

Minutes of the South Carolina Board of Dentistry  
Business Meeting, CRDTS Presentation, Reinstatement Hearing, Disciplinary Panel Presentation  
April 11, 2014  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present were:

John M. Whittington, D.M.D., President  
Douglas J. Alterman, D.M.D., Vice President  
Paul S. Coombs, D.M.D.  
Felicia L. Goins, D.D.S.  
Samuel M. Hazel, D.M.D.  
Dennis A. Martin, D.M.D.  
Elaine A. Murphy, R.D.H.  
Eric C. Schweitzer, Esquire

Board member with an excused absence:

Z. Vance Morgan, IV, D.M.D., Secretary  
Arthur L. Bruce, D.M.D.  
Sherie Williams-Barbare, R.D.H.

Staff and others present were:

John Cosby, DMD  
Kate K. Cox, LLR Administrator  
Noel P. Fuller, DMD  
Lorie Graham, OIE Investigator  
Pat Hanks, LLR Litigation Attorney, Office of General Counsel (OGC)  
Lisa Hawsey, LLR Administrative Assistant  
Ashley S. Heslop, Esq.  
Steve Holcomb, DMD  
Kim Laudenslager, RDH  
Georgia Lewis, LLR Advice Attorney  
Sara McCartha, LLR Advice Attorney  
Althea Myers, OIE  
Randy Moody, Esq.  
Roque A. Penaloza, DMD  
Kathy Parler  
Mr. Parler  
Adrian Rivera, OIE Investigator  
Hugh A. Robinson, DMD  
Mrs. Robinson  
Prentiss Shealey, LLR Attorney  
Reese Smith, OIE Investigator  
Robin Spaniel, Thompson Court Reporter

**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. Whittington, President, called the meeting to order at 9:10 a.m. All votes referenced herein were unanimous unless otherwise noted.

APPROVAL OF THE AGENDA and MINUTES:

**Motion:** A motion was made by Dr. Hazel to approve the Agenda and Minutes of the January 10, 2014 Board meeting and March 18, 2014 teleconference meeting. Dr. Coombs seconded the motion. The motion carried.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Report:

The IRC report was presented by Ms. Myers.

**Motion:** A motion was made by Dr. Alterman to approve the IRC report authorizing fifteen (15) Dismissals, three (3) Authorizations for Formal Complaints and authorizing the issuance of three (3) Letters of Caution. Dr. Goins seconded the motion. The motion carried. Discussion followed on timeliness of investigations and litigation.

OIE and OGC Management Reports:

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

PRESENTATION by CRDTS:

Dr. Holcomb and Ms. Laudenslager made a presentation on the development history of the CRDTS examination and discussed the CRDTS's job study for valid and reliable questions for the current practice of dentistry and defensibility of the exam. Discussion followed. The Board thanked the CRDTS representatives and Dr. Cosby for appearing.

REINSTATEMENT APPLICATION HEARING:

Roque A. Penalzoa, DMD

A reinstatement application hearing was held for Dr. Penalzoa due to late renewal and unlicensed practice. Ms. Lewis advised the Board. Dr. Penalzoa was present and was represented by Randy Moody, Esq. A court reporter was present. The hearing commenced.

**Motion:** Dr. Alterman made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

**Motion:** Dr. Alterman made a motion to approve the reinstatement application for licensure for Dr. Penalzoa. Dr. Goins seconded the motion. The motion carried.

Discussion flowed on the statute requirement to keep addresses and contact information current with the Board.

PANEL HEARING RECOMMENDATION: Disciplinary hearings are closed.

**Motion:** A motion was made by Dr. Coombs to go into executive session for legal advice. Mr. Schweitzer seconded the motion. The motion passed.

**Motion:** A motion was made by Dr Hazel to come out of executive session. Ms. Murphy seconded the motion. The motion passed.

Closed hearing for the Board of Dentistry was discussed. The statute allows for closed hearings.

**Panel Hearing Presentation:**

A panel hearing recommendation presentation was made to the Board by Mr. Hanks regarding the Panel Hearing held in December 2013 for case 2012-36. Two members requested recusal and left the room. They were Dr. Alterman and Dr. Hazel. Ms. Lewis advised the Board. The Respondent was present. He was represented by Ashley Heslop, Esq. A court reporter was present. The Panel Recommendation presentation commenced.

**Motion:** Dr. Coombs made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

**Motion:** Dr. Schweitzer made a motion to issue a Private Final Order in the matter of case 2012-36. Dr. Goins seconded the motion. The motion carried. It was asked for records to be sealed.

**ADMINISTRATIVE REPORTS:**

**Administrative Report:**

The Administrative Report was given by Mrs. Cox to include the LLR staffing list; to note the Board has 11,037 credentialed licensees and registrants on file; to note 59 licenses have been issued and 69 certifications have been issued since the last board meeting; and to note the District Seven (7) Election will be as announced in the summer for nominations to be gathered. Mr. Cox announced that Dr. Morgan will report on the AADB meeting in Chicago, IL held April 6 -7, 2014 and dental hygienist, Sherie Williams-Barbare, will report on the CODA site visit to Midlands Tech that was done March 25 -27, 2014.

The Board Newsletter was discussed as having been sent for publication approval. It was discussed that SCDA would like an article from the Board monthly for their publication and that Dr. Morgan is the Secretary of the Board who might be submitting articles. The next Board meeting dates for 2014 were reported to be July 11 and October 17. The new litigation attorney, Prentiss Shealy, Esq., was introduced. Nancy Flores, new administrative assistant for the Veterinary Board, was introduced. It was noted all staff is cross trained for the boards.

**Financial Report:**

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

**NEW BUSINESS:** Ms. McCartha returned to the meeting as Advice Counsel.

**Request for Memorandum to all Dentists:**

Noel P. Fuller, DMD appeared before the Board and gave a report on hand held x-ray systems and exposure rates with varying x-ray systems. He discussed DHEC regulation and his hope for radiation revision in the DHEC regulations and guidelines. The Board thanked him and said they would take the information under advisement.

American Academy of Facial Esthetics Letter:

Dr. Louis Malcmacher of the AAFE sent a letter to the Board with current information regarding Botox and derma fillers. The letter was read as information. Dr. Whittington stated that the Board would take it under advisement.

Advertising Question to the Board:

A question was posed to the Board for guidance to be given in answering advertising questions and especially advertising by general dentists. At this time it was stated that the staff refers inquirers to the statute section 40-15-130. The Board asked Dr. Goins and Dr. Alterman to write an article and work with Sara McCartha for advice and publication on advertising matters.

Ratification of Licenses and Registrations:

Newly issued licenses and registrations were presented to the Board for ratification for dates up through April 11, 2014.

**Motion:** Dr. Alterman made a motion to ratify the lists of licensed dentists, licensed dental hygienists, and registered dental technicians. Dr. Martin seconded the motion. The motion carried.

LEGAL:

There was no legal business.

UNFINISHED BUSINESS:

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

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

Sedation Senate Bill 1036 Report:

No report was made.

Teeth Whitening House Bill 3949 Update:

No update report was given.

Credentialing Fees Review:

Dr. Martin and Dr. Hazel gave their report of review of credentialing application fees in South Carolina and across the southeast. It was reported that the credential application fee in South Carolina was in line or lower than the surrounding states. They reported that the Board does have a substantially lower fee for credential applications if the applicant will come initially to serve in the underserved areas of the state for two years. They made a proposal to keep the fees the same.

**Motion:** Dr. Coombs made a motion to accept the Credentialing Fees Committee's findings and report this finding to the Governor that the fees should remain as they are. Dr. Hazel seconded the motion. The motion carried.

Ms. McCartha said a letter will be sent to the Governor.

DISCUSSION TOPICS:

Budgets:

Dr. Whittington discussed the budget of the Board and Mrs. Cox made explanations regarding revenue collection, expenditures - direct and indirect, and General Fund contribution. The Board asked that more members be allowed to attend conferences.

National Meetings and Conferences:

National meetings and conferences were discussed and their value to the licensure board noted. Dr. Whittington asked who would like to attend the annual AADB meeting in San Antonio, TX for October 7 - 9, 2014.

**Motion:** Mr. Schweitzer made a motion to send Dr. Whittington, Dr. Alterman, Dr. Martin, and Mrs. Cox. Dr. Coombs seconded the motion. The motion carried.

Mrs. Cox will ask for travel approval.

Governor's Prescription Drug Abuse Council Meeting:

Dr. Whittington discussed the Council meeting that was held on Thursday, April 10, 2014. He asked Dr. Alterman to be on the Council for dentistry, along with representatives from medicine, nursing, pharmacy, LLR senior staff, SLED, RPP, and representatives from the Governor's Office. Ms. McCarthy was asked to report this to the Council.

PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS and ADJOURNMENT:

It was announced the remaining meetings for 2014 are scheduled to be on July 11 and October 17. There being no further business or announcements Dr. Whittington adjourned the meeting at 2:00 p.m.

Respectfully submitted,

Kate K. Cox  
Administrator