

Minutes of the South Carolina Board of Dentistry  
Business Meeting and Disciplinary Issues  
July 10, 2015  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Douglas J. Alterman, D.M.D., President  
Arthur L. Bruce, D.M.D., Secretary  
Carolyn L. Brown, D.M.D.  
Paul S. Coombs, D.M.D.  
Samuel M. Hazel, D.M.D.  
Walter J. Machowski, Jr., D.M.D.  
Dennis A. Martin, D.M.D.  
Sherie Williams-Barbare, R.D.H.  
Eric C. Schweitzer, Esquire

Board members with excused absences were:

Z. Vance Morgan, IV, D.M.D., Vice President  
Elaine A. Murphy, R.D.H.

Staff and others present were:

Jebediah S. Christy, DMD  
Darra Coleman, Esq., LLR Advice Attorney  
Kate K. Cox, LLR Administrator  
John Davidson, RPP  
Mel Goldstein, Esq.  
Lorie Graham, OIE Investigator  
Lisa Hawsey, LLR Administrative Assistant  
David Love, OIE Chief Investigator  
Jim Morton, CDT  
Adrian Rivera, OIE Investigator  
Prentiss C. Shealey, LLR Litigation Attorney ODC  
Allison Sheffield  
Felicia D. Singletary, DMD  
Jennifer Thompson, Thompson Court Reporter  
Doug Wilson, CDT  
Richard Wilson, RPP  
Gregory Joseph Wych, DDS

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CALL TO ORDER:

The Regular Session of the South Carolina Board of Dentistry was held at the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Room 108, in Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE STATE NEWSPAPER AND ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the meeting and a quorum having been noted as present, Dr. Alterman, President, called the meeting to order at 9:03 a.m. All votes referenced herein were unanimous unless otherwise noted. Excused absence noted for Dr. Z. Vance Morgan, IV, DMD and Elaine A. Murphy, RHD.

APPROVAL OF THE AGENDA AND THE MINUTES:

**Motion:** A motion was made by Dr. Coombs made a motion to amend the Agenda to move the MOA hearing to be first in the Disciplinary Issues. Dr. Hazel seconded the motion. The motion carried.

**Motion:** A motion was made by Ms. Williams-Barbare to approve the amended Agenda. Dr. Coombs seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Hazel to approve the Minutes of the last meeting April 10, 2015. Dr. Bruce seconded the motion. The motion carried.

Dr. Alterman welcomed Dr. Brown to the Board and thanked for serving on the Sedation Regulation Committee.

#### DISCIPLINARY ISSUES REPORTS:

##### Investigative Review Committee (IRC) Reports:

The IRC report was presented by Mr. Love. The report was from June 25 and July 9, 2015. Discussion followed on a few of the cases and defining what is the initial issue description and then the IRC logic description from findings from the investigation. Advertising was discussed and corporate ownership of practices. It was noted that the Board licenses dentists, and dentists are responsible in the end for what is done in their name.

**Motion:** A motion was made by Mr. Schweitzer to approve the IRC Report as presented for 21 Dismissals, 2 Letters of Caution, 1 Cease & Desist, and 6 Formal Complaints. Ms. Williams-Barbare seconded the motion. The motion carried.

##### OIE and ODC Management Reports:

The OIE Management Reports and ODC Management Reports were presented. Both were accepted as information.

#### APPLICATION HEARINGS:

##### Felicia D. Singletary, D.M.D.:

An application hearing by credentials was held for Dr. Singletary due to her being under investigation in North Carolina. Ms. Coleman advised the Board. Dr. Singletary was present and represented herself with waiver of counsel. A court reporter was present. The hearing commenced.

**Motion:** Mr. Schweitzer made a motion to go into Executive Session for legal advice. Dr. Martin seconded the motion. The motion carried.

**Motion:** Mr. Schweitzer made a motion to return to Open Session. Dr. Coombs seconded the motion. The motion carried.

**Motion:** Dr. Coombs made a motion to deny the application due to pending discipline in another state based on statute 40-15-275 (A.)(5.) Mr. Schweitzer seconded the motion. The motion carried. It was noted that application by credentials is not possible in this case and that South Carolina offers application by examination.

##### Jebediah S. Christy, D.M.D.:

An application hearing by credentials was held for Dr. Christy due to he had unreported discipline on his application and he had submitted a letter regarding alcohol use. Ms. Coleman advised the Board. Dr. Christy was present and represented himself with waiver of counsel. A court reporter was present. The hearing commenced.

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**Motion:** Mr. Schweitzer made a motion to go into Executive Session for legal advice. Dr. Coombs seconded the motion. The motion carried.

**Motion:** Dr. Hazel made a motion to return to Open Session. Dr. Coombs seconded the motion. The motion carried.

**Motion:** Mr. Schweitzer made a motion stating in review of the complete record now presented, including the documentation from New Hampshire and the national report regarding the disclosure of what would constitute formal complaint - it appears there are no pending matters and no disciplinary actions. Therefore based upon the entire record, granting licensure was recommended. Dr. Bruce seconded the motion. The motion carried.

DISPLINARY ISSUES: Disciplinary hearings are closed for the Board of Dentistry.

MOA Hearing for Case # 2014-12 and 2015-16:

A MOA Hearing was held for the Respondent. Mrs. Coleman advised the Board. The state was represented by Prentiss C. Shealey, Esq. The Respondent was present and represented himself with waiver of counsel. A court reporter was present. The closed hearing commenced.

**Motion:** Mr. Schweitzer made a motion to go into Executive Session for legal advice. Dr. Machowski seconded the motion. The motion carried.

**Motion:** Mr. Schweitzer made a motion to return to Open Session. Dr. Bruce seconded the motion. The motion carried. It was noted Dr. Machowski had to leave the room and a quorum remains.

**Motion:** Mr. Schweitzer made a motion to accept Gregory Joseph Wych, DDS's MOA with the following conditions of issuance of a public reprimand; to require a civil penalty of \$10,000.00 to be paid within 60 days of the effect of this Order; probation for 5 years; and complete 12 hours of continuing education hours in dental ethics within 12 months of the effect of this Order. Secondly, the respondent will verify that all advertising relating to services to be provided by and relating to general dentistry be provided by general dentists and avoid any communication that expresses or implies specialization. All advertising must contain a conspicuous disclaimer that all services are being provided by general dentists. Neither the respondent, nor anyone within his employment, may advertise dental services in a way that is false, deceptive or misleading or attempts to create any impression unsupported by fact of superior skills or qualifications. Any violations of any of the terms of the probation as set forth above the respondent's license will be immediately suspended until further action of the Board. Dr. Bruce seconded the motion. The motion carried.

Consent Agreement Request for Case # 2010-48:

A Consent Agreement hearing was held for the respondent. Ms. Coleman advised the Board. The state was represented by Prentiss C. Shealey, Esq. The respondent was not present. A court reporter was present. The closed hearing commenced for a Consent Agreement.

**Motion:** Dr. Machowski made a motion to accept the Consent Agreement for Thomas Frank Figliorelli, Jr, D.M.D. Mr. Schweitzer seconded the motion. The motion carried.

Consent Agreement Request for Case # 2014-26:

A Consent Agreement hearing was held for the respondent. Ms. Coleman advised the Board. The state was represented by Prentiss C. Shealey, Esq. The respondent was not present. A court reporter was present. The closed hearing commenced for a Consent Agreement.

**Motion:** After noting a scrivener's error, Mr. Schweitzer made a motion to accept the Consent Agreement for Ronal James Barth, D.M.D. Dr. Martin seconded the motion. The motion carried.

Consent Agreement Request for Case # 2014-79:

A Consent Agreement hearing was held for the respondent. Ms. Coleman advised the Board. The state was represented by Prentiss C. Shealey, Esq. The respondent was not present. A court reporter was present. The closed hearing commenced for a Consent Agreement.

**Motion:** Dr. Hazel made a motion to accept the Consent Agreement for Patricia Ellen Noland, D.M.D. Dr. Coombs seconded the motion. The motion carried.

Consent Agreement Request for Case # 2011-51 and 2012-44:

A Consent Agreement hearing was held for the respondent. Ms. Coleman advised the Board. The state was represented by Prentiss C. Shealey, Esq. The respondent was not present. A court reporter was present. The closed hearing commenced for a Consent Agreement.

**Motion:** Dr. Bruce made a motion to accept the Consent Agreement for William Ernest Altman, D.M.D. Dr. Hazel seconded the motion. The motion carried.

MOA Hearing Case # 2014-30 had been granted a continuance just prior to the meeting

Letter of Request to Ease License Restriction:

Dr. Russell Charles Hurst, J. sent a letter of request to the Board to ease the license restrictions that apply to him by Order; however, he stated he would not be appearing. Upon legal advice to the Board's staff from the advice counsel for the Board, Dr. Hurst was instructed it would be in his best interest to appear due to the serious nature of the matter. With that information, Dr. Hurst declined to appear.

**Motion:** A motion was made by Mr. Schweitzer based on the record which is before the Board, there is no compelling reason to grant this request and moved that the request be denied. Ms. Williams- Barbare seconded the motion. The motion passed.

PRESENTATION ON DENTAL TECHNOLOGY:

Jim Morton, CDT and Doug Wilson, CDT made a presentation to the Board to explain and refresh the Board on dental technology and the state laws regarding its practice. Discussion followed. It was taken as information and Mr. Morton and Mr. Wilson were thanked for their thorough PowerPoint and presentation.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with the staffing chart listed. It was announced that Dr. Alterman, Dr. Morgan, and Ms. Murphy will attend AADB with the possibility of Dr. Martin and others considering attending. It was reported LLR gave special permission for more than the usual 2 travelers. It was noted that the District 1 election will be conducted. Hearing Panel processes were reviewed again for the Board; and it was discussed how the full Board will review the Hearing Panel transcript and make the final ruling on the Panel Hearing members' recommendation. Mr. Imgrund was not present today as he was presenting at the attending the Governor's Taskforce Meeting on Domestic Violence. The Board of Dentistry is part of that taskforce.

Financial Report:

Financial Report of the Board was given as information by Mrs. Cox.

UNFINISHED BUSINESS:

Sterilization and Infection Control Regulation Committee Update:

Dr. Coombs reviewed the Committee work in planning for promulgation of regulations regarding sterilization and infection control from the last Committee meeting on April 24, 2015 for an amendment to Regulation 39-10. The amendment was presented to the Board for discussion. It was reviewed and the process to promulgate regulations was reviewed. It was noted that the Notice of Drafting (NOD) has already been done for The State Register.

**Motion:** A motion was made by Ms. Williams-Barbare to approve the draft of an amended Regulation 39-10 to be sent to the General Assembly. The motion carried.

Sedation Committee Update:

Dr. Alterman reviewed the Committee meeting held on May 15, 2015 to draft regulations to support Article 3 in the Practice Act on Sedation; and he discussed the thirteen topics of interest for the regulation. He reviewed education/requirements, permitting, costs/renewals, inspectors/inspections, equipment needed, and who was present. It was noted that dentists are being permitted; however, there are facility inspections where the dentists practice sedation. The dentist is responsible for only practicing in facilities that meet all requirements. Discussion followed. He reported that there will be a draft written by Mr. Imgrund which will be reviewed at the next Committee meeting and hopefully ready to be presented to the Board at the next Board meeting on October 9, 2015. There already has been a Notice of Drafting submitted for The State Register. Dr. Alterman will set the next Committee meeting date for late summer or early fall. The Board will also be notified of the date.

NEW BUSINESS:

Consistency of Acceptance of WREB; Consistency in Accepting Residencies as Part of 5 years of Practice:

It was discussed the staff needs clarity on consistency in accepting WREB for different types of applicants and clarity of accepting residencies as part of the 5 years of practice for different types of applicants. At this time the Board will accept WREB from applicants who hold a license in another state but will not accept WREB for initial license applicants. With residencies, the Board has begun to accept residencies as part of the 5 years of practice for military applicants but not allowing residencies to count for civilian applicants. Ms. Williams-Barbare noted some states accept all exams and some limit the exams accepted. Short discussion was held and Dr. Alterman would like Dr. Morgan to look into the acceptance of WREB for applicants and into the upcoming changes in who administers exams. It was noted applicants need clarity as well on the residency question. Ms. Williams-Barbare and Dr. Machowski volunteered to help Dr. Morgan for the next meeting.

Academy of General Dentistry Letter:

A letter regarding advertising in South Carolina was sent to the Board from AGD. It was noted South Carolina does have advertising laws, accepts complaints and disciplines on advertising violations. The AGD made a suggestion for a notice to dentists in South Carolina. Dr. Bruce was asked to write something for the Board to place in the Newsletter for the end of the year. All Board publications and web site information would be reviewed by legal advice before release. It was stated that e-blasts can be sent out with information and SCDA is helpful with information.

Electronic Submission of CE Hours:

Dr. Coombs presented the use of a CE tool that is web based developed for the state of Kentucky by the Dental Exchange and is used by Kentucky for licensees to submit and track hours. The Dental Exchange alerts licensees how many hours that the professionals are short before the renewal time is up. There is no cost to the Board to use or look at the site; however, the Board does require licensees to use it in Kentucky. When asked, Dr. Coombs pointed out that he was not clear how there is verification that the hours entered are correct. Ms. Coleman pointed out that before the Board can use electronic interface that LLR would have to be involved for security measures. Dr. Coombs will be in touch with LLR to see about getting in formation to LLR and from the Dental Exchange for LLR.

Electronic Proxy for SRТА:

Ms. Williams-Barbare collected the proxy vote signatures from Board members. SRТА training was discussed.

Ratification of Licenses:

The number of applications and credentials processed every three months is around 200. Working applications is a very large workload for a small staff, along with other board preparation work, scheduling hearings and committees, responding to calls and inquiries, renewals, audits, testing, and agency compliance.

**Motion:** Ms. Williams-Barbare made a motion to ratify the lists of licensed dentists, licensed dental hygienists, and registered dental technicians. Dr. Coombs seconded the motion. The motion carried.

LEGAL:

There was no legal information.

DISCUSSION TOPICS:

Credentialing requirements were discussed again and the application process. Disciplinary resolutions were discussed to explain Consent Orders, Memorandum of Agreement Hearings, Full Evidentiary Hearings and Panel Hearings. Scope of practice for dentists was mentioned and that all dentists need to know what to delegate or not. It was noted the Board cannot describe the complete practice of dentistry in the statute. Split fees were discussed. It was noted that is not allowed and each practitioner is to be paid by the patient individually for the dentistry he/she performed.

PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS and ADJOURNMENT:

It was announced that the next Board meeting is scheduled to be October 9, 2015. There being no further business or announcements Dr. Alterman adjourned the meeting at 2:10 p.m.

Respectfully submitted,

Kate K. Cox  
Administrator