

**MINUTES**  
**South Carolina Board of Dentistry**  
**Board Meeting**

9:00 a.m., January 17, 2020  
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:**

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

**SCLLR STAFF PRESENT:**

Emily Farr, Director of LLR	Christa Bell, Assistant Deputy Director, OIE
Bob Horner, Office of Advice Counsel	Mark Sanders, Office of Investigations
Robbie Boland, Assistant Deputy Director, POL	Lori Graham, Office of Investigations
Lisa Hawsey, Administrative Assistant	
Prentiss Shealy, Office of Disciplinary Counsel	

**PRESENT:**

Heather Landry, Court Reporter	James Mercer, DMD
Phil Latham	Lee Mathis
Robyn Madden, RPP	Michael Roelandts
Tia Cooper, RPP	James Crover
Chris Hudson, esq.	Thomas Edmonds, DMD
David Faircloth, DMD	

**CALL TO ORDER:** President Brown called the meeting to order at 9:06 a.m.

**APPROVAL OF AGENDA**

**Motion:** To approve the agenda.  
Stewart/Bumgardner/approved.

## **INTRODUCTION OF BOARD MEMBERS**

Each Board member provided a brief introduction of themselves.

## **APPROVAL OF EXCUSED ABSENCES**

No absences for approval

## **APPROVAL OF MEETING MINUTES**

Dr. Bumgardner addressed the need for correction to the second paragraph under License Fee Analysis, stating it should read “additional qualified investigators” instead of “additional qualified inspectors.”

**Motion:** To approve the minutes with suggested edits for the October 11, 2019 meeting.  
Bumgardner/Marler/approved.

[Revision to October 11, 2019 Meeting Minutes were not implemented after review of the transcripts confirmed information was correctly reported.]

## **BOARD STATUS FOLLOW-UP REPORT**

Emily Farr, Director of LLR, appeared before the Board to report on concerns raised at the October 11, 2019 meeting. Director Farr reported that during the first half of 2019, application and permits took an average of 44 workdays to process. Following the changes in administrations, the average processing time has dropped to 25 workdays. The administrative processing changes implemented allows for better revision and attention to the applications that are flagged for additional review.

Additionally, Director Farr met with members of the Office of Investigation and Enforcement, General Counsel and POL to review sedation permits. Director Farr reported at present ten are pending inspection. After applications are processed, the Inspection team is notified and the assigned inspector then makes contact with the facility to schedule a time for inspection. Director Farr reported that Ms. Buttler is continuing to seek ways to improve the process between inspection being completed and permits being issued so as to ensure the smoothest process possible. The Inspections team is also undergoing changes to better serve the sedation sites. Three primary inspectors have been assigned to the Dental Board, they are regionally based with one in the Upstate, Midlands and then the Lowcountry. To address the concerns regarding proper training of the Inspectors, the Dental Sedation Clarification document was created and applications adjusted accordingly to ensure applicants, Board and LLR staff are all on the same page. Director Farr introduced Ms. Christa Bell, Assistant Deputy Director with the Office of Investigations and Enforcement, is working with Ms. Buttler to develop an updated facility inspection checklist and comprehensive training for the inspectors. Dr. Machowski and Dr. Bumgardner expressed concerns regarding previous training conducted and recommended staff reach out to the South Carolina Association of Oral Maxillofacial Surgeons. Director Farr and Ms. Bell stated the Ms. Buttler was currently in the process of connecting with Dr. Mercer regarding checklist revision and training for inspectors.

Director Farr lastly addressed the concern regarding aged cases for disciplinary counsel. She assured the Board that Ms. Shealey, disciplinary counsel assigned to the Board, is working tirelessly and developing a plan to process the aged cases. As a result, the Board will see an influx of cases as this issue is addressed. Director Farr reminded the Board that while a case may appear to have been held pending in disciplinary counsel, there are often scheduling conflicts for the opposing counsel. With Board Hearings being low on their priority list, should a circuit court hearing or trial come up, the Board hearing is bumped. Dr. Bumgardner raised concern regarding aged cases due to improper investigator staffing. Director Farr stated the Board currently has one investigator assigned to the Board with 33 cases open at the moment. She stated this is standard for an investigator and not an overload as compared with the general caseload for investigators. The Agency is looking at bring on an additional investigator to the team and can assess if the Dental Board needs to be part of their assignment. Director Farr reiterated that the issues with the aged disciplinary cases arose from the inability to schedule hearings not the investigation piece. Ms. Bell addressed the Board regarding complaints received containing imminent danger and the administrative actions required to issue Temporary Orders of Suspension.

#### **RPP ADVISORY MEETING UPDATE**

Ms. Madden and Ms. Cooper of RPP presented the Board with a follow up to the quarterly RPP Advisory Meeting held in October 2019. Board members were presented with a copy of the Senior Monitory Contract revisions. Ms. Madden reviewed with the Board the program and its basic structure before covering the senior monitoring program provisions. Ms. Cooper reported currently 15 dental licensees are enrolled in the program.

#### **PRESIDENT'S REMARKS**

Dr. Brown state she did not have any remarks. For the record, Dr. Brown noted that due to illness Ms. Buttler was unable to attend the meeting and Mr. Robbie Boland is attending in her stead.

#### **STAFF REPORTS**

##### OIE Statistical Report

Mark Sanders reported during fourth quarter, 23 cases have been received and for the year a total of 91 cases were received. Also during the fourth quarter 24 cases were closed, with a year to date total of 80. As of today's date, there are 33 active investigation.

##### IRC Report

Mark Sanders informed the Board that the IRC met on December 5, 2019. The IRC Report recommends 14 cases for dismissal, 1 letters of caution, and 3 formal complaints.

**Motion:** To move into executive session for legal counsel.  
Bungardner/Machowski/approved.

**Motion:** To return to public session.  
Machowski/Marler/approved.

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

The Board requested case 2019-75 be pulled from the list of dismissals and additional review conducted by an expert reviewer. Additionally, case 2019-76 was pulled for additional review.

**Motion:** To approve the recommendations for dismissals, with the exception of 2019-75 and 2019-76, on the IRC report.  
Stewart/Marler/approved.

**Motion:** To approve the recommendations for formal complaints on the IRC report.  
Machowski/Keisler/approved.

**Motion:** To approve the recommendations for letter of caution on the IRC report.  
Bumgardner/Marler/approved.

#### ODC Report

Prentiss Shealy reported there are currently 28 cases open, comprised of 22 respondents. Of the 28 cases, 5 are pending a Consent Agreement, 10 are pending an MOA, 9 are pending a Panel Hearing, and 2 are pending Board Hearings. There is 1 case pending order and 12 have been closed in the past year.

#### **DISCIPLINARY HEARINGS**

##### Case #2018-13 – Consent Agreement

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

##### Case #2016-143 – Memorandum of Agreement

The respondent appeared before the Board for a Memorandum of Agreement Hearing. Respondent was represented by counsel and was sworn in by the court reporter. Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

**Motion:** To move into executive session for legal counsel.  
Bumgardner/Marler/approved.

**Motion:** To return to public session.  
Machowski/Bumgardner/approved.

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

**Motion:** To approve accept the Memorandum of Agreement and issue a letter of caution to the respondent.  
Marler/Keisler/approved.

## **REPORTS**

a. Investigative and Disciplinary Process Overview

Ms. Shealey presented the Board with a PowerPoint presentation illustrating how the agency handles complaints received. Ms. Prentice explained when expert reviewers are required and how they assist with the cases.

b. AADB Meeting Report

Dr. Brown presented a summary of her written report for the Board on the 176<sup>th</sup> Annual American Association of Dental Board meeting that took place October 2019 in Las Vegas, Nevada. Board members Dr. Ansari, Dr. Bumgardner, and Dr. Machowski were also in attendance. The conference, attended by 200 people, provided updates on the financial status of AADB, denturism, forums to discuss school curriculums and exam licensure. Dr. Brown attended the Southern Caucus and was selected as a CODA Commissioner for the upcoming year. Regulatory compliance and state litigation issues were also discussed in an attorney roundtable event.

c. CITA Annual Meeting Report

Dr. Machowski presented a summary of his written report for the CITA Annual Meeting took place in San Diego, CA on January 10-11, 2020. CITA held a brief discussion regarding SRТА's decision not to merge and reaffirmed the two remain separate entities. Currently a software program owned by CDCA is utilized to administer the ADEX exam and CITA is developing its own software program to facilitate administration of the ADEX exam. The meeting additionally addressed a new Fee Assurance program being developed for dental hygiene and updates to dental testing facilities and the written portion of the ADEX exam.

d. Administrator Report

On behalf of Ms. Buttler, Robbie Boland, presented the report. Mr. Boland reported the current licensure totals: 2,777 licensed general dentists, 680 dental specialists, 9,337 dental hygienists, 207 Dental technician/Orthodontic technicians. Regarding Dental Sedation applications, 19 were reported but as of that morning the report had dropped to 10. The Board's current cash balance as of December 31, 2019 is \$3,704,215.58.

Mr. Boland shared with the Board members the CE Guidelines that have been published since the last board meeting. The guidelines are a culmination of requirements outline in the Board statutes, regulations and published policy.

## **NEW BUSINESS**

a. Review of IRC Members, Expert Reviewers, Panel Hearing Officers

As requested at the October 11, 2019 board meeting, the Board was presented with a list of the current IRC Committee, Expert Reviewers, and Panel Hearing Officers. Ms. Buttler noted the areas of need for each of the groups on the report.

**Motion:** To approve the list submitted to the Board and allow Ms. Buttler to solicit licensees to fill the listed position.  
Marler/Keisler/approved.

b. Request for Infiltration Anesthesia and Nitrous Oxide Examination Review Committee  
Item has been tabled for the April 3, 2020 meeting.

c. Case Dismissal Letter to Complainant

Mr. Boland presented a revised letter of case dismissal sent to complainants. The letter explains the complaint process more thoroughly than the previous letter so as to assure the complainant that the complaint was taken seriously and followed due process.

**Motion:** To approve the revised Dismissal Letter to Complainant.  
Bumgardner/Marler/approved.

d. Travel Approval – AADB Mid-Winter Meeting

Prior approval had already been granted for two board members, the request for additional travel approval to cover Dr. Carolyn Brown and the board administrator.

**Motion:** To approve travel for Dr. Carolyn Brown and board administrator to attend the 2020 AADB Mid-Winter Meeting.  
Bumgardner/Marler/approved.

e. CE Requirement Clarifications: College Course Hour Equivalency and Study Group Regulation

Item has been tabled for the April 3, 2020 meeting.

**Motion:** To approve amend the CE Guidelines to reflect the ACLS requirements for licensees not involved in sedation permitting work.  
Bumgardner/Keisler/approved.

## LEGAL BUSINESS

a. Regulation Revision: Dental Laser Regulation Addition

Mr. Horner presented the Board with revised Regulation which addressed the training exemption requested by the Board in the October 2019 meeting.

**Motion:** To table the discussion till the April 3, 2020 meeting.  
Bumgardner/Keisler/approved.

b. Regulation 39-5 Revision: Continuing Education Online Hours

Mr. Horner presented the Board with revised Regulations that clarified the 50 percent online allowance.

**Motion:** To amend Regulation 39-5 as presented.  
Marler/Bumgardner/approved.

c. Regulation 39-6 Revision: Online Voting Portal

Mr. Horner presented the Board with revised Regulation which removes the requirement for election ballots to be mailed in. The amendments will allow for the use of the LLR Voting Portal customized to the Board.

**Motion:** To amend Regulation 39-6 as presented.  
Marler/Bumgardner/approved.

## REPORTS

e. S.C. Code of Law §40-15-110

Originally to have been included in the Administrative Report, Mr. Horner presented a letter from the South Carolina Dental Association regarding a meeting with a representative from Smile Direct Club. The meeting was to inform the Association of proposed legislation which would make the non-ionic admitting digital scans or photography an exemption from the practice of dentistry. The Association has asked for clarification from the Board as to whether it currently falls under the definition of the practice of dentistry.

**Motion:** To move into executive session for legal advice.  
Bumgardner/Marler/approved.

**Motion:** To return to public session.  
Machowski/Keisler/approved.

**Motion:** To request LLRs general counsel to request from the Attorney General's office to issue an opinion regarding the letter submitted from the South Carolina Dental Association.  
Marler/Machowski/approved.

## PRESENTATION OF BOARD SERVICE PLAQUE

Dr. Brown presented a plaque to Ms. Keisler for her six years of service to the Board of Dentistry.

## PUBLIC COMMENTS

Mr. Thomas Edmunds of the South Carolina Dental Association presented the Board with further clarification regarding the intent of bring the proposed legislative changes to S.C. Code of Law §40-15-110 to the Board's attention.

## ANNOUNCEMENT

Next Board Meeting date April 3, 2020.

**ADJOURNMENT**

The January 17, 2020, meeting of the S.C. Board of Dentistry adjourned at 1:52 p.m.

The next meeting of the S.C. Board of Dentistry is scheduled for April 3, 2020, in room 108.