come out of executive session. Dr. Brown seconded it. The motion carried. Dr. Coombs, President, stated there are no further legal comments.

PUBLIC COMMENTS

Dr. Julia Michael, licensed dentist, who is serving on the S.C. Dental Association, requested to get the Board meeting dates for 2020 and 2021. Dr. Melton stated she would give her a copy of the dates after the meeting.

ANNOUNCEMENTS

Dr. Coombs, President, stated the next meeting date is scheduled for Friday, October 11, 2019.

ADJOURNMENT

Dr. Marler made a motion for the meeting to adjourn. Dr. Ansari seconded it. The motion carried. The meeting adjourned at 4:16 p.m.