

MINUTES
South Carolina Board of Dentistry
Teleconference Board Meeting

9:00 a.m., May 15, 2020

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. In accordance with the Governor’s directives regarding social distancing, the meeting will be held via teleconference. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

BOARD MEMBERS PRESENT:

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

SCLLR STAFF PRESENT:

Bob Horner, Office of Advice Counsel
Meredith Buttler, Board Administrator
Megan Flannery, Office of Disciplinary Counsel

PRESENT:

James Mercer, DDS
Julia Mikell, DDS - SCDA
Sarandeep Huja, DDS – MUSC
Harrison Saunders, esq.
Maria Weidnaz, DMD
Earl Schneider, DDS
Travis Dayhuff, esq.
Ed Shapiro, DMD
Jack Gresh, esq.
Elizabeth Viruet, DMD
Joel Cooper, DMD
Philip Prickett, DMD
Robin Madden, RPP
Joshua Hubbard, DMD
Don Forcen, RPP
Tia Cooper, RPP
Larry Davis, DDS
Gary Pickard, DMD
Raymond Kessler, DMD
Jessica Bui, SRTA
Megan Insley
Clayton Willinger
Melissa Garbo
Maggie Paul
Tariq Javed, DMD

CALL TO ORDER: President Brown called the meeting to order at 9:12 a.m.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Coombs/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

Motion: To approve the minutes for the April 3, 2020 meeting.
Bumgardner/Machowski/approved.

PRESIDENT'S REMARKS

Dr. Brown thanked those for attending the meeting and for their patience as the Board navigates the new platforms for meeting.

APPLICATION HEARING

a. Earl Schneider, DDS

Dr. Schneider appeared before the Board for an Application Hearing. He was represented by counsel, Travis Dayhuff, esq., and all parties 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.
Stewart/Marler/approved.

Return to Public Session

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

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

Motion: To deny Dr. Johnson's application for licensure as a general dentist by credential due to multiple issues of improper performance. Dr. Johnson may apply for licensure by examination.
Stewart/Marchi/approved.

b. Marielsa Weidanz, DMD

Dr. Weidanz appeared before the Board for an Application Hearing. She was not represented by counsel. Joshua Hubbard, DDS appeared as a witness and all parties were 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 Dr. Weidanz's application for licensure as a general dentist by credential based on non-compliance with S.C. Regulations 39-1(B)(3).
Machowski/Bumgardner/approved.

Dr. Coombs and Dr. Brown provided further explanation regarding the CODA approved schooling requirement and how to attain a degree from a CODA approved programs for applicants who have already graduated from a non-CODA approved dental school.

c. Joel Cooper, DMD

Dr. Cooper appeared before the Board for an 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.
Marler/Machowski/approved.

Return to Public Session

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

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

Motion: To approve Dr. Cooper's application for reinstatement of license pending the completion of approved continuing education for CPR certification, infection control and sterilization and prescribing & monitoring of Control Substance. Due to COVID-19, online continuing education is acceptable.
Machowski/Marler/approved.

d. Scottie Daley, DH

Ms. Daley appeared before the Board for an Application Hearing. She was represented by counsel, Harrison Saunders, VI, esq., and all parties were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Closed Hearing

Motion: To proceed as a closed hearing.
Coombs/Marler/approved.

Executive Session

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

Return to Public Session

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

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

Motion: To approve Ms. Daley's request for reinstatement of license contingent upon all terms of the original consent agreement are met. In addition to the original terms of the consent agreement, fourteen hours of continuing education in dental hygiene, CPR and sterilization and infection control must be completed. All stipulations of the consent agreement must be met with the exception of one year loss of license.
Machowski/Marchi/approved.

e. Elizabeth Viruet, DMD

Dr. Viruet 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. Viruet's application for licensure reinstatement.
Coombs/Stewart/approved.

f. Larry Davis, DDS

Dr. Davis appeared before the Board for an 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 deny Dr. Davis' application for licensure reinstatement due to an incomplete application. Upon submission of the requested documentation, the Board will reevaluate.
Machowski/Davis/approved.

g. Meriana Martin, DMD

Dr. Martin did not appear before the Board for an Application Hearing. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To deny Dr. Martin's application for licensure reinstatement of the specialty license by credential.
Coombs/Ansari/approved.

h. Philip Prickett, DMD

Motion: To table the hearing for later in the meeting.
Machowski/Bumgardner/approved.

REPORTS

a. Dental Hygiene 2020 Graduation Report

Ms. Marchi gave a report on the 2020 dental hygiene graduates from the six schools in South Carolina. A total of 112 students are slated for graduation. Ms. Marchi reported the proposed dates of the DHNB and clinical exams, administration of which has been delayed due to COVID-19 closures.

b. MUSC Dental 2020 Graduation

Dr. Brown introduced Dr. Tariq Javed and Dr. Raymond Kessler with the Medical University of South Carolina, James B. Edwards College of Dental Medicine. Dr. Javed and Dr. Kessler reported a total of 72 students are slated for graduation. Dr. Kessler raised concern for the student who were not able to take the patient based clinical examination offer by CITA. The Board discussed the CITA examination that was conducted prior to COVID-19 closures.

OLD BUSINESS

a. Discussion and Approval for Regulations 39-9

Mr. Horner brought before the Board the revised Regulations 39-9 "Use of Lasers in a Dental Setting" for discussion regarding the exemptions for training.

Motion: To table the issue till the July 10, 2020 meeting.
Bumgardner/Marchi/approved.

NEW BUSINESS

a. Manikin based clinical examination

Dr. Brown reported in the past few months the various clinical examination agencies have published information on the offering of the dental manikin based examination. CDCA released a report from ADEX which approved the utilization of the CompeDont tooth with availability slated for late summer/early fall. Dr. Machowski and Dr. Bumgardner discussed the various technology needed in accompaniment with the manikin teeth to include head and facial shrouds. Dr. Bumgardner noted MUSC is in possession of the Dentaroid teaching robot. Dr. Kessler clarified that MUSC has only one Dentaroid teaching robot. Dr. Coombs

noted the various shortcomings of the patient based clinical examination and stated the manikin based examination will present a fairer plain on which to assess graduates dexterity. Dr. Machowski expressed concerns over many unknown components needed for the Board to assess if the manikin based exam to be deemed equivalent in its competency to the patient based examinations.

Motion: For the Board to enter into executive session to seek legal advice.
Bumgardner/Marchi/approved.

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

Board President, Dr. Brown, noted for the record that no votes or actions were taken while in executive session. Mr. Horner clarified for the members of the public in attendance that after analysis of the Dental Practice Act and Board Regulations the Board cannot waive the examination requirements in order to issue a temporary license. The Board has the authority to examine an alternative means of examination, manikin based examinations being an option, per S.C. Code of Law §40-15-140. The Board has the authority to issue license based upon the alternative examination deemed, by the Board, to be equivalent to the current required examinations.

Motion: South Carolina Board of Dentistry will allow for the use of Manikin-based CompeDont tooth restorative dental examinations for the retake of live-patient examinations given between January 1st and March 31st of the year 2020.
Bumgardner/Ansari/approved.

b. 2020 Dental Graduates without clinical examination

Mr. Horner reiterated the motion to allow reexamination via manikin based clinical examination is only for graduates who did not previously pass a patient based clinical examination. The motion is not limited to student in South Carolina but applies to all graduates who did not pass the patient based clinical exam between January 1, 2020 and March 31, 2020. Graduates taking the manikin based clinical examination for the first time would not be approved.

APPLICATION HEARING

Dr. Brown stated the hearing for Dr. Philip Prickett will be closed hearing and as such all parties not involved with the hearing were to leave the conference call and may rejoin after the conclusion of the hearing.

h. Philip Prickett, DMD

Dr. Prickett appeared before the Board for an Application Hearing. He was not represented by counsel. Dr. Dalton Prickett and Dr. Courtney Shelbourne appeared as witnesses and all parties were sworn in by the court reporter. Per Board request, Latisha Cobbs of RPP, Tia Cooper of RPP and Megan Flannery of LLR's Office of Disciplinary Counsel, were also present for the hearing. 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.
Coomb/Bumgardner/approved.

Return to Public Session

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

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

Motion: To deny Dr. Prickett's application for licensure reinstatement until a return-to-work authorization from RPP has been submitted to the Board. This is to include a neuropsych evaluation that is acceptable to the Board. Upon receipt of the RPP notice, Dr. Prickett may reapply for licensure.
Bumgardner/Stewart/approved.

PUBLIC COMMENTS

Dental student, Meghan Insley, expressed concern over the Board's decision to allow only the manikin based clinical for reexaminations citing several student were never given the chance to take the patient based exam due to facility closures. Dr. Machowski acknowledged the concern and stated the Board made the allowance based upon the ability to assess the individual's overall competency.

Dental student, Clayton Willinger, echoed the previous concern and sited the inability for graduate student to begin employment due to the Board's decision. He expressed the Board's decision failed to consider out-of-state students. Dr. Machowski suggested the student do further research into the testing agencies and various states to see where live patient clinical examinations were being given. The Board's decision did not limit retake to only student graduating in-state but is applicable to any student who took and failed a board accepted patient based clinical between January 1, 2020 and March 31, 2020. Mr. Horner emphasized that the manikin based examinations are new and the Board has a duty to assess the exam and determine the competency in all respects. At the present time, the Board is of the option that someone who has taken the live patient exam and then takes the manikin based exam will provide a clearer assessment of competency. The Board will continue to evaluate the manikin based examinations to better understand how the examination reveals the skills and competency of the dental student.

Dental student, Melissa Garbo, stated the Board's decision is forcing her and many other students to apply for licensure in other states. Ms. Garbo requested recommendations from the Board on how to find examinations and patients if the schools are closed. Dr. Machowski

reemphasized the need for the student to research their options and reach out the testing agencies to see where live patient exams were occurring. Dr. Coombs stated the Board is sympathetic to the plight of the graduating students and reaffirmed the Board's intent to evaluate the manikin-based exam. Because it is a new exam, the Board has many questions that need to be answered and once the information is provided, it will be able to issue a further determination regarding the dental manikin based clinical examination.

Dr. Bumgardner stated that applicants looking to apply to the Board may do so prior to having all items for application complete. He encouraged the student to begin the processes and emphasized LLR and the board administrator's dedication to cutting down application processing time.

Clayton Willinger again addressed the Board to reemphasize the significant delay student will be faced with regarding ability to perform the patient based exam. As such, the delay will cause a mess and stain on resources in getting patients and submitting applications.

Jenny McWilliams requested to know the number of students who had been able to take the examination between January and March. MUSC provided the number of candidates who failed the exams to the Board but no other schools of testing agencies have submitted such a report to the Board.

Maggie Paul urged the Board to reconsider based upon the many examinations the graduating seniors had already undergone as well as the rigorous in-school competency evaluations completed. In her opinion, the passing rate for reexamination is currently 100%, therefore the Board's motion isn't serving to protect the public.

EXECUTIVE SESSION

Motion: To enter into executive session to seek legal advice.
Coombs/Bumgardner/approved.

Motion: To return to public session.
Coombs/Machowski/approved.

Board President, Dr. Brown, noted for the record that no votes or actions were taken while in executive session. Dr. Brown reiterated the Board understanding of the plight of the recent graduates and that the dental profession at large has sustained significant impact from COVID-19. In light of the comments presented and the information provided to the Board, Dr. Brown stated it is the Board's mission to protect the public while addressing the issue facing the dental industry. The Board will continue to work diligently to seek solutions but it is a work in progress.

APPLICATION HEARING

Motion: To revisit the case of Dr. Martin.
Machowski/Ansari/approved.

g. Meriana Martin, DMD

Dr. Martin 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 deny Dr. Martin's application for licensure reinstatement of the specialty license due to failure to pass the periodontal specialty exam as was requested in 2019 by the Board.
Coombs/Ansari/approved.

PUBLIC COMMENTS

Dr. Gary Pickard thanked and commend the Board for the work they did during the meeting. Dr. Pickard brought to the Board's attention the desire for dentist in South Carolina to be allowed to administer diagnostic tests. Mr. Horner stated the issue was a legal one that is being looked at across LLR.

ANNOUNCEMENT

Next Board Meeting is a special called meeting on May 15, 2020.

ADJOURNMENT

The May 15, 2020, meeting of the S.C. Board of Dentistry adjourned at 6:03 p.m.

The next meeting of the S.C. Board of Dentistry is scheduled for July 10, 2020, in room 105.