

Minutes of the South Carolina Board of Dentistry
Business Meeting, Presentations, Reinstatement Hearing, and Disciplinary Hearings
January 13, 2012
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present:

David W. Jones, D.M.D., President
Charles F. Wade, D.M.D., Vice President
John M. Whittington, D.M.D., Secretary
Douglas J. Alterman, D.M.D.
Thomas M. Dixon, D.M.D.
Felicia L. Goins, D.D.S.
Z. Vance Morgan, IV, D.M.D.
Sherie G. Williams, R.D.H.

Board member with excused absence:

Eric C. Schweitzer, Esquire, Public Member

Staff and others present were:

Ashley Bailey, LLR Office of Investigations and Enforcement (OIE)
Ward Bradley, Esquire, Respondent Attorney
Dr. Coleman Lynwood Bramlett
Dr. Joseph E. Carlisle
Carolyn Coats, LLR Administrative Assistant
Kate K. Cox, LLR Administrator
Dr. Darren Cross, South Carolina Board of Oral and Maxillofacial Surgery
Lillia Ann Gray, LLR Litigation Attorney, Office of General Counsel (OGC)
Alexia Hall, LLR Office of Investigations and Enforcement (OIE)
Pat Hanks, LLR Litigation Attorney, Office of General Counsel (OGC)
Phil Latham, South Carolina Dental Association (SCDA)
David Love, LLR Office of Investigations and Enforcement (OIE)
Kathy Meadows, LLR Office of Investigations and Enforcement (OIE)
Dr. James Mercer, South Carolina Dental Association (SCDA)
Dr. Larry Nelson
Mary M. Nichols, R.D.H.
Jon E. Ozmint, Esquire, Respondent Attorney
Dr. Grover Rabon
Maurice Smith, LLR Office of Investigations and Enforcement (OIE)
Robin Spaniel, Thompson Court Reporter
Sheridon H. Spoon, Esquire, LLR Advice Attorney
Dr. Edward M. Wise, Sr., South Carolina Dental Association (SCDA)

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, President Dr. Jones called the meeting to order at 9:07 a.m. All votes referenced herein were unanimous unless otherwise noted. One excused absence was noted.

These minutes are a record of the motions and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website:
www.llr.state.sc.us/pol/dentistry

APPROVAL OF THE AGENDA AND MINUTES:

Motion: A motion was made by Dr. Dixon to approve the Agenda and Minutes as presented. Dr. Alterman seconded the motion. The motion carried.

DISCIPLINARY ISSUE REPORTS:

Investigative Review Committee (IRC) Report:

The IRC report was presented.

Motion: A motion was made by Dr. Dixon to approve the IRC report authorizing two (2) Formal Complaints, seventeen (17) dismissals, and seven (7) dismissals with Letters of Caution (LOC) and to approve the list of expert reviewers for 2012 as presented. Dr. Alterman seconded the motion. The motion carried.

Mrs. Cox introduced David Love, Chief of Investigations for the Office of Investigations and Enforcement. Mr. Love asked the investigators assigned to the Board of Dentistry to introduce themselves.

OIE and OGC Management Reports:

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

SOUTH CAROLINA DENTAL ASSOCIATION (SCDA) PRESENTATION:

Dr. Wise and Dr. Mercer from SCDA gave a presentation on "Anesthesia and Credentials of Those Administering Anesthesia". A discussion followed.

Motion: Dr. Wade made a motion to form a subcommittee consisting of Dr. Jones, Dr. Alterman, Dr. Goins, and Dr. Wade to study this issue. Dr. Dixon seconded the motion. The motion carried.

DISCIPLINARY MATTERS:

REINSTATEMENT HEARING: Mary M. Nichols, R.D.H.

Ms. Nichols, RDH appeared without representation to request reinstatement of her license. Mr. Spoon advised the Board and a court reporter was present. The reinstatement hearing proceeded. Discussion followed on requirements.

Motion: Dr. Dixon made a motion for re-evaluation of the license reinstatement requirement regarding the required type and the number of hours of continuing education. Ms. Williams seconded the motion. The motion carried. It was stated if appropriate requirements were met, Ms. Nichols was to be reinstated.

STIPULATION OF RECORDS: Charles R. Conner, Jr., D.D.S.:

In order to streamline the hearing process in Dr. Conner's case, Ruskin Foster, attorney for Dr. Conner, and Pat. Hanks, attorney for LLR stipulated to evidence the Board will hear at a later date for Dr. Conner. It was agreed upon.

DISCIPLINARY HEARING WITH CONSENT AGREEMENT: Coleman Lynwood Bramlett, Jr., D.M.D.

A disciplinary hearing was held with a Consent Agreement presented for Dr. Bramlett. Dr. Bramlett was represented by Jon Ozmint. Lillia Ann Gray represented the State, Sheridan Spoon advised the Board and a court reporter was present. A quorum was noted as present and the hearing proceeded.

Motion: Dr. Whittington made a motion to accept the Consent Agreement. The Agreement stated Dr. Bramlett's license will be on probation for a period of five (5) years beginning with the effective date of the agreement; he shall pay a fine of Five Thousand Dollars within six (6) months of the effective date of the agreement with failure to pay the fine resulting in the suspension of his license until the fine is paid in full; he must take and successfully pass an ethics course as approved by the Board of at least seven (7) hours at his own expense; and he must provide the Board with written proof of compliance within fifteen (15) days of completion of the course. Dr. Alterman seconded the motion. The motion carried.

DISCIPLINARY HEARING WITH MEMORANDUM OF AGREEMENT: Patrick Ryan Marcello, D.M.D.

A disciplinary hearing was held with a Memorandum of Agreement presented. Dr. Marcello was represented by Ward Bradley. The Board was represented by Lillia Ann Gray, Sheridan Spoon advised the Board, and a court reporter was present. A quorum was noted as present and the hearing proceeded.

Motion: Dr. Alterman made a motion to accept the Memorandum of Agreement and to order Dr. Marcello's license be suspended, immediately stayed and placed on probation for a period of five (5) years; to order he receive a public reprimand; to order he have a civil penalty of Ten Thousand Dollars (\$10,000.00) payable within ninety days; to order he complete sixteen (16) hours of continuing education in ethics and record keeping within one year; and to order he be limited to placing his patients to nothing beyond moderate sedation without the presence of a CRNA or anesthesiologist. Dr. Goins seconded the motion. The motion carried.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given by Mrs. Cox to include the new staffing list; the statistical report on number of licensees and licensing actions; the Legislative Omnibus Bill; reminder of the Statement of Economic Interest due on April 15, 2012; announcement of the next Board meetings to be April 27th, July 13th and October 12th; the announcement of a weekend hearing date on March 24th and 25th; update on the District 4 Board election; and update on the formation of District 7 to be addressed early in the current legislative session.

Financial Report:

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

Other:

Dr. Jones reported that Dr. Morgan has agreed to represent the Board on the Central Regional Dental Testing Service (CRDTS) Steering Committee.

UNFINISHED BUSINESS:

There was none.

NEW BUSINESS:

Letter from Patrick D. Braatz:

Dr. Jones presented a letter from Mr. Braatz, Executive Director of the Oregon Board of Dentistry regarding the American Dental Association (ADA) involvement in setting testing standards for licensure. The Board took this information under advisement and state testing is a state's issue, not an issue for the ADA.

Letter from David K. Oyster, D.M.D.:

Dr. Jones presented a letter from Dr. Oyster regarding Millennium Laser use by hygienists. The Board discussed this issue and based on their review of the practice act they would not be able to advise anyone that this was within the scope of practice of a hygienist.

Requests for Volunteer Dental Clinic Approvals:

Request for two approvals were presented to the Board.

Motion: Dr. Wade made a motion to approve East Cooper Community Outreach (ECCO) and Charleston Dental Clinic as volunteer dental clinics. Dr. Alterman seconded the motion. The motion carried.

Ratification of Licenses and Registrations:

Newly issued licenses and registrations were presented to the Board for ratification for the dates October 24, 2011 through December 21, 2011. (Attached)

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

DISCUSSION:

There was no discussion.

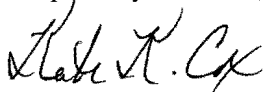
PUBLIC COMMENT:

There was no public comment

ADJOURNMENT:

Motion: There being no further business Dr. Dixon made a motion to adjourn. Dr. Wade seconded the motion. The motion carried. The meeting was adjourned at 3:00 p.m.

Respectfully submitted,



Kate K. Cox
Administrator