

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
April 14, 2017
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Arthur L. Bruce, DMD, President
Dennis A. Martin, DMD, Vice-President
Carolyn L. Brown, DMD
Walter J. Machowski, Jr., DMD
Eric C. Schweitzer, Esquire
Samuel M. Hazel, DMD
Paul S. Coombs, Jr., DMD

Dr. Philip M. Prickett, Dr. Z. Vance Morgan, IV and Jessica Keisler, RDH had excused absences.

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
Adrian Rivera, OIE Investigator
Adam Russell, LLR Advice Attorney
Prentiss C. Shealey, LLR Litigation Attorney ODC
Julia M. Blackwell, Court Reporter
Lee Muthig, RDH—MTC
Rocky Napier, DMD
Phil Latham, SCDA
Madeline Fogg, Compliance Navigation LLC
Pleas Faglie, Chief Investigator, OIE
John Henry Wessel, III, DMD
Karen Ann Tucker, DDS
Nachum Augenbaum, DDS
Lukman Bilal Beckles, DDS

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. Bruce, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Dr. Z. Vance Morgan, Dr. Philip Prickett and Jessica Keisler, RDH were not present. All votes referenced herein were unanimous unless otherwise noted.

APPROVAL OF THE AGENDA

Motion: Mr. Schweitzer made a motion to approve the agenda. Dr. Machowski seconded it. The motion carried.

APPROVAL OF MINUTES

Motion: A motion was made by Dr. Hazel to approve the minutes of the last meeting on January 20, 2017. Mr. Schweitzer seconded it. The motion carried.

REPORTS

OIE/ODC Management Reports

Prentiss Shealey presented the ODC Report.

She reported that they currently have 56 open cases, that's 45 Respondents: Eight are pending Consent Agreements; five are pending MOAs; 16 are pending panel hearings. One Respondent has seven cases.

There are 24 advertising cases which are listed. She stated that the 24 advertising cases that would be "pending Board Hearing", so the "zero" should be "24". There are no cases pending Orders. Their office has closed 15 cases. She discussed the process of how their office is handling advertising cases.

She presented addendum cases, which will be presented by the Chief Investigator for approval.

Mr. Schweitzer made a motion to accept her report. Dr. Hazel seconded it. The motion carried.

P. C. Faglie presented the IRC Report.

It was noted that the addendum submitted are LOCs (Letters of Caution).

He stated they are requesting 14 cases for dismissal. There are 20 active investigations.

After a discussion pertaining to the report, Mr. Schweitzer made a motion to accept the report and request that the fact scenario in 2016-96 be corrected to properly indicate who the Respondent and Complainants are. Other than that correction, Mr. Schweitzer made a motion to accept the report. Dr. Brown seconded it. The motion carried.

Administrator's Report

Dr. Melton presented the report by beginning with introducing our new Assistant Deputy Director, Mr. Robbie Boland.

Mr. Boland briefly spoke to the Board and handed his business card to each member.

Dr. Melton stated we currently have a total of 12,389 credentials. Since the last board meeting, we have 58 new licenses that are in different capacities.

She stated there are three dates scheduled for Disciplinary Panel meetings: April 21st, 19th and a date in May and June 16th.

The Financial Report was included in your board meeting materials for your review.

She stated the renewal period started on October 3rd and went through February 28th. However, we did need to extend it. As of tonight, the renewals will be closing and anyone who comes in after that time period will need to reinstate his/her license. There was a brief discuss on the reinstatement process.

Dr. Melton mentioned that the next Specialty Exam will be held on July 21st.

Dr. Melton stated the domestic violence course is only "highly recommended" by the Director and the Governor. It is not required, but they can use it for CE credits.

Dr. Melton mentioned that she is working on having the nitrous oxide and infiltration anesthesia examinations looked at by the educators in this state. She stated we are trying to move to online testing for these exams.

She stated the Sedation Committee will be meeting in the future to discuss some last-minute questions.

The next Board meeting is scheduled for July 14th, 2017.

ASP Presentation by American Association of Dental State Boards (AADSb)

The presentation was given via teleconference. Richard Hetke, Director of AADB, led the presentation.

He stated their mission is pretty simple. It's just to assist the dental board in their regulation of the dental profession and their protection of the public.

He reviewed a powerpoint presentation of their processes. (The Board had a paper copy of the powerpoint presentation.)

The Board then asked a few questions of which Mr. Hetke and/or Donna Adler, staff member of AADB, gave responses.

After the teleconference ended, Dr. Bruce stated that the Board would discuss this at some point as to how they would possibly utilize this resource.

Application Hearings

RE: Dr. Nachum Augenbaum—Initial Application

Dr. Augenbaum is seeking to become licensed as a dentist in this state. Dr. Augenbaum was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the Board because he did not take a clinical board exam that is required for licensure; he went through a residency.

Dr. Machowski made a motion to go into executive session to seek legal advice. Mr. Schweitzer seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Coombs seconded it.

Mr. Schweitzer made a motion that the board does not have authority to grant this license, and therefore, he reluctantly moves to deny the request. Dr. Hazel seconded it. Mr. Russell read a statement out of the Dental Practice Act, which determined their decision. The motion then carried.

RE: Dr. Lukman Bilal Beckles—Initial Application

Dr. Beckles is seeking to become licensed as a dentist in this state. Dr. Beckles was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the Board because he answered “yes” to questions 2 and 3 on the Personal History Information of the application.

Mr. Schweitzer made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

Dr. Machowski made a motion to come out of executive session. Mr. Schweitzer seconded it. The motion carried.

Mr. Schweitzer made a motion to accept Dr. Beckles’ application for licensure through credential and welcome him to South Carolina. Dr. Brown seconded it. The motion carried.

RE: Dr. Karen Ann Tucker—Initial Application

Dr. Tucker is seeking to become licensed as a dentist in this state. Dr. Tucker was not represented by an attorney. Mr. Russell advised the Board.

She was requested to meet with the Board because one part of the requirement to become licensed through credentials is to have actively practiced for a minimum of five years or 1200 hours immediately preceding the date of application. Dr. Tucker has been an oral maxillofacial surgeon resident. She is also a physician as well. During that time frame, she has been in a residency situation.

Mr. Schweitzer made a motion to accept Dr. Tucker’s application for licensure based upon the information presented to them. Dr. Machowski seconded it. The motion carried.

RE: Dr. John Henry Wessel, III—Initial Application

Dr. Wessel is seeking to become licensed as a dentist in this state. Dr. Wessel was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the Board because he answered “yes” to questions 2 and 3 on the Personal History Information of the application.

Dr. Machowski made a motion to go into executive session. Mr. Schweitzer seconded it. Dr. Coombs also seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Machowski seconded it. The motion carried.

Dr. Machowski made a motion that the Board accepts Dr. Wessel’s application for licensure through credential. Mr. Schweitzer seconded it. The motion carried.

NEW BUSINESS

Ratification of Licenses

Dr. Coombs made a motion to approve the ratification list as presented by staff. Dr. Hazel seconded it. The motion carried.

Question Regarding Letters of Recommendation for Dental Hygienist Applicants

Lee Muthig, Director of the Allied Dental Education Programs at Midlands Technical College, stated she was here to discuss the letter of recommendations that are required for applications for licensure for dental hygiene. She was requesting to the Board that the requirement of three letters of recommendation from three licensed dentists be changed to allow licensed dental personnel to write the letters. She stated some of the hygiene students do not have a dental home. After a brief discussion on the matter, Dr. Bruce stated they would take this under advisement.

Question Regarding S.C. Code Ann. Sec. 40-15-102

Dr. Melton stated that the office receives quite a few calls inquiring about whether or not a dental hygienist can work in the office without the dentist present. After a brief discussion, Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Hazel seconded it. The motion carried.

Dr. Bruce stated that the law is clearly outlined in Section 40-15-120, which indicates they have to be examined once a year by the doctor. Dr. Bruce also stated that it is pretty clear that patient exams cannot be done if the doctor is not there. No anesthesia or local anesthetic could be used for root cleaning. Dr. Machowski added that an exam by another specialist in a different practice does not count.

DISCUSSION TOPICS

Discussion on Infection Control and OSHA Continuing Education Courses

Dr. Rocky Napier, from the SCDA, stated Mr. Latham and he are here to seek help on a couple of things. Some of their membership are asking questions pertaining to CEs for infection control and OSHA CE requirements.

Dr. Bruce stated there will be four hours of required CE, two would be infection control and two would be OSHA.

Dr. Machowski further stated two different agencies require two different courses. The state board is going to require the sterilization, two hours every two-year period; and OSHA's requirement.

Further discussion took place. A vote was not taken after this discussion.

Slow-Speed Handpiece Sanitation and Manufacture Recommendations

Dr. Rocky Napier led a lengthy discussion pertaining to the sterilization of the slow-speed handpieces. He wanted to ensure he is informing their membership (SCDA) what the Board's stance is on this matter.

Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Coombs seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Hazel seconded it. The motion carried.

Dr. Martin stated that the Board is bound to follow through the guidelines as we have them now. The Board does encourage Dr. Napier to continue to see if he can get the CDC to make the official policy changes their official guidelines and then the Board can proceed further. Until that happens, the Board is bound to follow the guidelines as they are.

BOARD MEETING

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Madeline Fogg, from Compliance Navigation, LLC, had some questions pertaining to this matter. After a brief discussion took place, Dr. Bruce informed Ms. Fogg to send in a request to be placed on the agenda for the next board meeting. The Board would be happy to address her questions at that time.

Dr. Martin mentioned that the AADB meeting is coming up this month and they will meet again in October. He stated anyone wishing to attend those meetings needs to finalize their plans.

Dr. Brown stated she had submitted a request to attend. Dr. Melton, Administrator, stated there are restrictions on travel.

Dr. Machowski made a motion to approve Dr. Brown to attend along with one other person that is approved by the President to attend that meeting. Dr. Martin seconded it. The motion carried.

The Board then had a discussion pertaining to regional examinations.

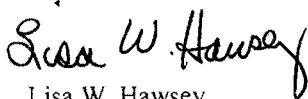
Dr. Hazel made a motion to go into executive session to seek legal advice pertaining to the previous discussion.

Dr. Coombs seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Coombs seconded it. The motion carried.

Dr. Bruce adjourned the meeting at 1:31. p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.