

MINUTES
South Carolina Board of Dentistry
Teleconference Board Meeting

9:00 a.m., July 10, 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
Elizabeth Marchi, RDH
Donald Marler, DMD
William Stewart, DMD

SCLLR STAFF PRESENT:

Bob Horner, esq., Office of Advice Counsel
Meredith Buttler, Board Administrator
Prentiss Shealey, esq., Office of Disciplinary Counsel
Christa Bell, Office of Investigations and Enforcement
Lorie Graham, Office of Investigations and Enforcement

PRESENT:

Jennifer Thompson, Court Reporter	Kelli Sullivan
Edward Shapiro, DMD	Gordon Gray, DMD
Jack Gresh, esq.	Jessica Bui, SRTA
Tia Cooper, RPP	Lee Muthig
James Mercer, DDS	Ronald Barth, DMD
Phil Latham, SCDA	Philip Prickett, DMD
Latecia Cobbs, RPP	Julia Mikell, DDS - SCDA
Robyn Madden, RPP	William Gareth
Anastasia Graham	Sarandeep Huja, DDS – MUSC
Hope Carter	Raymond Kessler, DMD
Rebecca Payne, RPP	Rocky Napier, 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/Marler/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 May 15, 2020 meeting.
Ansari/Marler/approved.

Motion: To approve the minutes for the June 05, 2020 meeting.
Stewart/Marler/approved.

PRESIDENT’S REMARKS

Dr. Brown thanked those for attending the meeting.

STAFF REPORTS

a. Office of Investigations and Enforcement Statistical Report

On behalf of Ms. Angela Baldwin, Ms. Buttler reported that through the second quarter the Board had received a total of sixty five (65) complaints and through the second quarter twenty nine (29) cases have been closed.

b. Investigative Review Committee Report

On behalf of Ms. Baldwin, Ms. Buttler reported the IRC Committee met on June 18, 2020, recommending nine (9) cases for dismissal, zero (0) letters of caution and three (3) formal complaints. Ms. Buttler recognized Ms. Prentiss Shealey for additional cases to be submitted. Ms. Shealey presented one (1) additional case for dismissal for Board review.

Motion: To accept the ten (10) cases for dismissal.
Machowski/Marler/approved.

Motion: To accept the three (3) cases for formal complaint.
Ansari/Stewart/approved.

c. Office of Disciplinary Counsel

Ms. Shealey reported there are currently twenty eight (28) cases open, comprised of twenty two (22) respondents. Of the twenty eight (28) cases, one (1) is pending Consent

Agreement, fourteen (14) are pending MOA, zero (0) are pending Panel Hearing, and three (3) are pending Board Hearings.

DISCIPLINARY HEARING

a. 2015-39

The respondent appeared before the Board for a closed disciplinary 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 accept the Memorandum of Agreement.
Ansari/Marler/approved.

b. 2015-30

The respondent appeared before the Board for a closed disciplinary 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 accept the Panel Hearing Recommendation.
Marler/Ansari/approved.

APPLICATION HEARING

a. Gordon Gray, DMD

Dr. Gray appeared before the Board for a hearing. He was represented by counsel, Kelli Sullivan esq., and all parties were sworn in by the court reporter. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To release Dr. Gray for Board Order 2013-62.
Ansari/Machowski/approved.

b. Ronald Barth, DMD

Dr. Barth appeared before the Board for a hearing. He was not represented by counsel and was sworn in by the court reporter. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To release Dr. Barth from Board Order 2014-26.
Ansari/Marler/approved.

c. Philip Prickett, DDS

Dr. Prickett appeared before the Board for a reinstatement hearing. He was not represented by counsel and was sworn in by the court reporter. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve reinstatement of Dr. Prickett’s dental specialty license in oral maxillofacial surgery with the restriction that he remain in RPP and is monitored as they see fit.

Bumgardner/Ansari

Motion withdrawn by Dr. Bumgardner

Motion: To approve reinstatement of Dr. Prickett’s dental specialty license in oral maxillofacial surgery under the conditions that he practice in an oral surgery group setting and is monitored in the group setting and remains compliant with RPP stipulations.

Machowski/Marler

Bumgardner opposed

Motion approved

REPORTS

a. MUSC Report

Dr. Sarandeep Huja, DDS of MUSC presented the Board with an update on the 2020 dental school graduates. Of the seventy two (72) graduates, thirty seven (37) are entering into residencies, twenty five (25) are entering private practice, nine (9) are entering the armed forces and one (1) is entering into an internship. Dr. Huja shared additional information with the Board regarding the class of 2024 and safety adjustments being made in response to the national health crisis. Dr. Huja stated the MUSC dental residency program is currently rated in the top three in the nation.

b. AADB Bylaw Committee Report

Dr. Brown reported AADB held a virtual meeting on June 16, 2020. Dr. Brown provided the Board with a copy of the proposed bylaw edits for their information only. The AADB annual meeting has been canceled due to the national health crisis but the mid-winter meeting is scheduled for February 27-28, 2021.

c. Administrator Report

Ms. Buttler reported there are currently 2,867 active general dental license, 705 active specialty licenses, 1,901 dental hygiene licenses and 2,320 dental hygiene license with infiltration anesthesia certifications, 5,204 dental assisting with nitrous oxide monitoring certificates, 204 dental technician licenses and 7 orthodontic technicians. The Board’s current cash balance is \$3,557,973.94.

Ms. Buttler reminded the Board that per a directive from the Agency Director’s, the Mobile Unit and Portable Dental Operations renewals will remain open until September 30, 2020. Work has begun on the 2020 Dental Licensure renewals. Ms. Buttler reminded the Board that CE Broker will not be mandatory for this renewal cycle as previously stated. Additionally, following this renewal cycle, the board renewal period will shift to January 1 of odd years to December 31 of even years. This shift was previously approved by the Board

and will align with the CE cycle. This will also be the first year the sedation permits will be required to be renewed in conjunction with the regular dental license renewals.

Ms. Buttler stated the notice of Election for District 7 board seat will be sent out in the coming months and the election process will follow the stipulated regulations.

On June 26, 2020, amended Regulations 39-8, 39-10, and 39-11 were ratified. A copy of the amended Regulations has been posted to the Board website.

Administration of examinations for Nitrous Oxide Monitoring, Infiltration Anesthesia and Dental Technicians has been revised. To better serve the applicants and to minimize the demand on staff time, the administration of the exams are being outsourced to PSI Testing Services. The Board will remain in control of the content and processing of applications and reexamination requests. Utilizing PSI provides applicants with immediate exam results, quicker processing time and increased exam security. There are multiple testing centers around the state, therefore applicants required to reexamine will be able to do so without having to travel to Columbia.

OLD BUSINESS

a. Dental Manikin-Based Clinical Examination

Dr. Brown reported to the Board that the CITA conducted the ADEX restorative examination on June 27, 2020 at MUSC. It was a manikin-based CompeDont tooth examination for dentists needing to retake the clinical examination. Dr. Bumgardner stated that while the experience of viewing the administration of the manikin-based exam was a very good one, the exam was not a true examination of their skill set as compared to a live patient examination. Dr. Machowski concurred with Dr. Bumgardner. Dr. Julia Mikell of SCDA and Dr. Raymond Kessler of MUSC voiced support for the examination and stated it was an excellent alternative for the current restrictions present by the national health crisis. Dr. Ansari emphasized the delay in recommencement of live patient examinations and stated that it has been shown that the results between the live and manikin-based examinations are comparatively the same.

Motion: To accept the dental manikin-based examination through December 31, 2020.
Stewart/Ansari

Dr. Machowski voiced concern regarding the acceptance of the manikin-based examination and the need for the Board to protecting the public through further investigation of the examination. The Board discussed the need to continue to assess the manikin-based exam to determine whether the Board would accept the examination beyond December 31, 2020.

Motion: To enter into executive session for legal advice and to include Ms. Buttler in the session not for purposes of discussion but to facilitate the software.
Machowski/Marler/approved.

Motion: To enter into public session.
Ansari/Marler/approved.

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

Motion: To accept the dental manikin-based examination from all states with testing agencies accepted by the Board through December 31, 2020. Board will accept manikin-based or live patient dental clinical examinations.
Ansari/Stewart
Machowski and Bumgardner opposed
Approved.

b. ADEX District Realignment Letter

Dr. Machowski presented the letter for Board review. Dr. Brown called for a committee to be formed to review the letter prior to Board approval.

Motion: To create a committee to review the ADEX realignment letter.
Machowski/Ansari/approved.

c. Discussion and Approval for Regulation 39-9

Mr. Horner presented the revised Regulation 39-9 concerning Lasers.

39-9. Use of Lasers in a Dental Setting.

- A. The requirements contained herein do not apply to the use of non-adjustable laser units used for the purposes of diagnosis and curing.
- B. Only a dentist may employ a laser capable of the removal of hard and/or soft tissue in the treatment of a dental patient.
- C. A dental hygienist may only use a laser under the direct supervision of a dentist, and the hygienist's use of the laser must be limited to pocket disinfection at settings that preclude hard and soft tissue removal, except for incidental gingival curettage.
- D. Use of a laser:
 1. Prior to utilizing a laser, a licensee must first successfully complete training that covers, at a minimum, laser physics, safety, and appropriate use of the laser. A licensee must also complete an interactive training that addresses operation of the specific laser(s) utilized in the practice. The initial training must include a minimum of 12 hours of instruction and must be obtained through a course provided or recognized by any of the following organizations (or a successor organization):
 - a. The Commission on Dental Accreditation (CODA);
 - b. The American Dental Association (ADA) Continuing Education Recognition Program (CERP)

- c. The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE); or
- d. The American Medical Association (AMA).

A licensee who has more than three (3) years of experience using lasers is exempt from the training requirements set forth in Reg. 39-9.

- 2. A licensee utilizing a laser, other than what is described in Section A, must maintain evidence of training as required herein and submit such evidence to the Board upon request.
- 3. All lasers must be used in accordance with accepted safety guidelines.
- E. When utilizing a laser pursuant to this Section, the licensee must document the following information, at a minimum, in the patient's record:
 - 1. the type of laser utilized, to include the wavelength of the laser;
 - 2. the settings used, such as pulse or continuous wave, and the power setting;
 - 3. local anesthesia used, if any; and
 - 4. the procedure attempted/performed, including details as to whether hard or soft tissue was removed.
- F. With the exception of properly-trained oral and maxillofacial surgeons, this Regulation applies only to the use of lasers within the oral cavity.

Motion: To accept the proposed amended Regulation 39-9 with the striking of item (F) and adding to (D)(1)(d) "dentists licensed prior to January 1, 2021."
Bumgardner/Machowski/approved.

NEW BUSINESS

- a. Travel Approval for SRTA Annual Meeting in Leesburg, VA on July 30 – August 1, 2020
Ms. Buttler provided the information for the SRTA Annual Meeting stipulating that due to state wide mandate, travel reimbursement would not be able to be issued to any Board member electing to travel to the meeting. Ms. Buttler provided the Board members the SRTA travel reimbursement policy for review. Dr. Bumgardner, Dr. Ansari, and Dr. Brown expressed interest in attending the conference.

Motion: To approve travel reimbursement, pending state allowance, for Board members Bumgardner, Brown and Ansari to attend.
Marler/Ansari/approved.

Ms. Buttler stated the vote by proxy information would be sent following the Board meeting and asked if any Board member was interested in serving on a committee to please communicate that to her. Dr. Bumgardner expressed interest in participating in the Quality Assurance Committee and Dr. Ansari expressed interest in participating in the Dental Exam Committee.

LEGAL BUSINESS

a. COVID Testing by Licensed Dentists

Mr. Horner stated the issue of allowing licensed dentists to administer testing for COVID has been brought to the state's attention. Currently DHEC is responsible for the COVID testing and does not have any objections from a statutory stand point of allowing licensed dentists to perform the examination, with the understanding they would not be allowed to determine diagnosis. DHEC is being engaged in further conversation on the topic for a more definitive answer to the topic. Mr. Horner recognized Dr. Mikell with SCDA to present the association's request to the Board for topic discussion. Dr. Mikell cited the field of dentistry being one of the top risks for COVID exposure per OSHA findings, therefore the ability for dentists to be able to provide COVID testing with reasonable timeframe for result delivery is critical. Mr. Horner presented additional information from licensed dentists of other states on pathways they took to attain the right to administer the COVID testing via federal application and waivers and thus bypassing the need for the state level approval. Mr. Horner will continue to monitor the discussions with DHEC and report further developments to the Board.

PUBLIC COMMENTS

Rocky Napier, DMD, expressed frustration regarding the licensure examination process. He encouraged the Board to look outside the current mode of licensure processing and become a leader for the nation.

ANNOUNCEMENT

Next Board Meeting is on October 9, 2020.

ADJOURNMENT

The July 10, 2020, meeting of the S.C. Board of Dentistry adjourned at 1:22 p.m.

The next meeting of the S.C. Board of Dentistry is scheduled for October 9, 2020.