

MINUTES
South Carolina Board of Dentistry
Teleconference Board Meeting

9:00 a.m., January 15, 2021

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:

Charles Bumgardner, DMD– President
Donald Marler, DMD - Vice President
Elizabeth Marchi, RDH - Secretary
Murtuza Ansari, DMD
William Stewart, DDS
Carolyn Brown, DMD
Thomas McDonald, MD, DMD
K. Britt Reagin, DMD, MS

SCLLR STAFF PRESENT:

Bob Horner, esq., Office of Advice Counsel
Meredith Buttler, Board Administrator
Prentiss Shealey, esq., Office of Disciplinary Counsel
Courtney Clark, Office of Disciplinary Counsel
Lorie Graham, Office of Investigations and Enforcement
Angie Baldwin Office of Investigations and Enforcement
Cynthia Barnes, Office of Investigations and Enforcement
Rowland Alston, Office of Disciplinary Counsel

PRESENT:

Melissa Blackwell, Court Reporter	Walter Machowski, DMD
Tia Cooper, RPP	Stephanie Stancil, RDH
James Mercer, DDS	Joe Serra, DDS
Phil Latham, SCDA	Larry Davis, DMD
Robyn Madden, RPP	Crystal Johnson, DMD
Rebecca Payne, RPP	Mario Pacella, esq.
Lee Muthig	Kevin Stancil
Dorothy Baker, DDS	Bobby Miller

Don Korson, RPP
Chad Hess
Gary Pickard, Pacific Dental

Martha Macolus
Deadra Harmon

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

APPROVAL OF AGENDA

Motion: To approve the agenda.
Stewart/Brown/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 October 9, 2020 meeting.
Ansari/Marchi/approved.

PRESIDENT’S REMARKS

Dr. Bumgardner thanked Dr. Brown for her leadership during 2020 and Dr. Machowski for his service to the Board. The Board will be mailing a plaque commemorating his years of service. Dr. Bumgardner provided an overview of the purpose and structure of the Board as well an overview of the disciplinary process for members of the public.

STAFF REPORTS

a. Office of Investigations and Enforcement Statistical Report

Ms. Angela Baldwin reported that in the fourth quarter of 2020 the Board had received twenty one (21) complaints for a year total of eighty six (86) complaints. In the fourth quarter of 2020, nineteen (19) cases were closed for a year total of fifty eight (58).

b. Investigative Review Committee Report

Ms. Baldwin reported the IRC Committee met on December 17, 2020 and January 11, 2021, recommending fifteen (15) cases for dismissal, two (2) letters of caution and one (1) formal complaint.

Motion: To accept the fifteen (15) cases for dismissal.
Ansari/Reagin/approved.

Motion: To accept the two (2) cases for dismissal with a letter of caution.
Marler/Marchi/approved.

Motion: To accept the one (1) case for formal complaint.
Stewart/Brown/approved.

Dr. Bumgardner requested clarification as to whether Board members could access investigation records via FOIA request. Ms. Graham stated records may only be release via FOIA request once the case is closed. Dr. Bumgardner raised concern regarding low google ratings regarding the investigative process. Ms. Graham stated the investigators does not make continuous contact with complainants during the investigation in order to remove confusion that the Board investigators are working for the complainant. Ms. Graham reiterated the role of the Board's investigators is to review the case for violations of the practice act and regulations and therefore documentation rather than testimony is relied upon.

c. Office of Disciplinary Counsel

Ms. Shealey reported there are currently twenty eight (28) cases open, comprised of twenty one (21) respondents. Of the open cases, four (4) are pending Consent Agreement, nine (9) are pending MOA, eight (8) are pending hearings, and seven (7) are pending board action.

DISCIPLINARY HEARING

a. 2018-160 Panel Recommendation

The respondent did not appeared before the Board for a closed Panel Recommendation hearing. Respondent was not represented by counsel. Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To accept the Panel Recommendation.
Stewart/Marler/approved.

b. 2018-40 Memorandum of Agreement

The respondent appeared before the Board for a closed Memorandum of Agreement hearing. Respondent was represented by counsel, Mario Pacella, esq. and all parties were 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 enter into executive session for legal advice.
Ansari/Marler/approved.

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

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

Motion: To accept the MOA and issue a non-disciplinary Letter of Caution.
McDonald/Reagin/approved.

Dr. Brown advised the respondent that following the Board issued Letter of Caution, that should the SC DEA return the prescribing authority, the respondent should be mindful to not have staff call in any prescriptions.

The Board returned to open session.

Motion: To enter into closed session for William R. Miller hearing.
Ansari/Brown/approved.

APPLICATION HEARING

a. William R. Miller, DE

Dr. Miller appeared before the Board in a closed session to request release from Board Order 2015-122. He was not represented by counsel and was sworn in by the court reporter. State witnesses from Recovering Professionals Program (RPP), Robyn Madden, Tia Cooper, Don Korson, and Dr. Rebecca Payne 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 enter into executive session for legal advice.
Brown/Ansari/approved.

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

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

Motion: To approve Dr. Miller's release from probation and continued enrollment in the senior monitoring program with RPP for no less than three (3) years. Following completion of requirements, Dr. Miller is to appear before the Board.
Ansari/Stewart/approved.

The Board returned to open session.

b. Stephanie Stancil, RDH

Ms. Stancil appeared before the Board for an application hearing. She 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 enter into executive session for legal advice.
Marchi/Ansari/approved.

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

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

Motion: To deny Ms. Stancil's application for dental hygiene.
McDonald/Marler/approved.

Dr. McDonald clarified the denial of application was due to the Board's statutes not allowing the Board to approve licensure by credential for dental hygiene. Dr. Bumgardner stated that following the passing of a Board approved in-person or manikin based clinical, the Board office would be able to process the application. Mr. Horner provided further clarification regarding the Board's acceptance of licensure by examination for dental hygiene.

c. Joseph Serra, DDS

Dr. Serra appeared before the Board for a renewal application 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 enter into executive session for legal advice.
Ansari/Marler/approved.

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

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

Motion: To approve Dr. Serra's renewal application.
Brown/Ansari/approved.

d. Larry Davis, DMD

Dr. Davis appeared before the Board for a reinstatement application 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 enter into executive session for legal advice.
Marler/Brown/approved.

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

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

Motion: To approve Dr. Davis' reinstatement application.
Marler/Ansari/approved.

REPORTS

a. CRDTS Dental Hygiene Review Committee Report

Ms. Marchi presented to the Board the report created by Board representative Nancy Stewart, RDH. For 2020, CRDTS noted an uptick in the number of patients not accepted due to the national health crisis. The organizations noted performance levels for the manikin-based examination as about the same as previous patient-based exams. CRDTS has confirmed exam dates at Greenville, Midlands and Trident for 2021 exams and will administer exams that meets the candidates' licensure needs.

b. Administrator Report

Ms. Buttler reported there are currently 2,484 active general dental licenses and 453 active in renewal licensees; 634 active specialty licenses and 95 active in renewal licensees; 3,817 dental hygiene licenses and 582 active in renewal licensees; 5,226 dental assisting with nitrous oxide monitoring certificates; 146 active dental technician licensees and 62 active in renewal licensees; and 6 active orthodontic technicians and 2 active in renewal licensees. The Board's current cash balance as of November 30, 2020 is \$3,849,061.64.

Dental renewals are currently open and any renewal submitted between now and March 1, 2021 is subject to the late fees as outlined in Statutes. CE Broker is not mandatory for this renewal cycle and this information was included on the renewal notice and the online renewal application. Licenses renewed are now showing the December 31, 2022 expiration date as previously discussed and approved by the Board in 2019.

Additionally this is the first renewal cycle that the Sedation Permit renewal has been included. Following the close of renewals, the Board office will process and reissue updated sedation site certificates. The site certificate will remove the expiration date and include the date of last inspection. Additionally revisions to the pocket cards are being made. The revisions will include documentation of whether the licensee is permitted for sedation.

Ms. Buttler reported the Board will be working with Mr. Horner regarding the District 1 board seat election. Dr. Reagin was recently appointed to the Board to fill the remainder of the previous vacated district seat.

Next Friday, January 22, 2021, the Board office will be holding the Specialty examination. To adhere to social distancing restrictions, the tests will be administered at the Fire Academy and conducted in two sessions. Examination will be given in Pediatrics, Orthodontics, Oral Surgery, Endodontics and Prosthodontics. A total of thirteen (13) applicant. The board did have two Periodontics applicants that are being rescheduled due to examiner unavailability. The next specialty examination date is July 16, 2021.

The Board office has begun working on the ability to transfer these exams to a virtual offering. The written portion of the examination would be taken and proctored by PSI Testing Services and the oral component would be worked out via WebEx meetings. Preliminary idea and will continue to explore options.

Dr. McDonald and Dr. Bumgardner requested clarification regarding the CE requirement for sedation. Ms. Buttler stated that currently only licensees permitted for moderate and deep sedation are required to complete the sedation specific CEs.

Motion: To review at the next Board meeting the minimal sedation CE requirements.
Reagin/Stewart/approved.

NEW BUSINESS

a. Discussion: COVID-19 Testing and Vaccination

Mr. Horner requested the recognition of Dr. Mikell, president of the South Carolina Dental Association to address the Board on the matter. Dr. Bumgardner recognized the SCDA president. Dr. Mikell advocated for licensed dentists within South Carolina to be included in the listing of medical professionals allow to administer the COVID-19 vaccination. Following the CDC's vaccination courses, Dr. Mikell stated the licensees possess the required practical skills and knowledge to assist with the vaccination efforts. Mr. Horner stated that the SC Department of Health and Environmental Control (DHEC), has entered into a joint agreement with LLR to allow for medical and nursing board licensees to administer the vaccination. Conversation has begun regarding inclusion of licensed dentists to the order. A possible amended joint order could be available within the week. Mr. Horner brought for the Board's discussion and consideration the inclusion of the following individuals to administer the vaccination in addition to licensed dentists: dental hygienist with infiltration anesthesia certification, retired dentists within a specified date range and dental students. The Board discussed the ability for dentists to be able to administer the vaccination in their office versus administration within a hospital or other medical setting. Mr. Horner specified that the DHEC joint agreement requires medical professionals to be onsite and in attendance to address any adverse reactions.

Motion: To enter into a joint agreement with DHEC to allow currently licensed dentists to administer the COVID-19 vaccination within existing medical facilities where the vaccinations are currently being administered. Joint order should also include dental hygienist with infiltration anesthesia certificates as qualified vaccination administrators.

Brown/McDonald/approved.

Mr. Horner stated that if the Board wished to expand the pool of qualified individuals to include recently retired dental licensees, a one page application can be created to ensure only those meeting the requirements are approved. The licensees would be restricted to

the administration of the vaccination only and a list would be posted to the Board website for facility verification.

Motion: To amend the prior motion to include third and fourth year dental students and retired/lapsed dental licensees within the last five years who are medically able as individuals qualified to administer the COVID-19 vaccination within existing medical facilities where the vaccinations are currently being administered.
Dr. Brown accepted the amendment to the prior motion.
McDonald/Marler/approved.

b. **Discussion: Dental Hygiene and Orofacial Myofunctional Therapy**

Ms. Marchi presented the Board with further research regarding myofunctional therapy and recognized Ms. Martha Macolus to speak regarding the therapy certification. Ms. Macolus provided clarification as to where orofacial myofunctional therapy falls and the importance of it as it acts as a bridge between professions. Ms. Macolus also provided clarification that the therapy is not currently a part of speech pathology and that within South Carolina there are seven certified therapists, one is currently licensed with the speech pathology board and the other seven are licensed dental hygienists. Dr. Bumgardner requested information on the required training and body issuing the certification. Ms. Macolus stated the training covers four days and the International Association of OMT is responsible for the certification.

Motion: To enter into executive session for legal advice.
McDonald/Stewart/approved.

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

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

Motion: To table the discussion following a period of additional survey into myofunctional therapy. Ms. Marchi, Dr. Reagin and Mr. Horner will conduct the further survey and present their findings and recommendations to the Board.
Brown/Marchi/approved.

c. **Discussion: WREB examination**

Mr. Horner provided a history of the WREB acceptance for licensure by credential discussion. In reviewing the Board and committee meeting minutes, the Board has not officially determined the acceptance of the WREB examination for licensure by credential. The Board does not accept the WREB examination for licensure by examination.

Motion: For dental licensure by credential, the Board will not accept the WREB examination. Only the ADEX, CRDTS and SRTA clinical exams will be accepted. Ansari/Marler/approved.

- d. **Review: Nitrous Oxide Certification Course provided by Summerville Pediatric Dentistry**
Summerville Pediatric Dentistry's Nitrous Oxide certification course was presented to the Board for review and approval. Ms. Deadra Harmon and Dr. Dorothy Baker were present to answer Board questions.

Motion: To enter into executive session for legal advice.
Ansari/Reagin/approved.

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

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

Motion: To refer the request for course approval to a committee for review. Committee to be appointed by the Board President and recommendation regarding course and Board policy to be submitted at the next scheduled Board meeting.
McDonald/Ansari/approved

Dr. Bumgardner appointed Dr. Stewart and Dr. McDonald to the committee.

- e. **Criminal History Guidelines for New Applicants: Delegation to Staff**
Ms. Buttler presented to the Board a recommendation for delegation to Board staff to be able to approve application with criminal history background. Ms. Buttler stated that should she have any questions or if the criminal history is specific to the industry, the application would then be submitted for Board review.

Motion: To delegate authority to the Board Administrator to review and approve applications received indicating criminal history. Delegation is limited to criminal history involving misdemeanors and felony charges, not directly related to the practice of dentistry, dental hygiene or dental/orthodontic technology, greater than ten years from the date of application.
Marler/Ansari/approved.

- f. **Board Member Representatives**
Ms. Buttler presented a listing of all associations and entities that the Board has previously supplied or designated a representative. Ms. Buttler requested board members for the designated vacancies. Board representation is as follows:

AADB: Dr. Brown and Dr. Stewart

ADA: Dr. Bumgardner

ADEX: Dr. Brown
CITA: Dr. Marler and Dr. Ansari
CDCA: Dr. Bumgardner
CODA: Dr. Brown and Dr. Ansari
CRDTS: Dr. Marler, Dr. Ansari and Ms. Marchi
Dental Deans: Dr. Bumgardner and Dr. Ansari
SRTA: Dr. Ansari on the Dental Exam Committee and Board of Directors and
Dr. Brown on the Strategic Planning Committee.

g. Review and Approval: Expert Reviewers

Ms. Buttler presented a listing of nominated licensees to serve as expert reviewers for the Board.

Motion: To approve the list of nominated expert reviewers.
Ansari/Marler/approved.

h. Specialty Application Update

Ms. Buttler provided for the Board's information, proposed legislation that would expand the Board accepted specialty's to include those recognized by the American Board of Dental Specialties. Ms. Buttler presented the Board with a revised Application for Specialty Licensure for approval. The application reflects all the current dental specialties as recognized by the American Dental Association.

Motion: To the amended specialty application.
Ansari/McDonald/approved.

LEGAL BUSINESS

Mr. Horner reported that during the meeting, DHEC amended the joint order to include dental licensees in the list of qualified individuals able to administer the COVID-19 vaccination. The order will be presented to the Board President for review and signature. Mr. Horner stated the inclusion of the other board identified individuals would be taken to DHEC for possible further amendments to the joint order.

PUBLIC COMMENTS

None.

ANNOUNCEMENT

Next Board Meeting is on April 9, 2021.

ADJOURNMENT

Motion: To adjourn.
Ansari/Marler/approved.

The January 15, 2021, meeting of the S.C. Board of Dentistry adjourned at 2:53 p.m.