

MINUTES
South Carolina Board of Dentistry
Board Meeting

9:00 a.m., October 11, 2019
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Public notice of this meeting was properly posted at the S.C. Board of Dentistry office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

BOARD MEMBERS PRESENT:

Paul Coombs, Jr., DMD – President
Carolyn Brown, DMD – Vice President
Walter Machowski, Jr., DMD – Secretary
Murtuza Ansari, DMD
Charles Bumgardner, DMD
Jessica Keisler, RDH
Donald Marler, DMD
William Stewart, DMD
Elizabeth Marchi, RDH

SCLLR STAFF PRESENT:

Emily Farr, Director of LLR	Lisa Hawsey, Administrative Assistant
Abhijit Deshpande, Director of Finance	Prentiss Shealy, Office of Disciplinary Counsel
Bob Horner, Office of Advice Counsel	Mark Sanders, Office of Investigations
Meredith Buttler, Administrator	Lori Graham, Office of Investigations

PRESENT:

Heather Landry, Court Reporter	J.E. Mercer, DMD
Stephanie Johnson, DMD	Phil Latham
Rhonda Tisdale, RDH	Lee Mathis
Otto Slater, DMD	Michael Roelandts
Rachel Anderson, RDH	Julia Mikell
Bradley Shessel, DMD	Matt Castele, DMD
Meriana Martin, DMD	Sherie Barbare, RDH
Anastasia Graham	

CALL TO ORDER: President Coombs called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

Motion: To amend the agenda to add items 10e. Legal Report and 11. Old Business: Approval of Proposed Revisions to Regulations 39-8, 39-10, and 39-11.
Machowski/Marler/approved.

INTRODUCTION OF BOARD MEMBERS

Each Board member provided a brief introduction of themselves. Dr. Coombs welcomed new board member Elizabeth Marchi, RDH and board administrator Meredith Buttler

APPROVAL OF EXCUSED ABSENCES

No absences for approval

LICENSE FEE ANALYSIS

Emily Farr, Director of LLR, and Abhijit Deshpande, Director of Finance for LLR, presented to the Board the results the legislative mandate to review fee. Per the Engine Act, the Agency is to review fees every three years; however, it has not been done since 2012. The comprehensive fee analysis completed by Mr. Deshpande and Mr. Patrick Jarvis, Finance Manager, review the Board on a biennial basis to determine the projected outcome for future years. With the developed program, the Finance department will also be able to track the actual numbers compared to the projections. Based on the review, the agency is recommending a fee decrease to the Board. Director Farr informed the Board that if the fees are approved, the revised legislation will be submitted and if passed by the General Assembly, the decrease could take effect in July 1, 2020.

Dr. Machowski and Dr. Bumgardner expressed concern that the recommendation did not take into consideration the need for additional board staff, increase in travel budget and additional qualified inspectors. Dr. Machowski requested clarification regarding staff salary distribution between boards. Director Farr stated that the allocation of staff salaries is determined based upon a thorough analysis of the number of board meetings, disciplinary cases, number of licensees, call volume and walk-in customer assistance. The process is done for each board within LLR to ensure the appropriate allocation of funds. Director Farr thanked the Board for expressing their concern and support of staff. In the period of the transition, upper management is working closely with Ms. Buttler to ensure the Board is appropriately staffed and will explore the need for additional staffing should this need be identified. Regarding the need for additional travel, Director Farr stated the agency is charged with the responsible spending of travel. While the agency encourages board members to travel, it must be done responsibly and with proper justification. In the event travel hotel costs exceeds the GSA rate, additional information is required for this approval. Director Farr assured the Board that the agency does not wish for board members or staff to stay in areas that are unsafe or to incur transportation costs that make the final amount equal to or exceed the higher priced conference hotel. Director Farr assured the Board that the concern regarding inspectors is not a budgetary nor a personnel concern but a legislative one, and even with the fee decrease implemented the Board could easily absorb additional training for the inspectors. Director of Finance, Mr. Deshpande explained that even if the Board was to double its expenditure after

adopting the decrease fee structure, the Board would remain in a healthy financial state for seven years. Dr. Coombs thanked Director Farr for her attention to the matters and asked if a report of the issues brought before her today could be made at the next Board meeting in January. Director Farr indicated that she or Assistant Deputy Director, Dean Griggs, would be happy to attend the January meeting and provide a report.

Dr. Ansari motioned to enter into executive session. Director Farr suggested remaining in open session unless there is legal advice that needed to be sought.

Motion: To approve the amendment to the regulations for decrease to the fees as proposed.
Marler/Stewart
Ansari opposed
Motion approved

APPROVAL OF MEETING MINUTES

a. Board Meeting on July 12, 2019

Dr. Coombs noted the following edits be made:

On page six, under Dental Application Review Committee Report given by Dr. Marler, the amended sentence should read "Active license and practice and license within two years are *not* supported by the Practice Act."

On page seven, in Dr. Bumgardner's statement, the SC Code of Law cited is to be correct to "Section 45-15-275."

Motion: To approve the minutes with suggested edits for the July 12, 2019 meeting.
Brown/Marler/approved.

b. Special Called Board Meeting on August 8, 2019

Motion: To approve the minutes for the August 8, 2019 meeting.
Bumgardner/Keisler/approved.

c. Sedation and Inspection Committee Meeting on June 21, 2019

Dr. Bumgardner requested the discussed inspection checklist changes be added to the meeting minutes. Ms. Buttler confirmed staff would be able to add the information.

Motion: To approve the minutes with suggested edits for the June 21, 2019 meeting.
Bumgardner/Marler/approved.

d. Application Committee Meeting on June 21, 2019

Motion: To approve the minutes from the June 21, 2019 meeting.
Marler/Ansari/approved.

PRESIDENT'S REMARKS

Dr. Coombs state he did not have any remarks.

STAFF REPORTS

OIE Statistical Report

Mark Sanders reported during third quarter ending September 30, 2019, twenty eight cases have been received, thirty two cases closed. To date the board has received sixty eight cases and fifty six have been closed. Currently, there are thirty six active investigations.

IRC Report

Mark Sanders informed the Board that the IRC met on September 19, 2019. The IRC Report recommends fifteen cases for dismissal, five letters of caution, and one formal complaints.

Motion: To approve the recommendations for dismissals on the IRC report.
Marler/Brown/approved.

Dr. Bumgardner requested clarification formal complaints. Prentiss Shealy, Office of Disciplinary Counsel, provided a brief explanation of the formal complaint process. Ms. Shealy stated they have a full presentation of the investigative and disciplinary process that she would be happy to share at the next board meeting. The Board agreed have Ms. Shealy present at the January 17, 2020 meeting.

Motion: To approve the recommendations for formal complaints on the IRC report.
Bumgardner/Marler/approved.

Dr. Bumgardner requested clarification on cases from 2012. Ms. Prentiss explained to the extent allowable.

Motion: To approve the recommendations for letters of caution on the IRC report.
Bumgardner/Ansari/approved.

ODC Report

Prentiss Shealy reported there are currently thirty three cases open. Several cases are repeat offenders, with fifteen respondent making up the case load. Of the thirty three cases, six are pending a Consent Agreement, ten are pending an MOA, eleven are pending a Panel Hearing, six are pending Board Hearings, there is one MOA that has been continued, and eleven cases closed.

Ms. Shealy stated they are focusing in ODC to process the older cases. At the last board meeting, the Board voted to allow Ms. Shealy to proceed with disciplinary cases despite current open cases in Investigations.

Dr. Coombs requested an update on the need for IRC members as stated by the prior board administrator. Ms. Shealy stated that she and Ms. Buttler looked into the inquiry prior to the board meeting and do not agree with the need. At this time the Board has three IRC members who are active and expressed interest in continuing. Ms. Shealy and Ms. Buttler believe there is a greater need for panel hearing officers. Ms. Buttler will present a list of all participating IRC officers, panel hearing members and expert reviewers for board review and approval. Additionally any needs will be brought to the Board at the January 17, 2020.

DISCIPLINARY HEARINGS

Case #2016-35 – Consent Agreement

Motion: To approve accept the Consent Agreement as presented.
Bumgardner/Marler
Machowski opposed
Motion approved

Case #2017-91 - Consent Agreement

Motion: To approve accept the Consent Agreement as presented.
Bumgardner/Ansari
Machowski opposed
Motion approved

APPLICANT HEARINGS

a. Stephanie Johnson, DMD

Dr. Johnson appeared before the Board for an Application Hearing. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve Dr. Johnson's application for licensure as a General Dentist.
Bumgardner/Machowski/approved.

b. Rhonda Tisdale, RDH

Ms. Tisdale appeared before the Board for a Renewal Application Hearing. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice regarding application hearing.
Brown/Machowski/approved.

Return to Public Session

Motion: For the Board to return to public session
Machowski/Bumgardner/approved.

Board President, Dr. Coombs, noted for the record that no votes or actions were taken while in executive session.

Motion: To deny Ms. Tisdale' renewal application for licensure as a Dental Hygienist. Ms. Tisdale must submit to the Board a letter of work release from her physician and complete a board approved refresher course to establish competency prior to relicensure.
Marchi/Machowski/approved.

f. Bradley Shessel, DMD

Dr. Shessel appeared before the Board for a Reinstatement Application Hearing. He was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice regarding application hearing.

Machowski/Brown

Bumgardner opposed

Motion approved

Return to Public Session

Motion: For the Board to return to public session

Machowski/Marler/approved.

Board President, Dr. Coombs, noted for the record that no votes or actions were taken while in executive session.

Motion: To approve Dr. Shessel' reinstatement application for licensure as a General Dentist.
Marler/Brown/approved.

d. Rachel Anderson, RDH

Ms. Anderson appeared before the Board for a Reinstatement Application Hearing. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To deny Ms. Anderson's reinstatement application for licensure as a Dental Hygienist due to lack of in-person continuing education course.

Machowski/Stewart/approved.

Dr. Coombs informed Ms. Anderson that she does have the option to withdraw her application and upon completion of the required in-person continuing education courses, her application could be reactivated and reviewed for approval. Ms. Anderson elected to withdraw her application.

c. Otto Slater, DMD

Dr. Slater appeared before the Board for a Reinstatement Application Hearing. He was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To proceed as a closed hearing.

Machowski/Keisler/approved.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice regarding application hearing.
Brown/Ansari/approved.

Return to Public Session

Motion: For the Board to return to public session
Machowski/Marler/approved.

Board President, Dr. Coombs, noted for the record that no votes or actions were taken while in executive session.

Motion: To approve Dr. Slater's reinstatement application for licensure as a General Dentist on probationary status provided Dr. Slater meet the Board's stipulations.
Brown/Marler/approved.

e. James Montgomery, DMD

Dr. Montgomery phone conferenced into the Board for a Reinstatement Application Hearing. He was not represented by counsel and was sworn in by an onsite the notary. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice regarding application hearing.
Brown/Marler/approved.

Return to Public Session

Motion: For the Board to return to public session
Machowski/Brown/approved.

Board President, Dr. Coombs, noted for the record that no votes or actions were taken while in executive session.

Motion: To deny Dr. Montgomery's reinstatement application for licensure as a General Dentist due to lack of in-person continuing education course.
Bumgardner/Machowski/approved.

Dr. Bumgardner stated that upon providing certificate of completion to board staff and receiving approval, Dr. Montgomery may reapply for licensure.

g. Meriana Martin, DMD

Dr. Martin appeared before the Board for a Reinstatement of Specialty License Application Hearing. Dr. Martin was accompanied by Dental Director of the Little River Medical Clinic, Mark Jamosky. She was not represented by counsel and all testifying persons were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice regarding application hearing.

Brown/Machowski/approved.

Return to Public Session

Motion: For the Board to return to public session

Machowski/Ansari/approved.

Board President, Dr. Coombs, noted for the record that no votes or actions were taken while in executive session.

Dr. Coombs clarified with Dr. Martin that she does have the option to withdraw her application and upon passing of the specialty examination, her application could be reactivated and reviewed for approval. Dr. Martin elected to withdraw her application and will schedule to take the specialty examination.

REPORTS

a. Administrator Report

Ms. Buttler reported to the Board the currently licensee numbers, the number of pending applications and the number of licenses issued since the July 12, 2019 Board meeting. Ms. Buttler stated that since assuming the role of administrator for the board, several administrative changes have been made to streamline the application process, allowing for expedited processing time without compromising the quality of review.

The Board's current account balance \$3,826,860.80.

In August, an email was sent out to licensees announcing the activation of the CE Broker system for the Dentistry Board. Ms. Buttler provided the Board with a copy of the email that was sent to licensees. Since the announcement, board staff have received inquiries from licensees and associations expressing confusion. Ms. Buttler has also identified several errors in the information that was previously sent to the CE Broker and she is working with them to correct the errors. Additionally, Ms. Buttler is working to create a better CE requirements outline for all licensure types to alleviate licensee confusion. Dr. Bumgardner mentioned that many licensees already report their hours to the CE Tracking systems utilized by Academy of General Dentistry and the ADA and noted it would be a convenience if CE Broker could accept reports from these

entities. Ms. Buttler stated she would be happy to look into this and noted CE Broker has worked with other CE tracking systems to create ways to accept reports from the various reporting systems.

Ms. Buttler also included for the Board's information, the letter from Southern Regional Testing Agency announcing their decision to remain as its own entity and continue giving the SRTA examinations in dentistry and dental hygiene.

b. Dental Application Review Committee

Dr. Marler deferred the report to Ms. Buttler. Following notes left by Dr. Melton, Ms. Buttler reviewed the committee recommended revised applications and noted several clerical errors that had not been addressed. Ms. Buttler is currently going through all dental board applications to ensure language consistency within the applications, on the board website and by board staff. Ms. Buttler provided the Board with the revised applications the committee recommended and asked the Board to approve the application and any additional clerical corrects that she will be making.

Motion: For the Board to delegate authority to the Board administrator correct and update applications.

Marler/Brown/approved.

c. Sedation Application and Inspection Committee

Dr. Brown reported that following the meeting, the committee identified several items that needed clarification. Dr. Brown asked Ms. Buttler to provide additional information regarding the application and checklist status. Ms. Buttler provided the Board with a copy of the revised sedation applications. Regarding the inspection checklist, Ms. Buttler stated there are several items on it that require an industry specialist to assist. Additionally, Ms. Buttler stated a general clarification of the Board's interpretation of the Sedation Act is needed in order to properly construct the inspection checklist and applications. Clarification of the Sedation Act will be discussed later in the meeting.

d. ADEX Report Committee

Dr. Machowski reported the recent ADEX Meeting attempted to redistrict has not passed yet. Awareness of the unbalanced state grouping districts is being raised. The main concern is representation of districts with multiple states who are not all members. If a state is not a member, then the state representative cannot hold office. The non-member states may accept the ADEX exam but they cannot hold office. One district has thirteen member states, forcing the elected official to rotate through the various states which districts representing one state is able to maintain a permanent seat on the Board of Directors. Dr. Machowski was able to make a motion before the Board, which ultimately did not pass but set the stage for consideration of re-districting for next year's meeting. Dr. Machowski also included a summary report of the meeting produced by ADEX.

LEGAL REPORT

Amended into the agenda, Mr. Horner stated at the last board meeting, presented the Joint Prescribing Guidelines adopted by the Medical Board and Nursing Board. The Board tabled a vote for this meeting.

Motion: To approve the Joint Prescribing Guidelines as presented at the July Board meeting.
Bumgardner/Marler/approved.

Mr. Horner stated from the minutes that it may be unclear of the approval for Ethics and Dental Prescription Form. The section regarding Lasers has been tabled for further discussion and research. Mr. Horner stated the revised sections have already been submitted and he is asking to have an official re-approval.

Motion: To re-approve the proposed regulation revisions to sections 39-8, 39-10 and 39-11.
Bumgardner/Brown/approved.

OLD BUSINESS

Dr. Coombs noted that at the last board meeting, the vote to correct the dental hygiene application was deferred. Mr. Horner reminded the Board that the change removes two pathways to licensure by credential that is not supported by statutes and regulation. Ms. Buttler stated that the dental hygiene application was included in the revised applications voted on earlier in the meeting. The revisions did reflect the removal of the unauthorized pathways to licensure.

NEW BUSINESS

a. Board Newsletter

Dr. Machowski presented content for the annual newsletter for Board review. Board staff is responsible for the layout. Dr. Machowski asked to update the regulation revision section to include ethics and sanitation, removing Botox.

b. Radiation Safety Course

Ms. Buttler stated there has been several inquiries into a particular course being board approved for Radiation Safety. The Board has published it accepts structured courses given by ADA accredited schools and their constituents. Ms. Buttler ask if this included ADA CERP approved providers or was restricted to just ADA CODA. Ms. Buttler was able to find prior approval by the Board for the course in question but would like guidance for future inquiries. Dr. Coombs stated his understanding is if an entity is ADA CERP approved, then it has been reviewed and approved by the ADA and therefore falls under the "constituents" category. Mr. Horner stated that he has reached out to DHEC and they have left the course criteria up to the Board. Mr. Horner stated other Board regulated trainings accept ADA CODA or ADA CERP providers.

c. S.C. Code of Law §40-15-170: Administrative Compliance

Ms. Buttler reported that following questions regarding CE timeframe acceptance, she looked into the statutes and regulations for both continuing education and renewal cycles. Ms. Buttler has found that the current renewal cycle is not in compliance with the statutes. The new proposed cycle would be as follows: renewals would open in October as specified by statutes with a license expiration date of December 31. Per statutes, a late renewal period from January 1 to February 28 would then occur where licensees could renew with the stipulated monetary penalties. During this late period, non-renewed licensees would remain in "Active In Renewal" status. This change will sync the continuing education and renewal cycles. At the next renewal cycle beginning October 2020, renewed licenses will have an expiration date of 12/31/2022.

Dr. Machowski clarified that continuing education taken to complete a late renewal will not be able to be used for the next renewal cycle. Ms. Buttler confirmed that CE Broker is already set up to ensure licensees cannot use a course twice. Dr. Machowski also addressed the desire for the CPR requirement to be changed from every three years to must have active CPR certification at all times. The CPR requirements is listed in Regulations 39-5(F)(3) and would require a revision to the Regulation to make the change.

Motion: To include a revision to Regulation 39-5(F)(3) so as to require CPR certification be recertified every two years.
Bumgardner/Keisler/approved.

d. Discussion and Clarification of Title 40, Article 3

Mr. Horner stated that the Board is being asked to draft a clarification concerning permitting requirements and whether equipment is required to remain onsite. Dr. Machowski stated that complaints and questions had been raised regarding equipment that was brought in for the inspection and then removed after the inspection was conducted. The requirement of equipment remaining onsite is supported in the statute and facilities that remove equipment are in violation of the Practice Act. Dr. James Mercer was present at the meeting and recognized by the Board to discuss the original intent of the legislation that was drafted. Dr. Mercer stated that the intent was for the equipment to remain onsite but not prohibit the bringing in of additional equipment by licensed professionals. Dr. Matt Castele addressed the Board with concerns that requiring equipment to remain in the facilities would limit traveling dental anesthesiologist due to the facilities not possessing the funds needed to purchase the equipment.

The Board next addressed whether a dentist contracting with licensed professionals is required to apply for a permit and in a multi-practitioner setting, if all dentists are required to be permitted or just one application submission needed. As the permit is tied to the dentists offering sedation to their patients and not the facility; each dentist wishing to offer sedation must submit an application to the Board. Applications will then trigger inspections. If a facility has multiple applications from multi practitioners, only one inspection is required and equipment must remain onsite at all times.

Ms. Buttler will draft a document outlining the Board's clarification of the Sedation Act's applicability and overview of the application and inspection process. This document will be reviewed by the Board members prior to dissemination to the public.

e. Nomination of IRC/Panel Hearing Member

Dr. Coombs stated past administrator Rita Melton, brought to the Board's attention the need to review and approve past board members to the IRC or Panel Hearing committees. Ms. Buttler explained the processes of how members are added to the committees. At the January meeting, Ms. Buttler will present to the Board a comprehensive listing of all members of the IRC Committee, Panel Hearing and Expert Reviews members. In addition to the list for review, Ms. Buttler will identify areas of need and ask board members to bring forth nominations for those spots.

PUBLIC COMMENTS

Sherie Barbare, RDH asked the board for clarification of the dental hygiene application. The Board stated, a currently licensed dental hygienist coming in from another state must have passed an approved clinical exam in order to attain licensure in South Carolina. Ms. Barbare stated the current exam listing includes CRDTS and SRTA/NERB (CDCA). Ms. Barbare asked if the application is being changed to CRDTS, SRTA, CDCA, and CITA. Dr. Coombs stated SRTA was not included on the application committee revisions due to SRTA having been in the process of merging with CITA. As it has since decided to remain on its own, the SRTA exam will not be accepted. The application committee will need to review the SRTA exam to determine if the Board will accept the exam. Due to the merger the Board did not review the SRTA examination.

PRESENTATION OF BOARD SERVICE PLAQUE

Dr. Brown presented a plaque to Dr. Coombs for his six years of service to the Board of Dentistry. Dr. Coombs stated it has been his pleasure to serve on the Board.

ANNOUNCEMENT

Next Board Meeting date January 17, 2020.

ADJOURNMENT

Motion: To adjourn the meeting.
Machowski/Stewart/approved

The October 11, 2019, meeting of the S.C. Board of Dentistry adjourned at 3:05 p.m.

The next meeting of the S.C. Board of Dentistry is scheduled for January 17, 2020, in room 108.