

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
July 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
Samuel L. Hazel, DMD, Secretary
Walter J. Machowski, Jr., DMD
Philip M. Prickett, DMD
Paul S. Coombs, Jr., DMD
Charles G. Bumgardner, DMD
Elaine A. Murphy, RDH
Jessica M. Keisler, RDH
Eric C. Schweitzer, Esquire, Public Member
Carolyn Brown, DMD had an excused absence.

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 Counsel
Dara Coleman, LLR Chief Advice Counsel
Prentiss C. Shealey, LLR Litigation Attorney ODC
Julia M. Blackwell, Court Reporter
Lee Muthig, RDH—MTC
Rocky Napier, DMD
Madeline Fogg, Compliance Navigation LLC
James M. Havird, DMD
Jewell Dorsey, DMD
Renee Shongo, DMD
Nathan Lloyd, DMD
Elena Tyrrell, RDH
Jennifer Thompson, RDH
Jessica Rau, DMD
Christy Haffner, DMD
Charles King, Jr., DMD
William E. Bruce, II, DMD
Todd Brown, DMD
Richard Offutt, DMD
Charles Elwell, III, DMD
Dr. Gary Holzclaw
Brett Hill, DMD
Kevin Lint, DENTSPLY
Bruce Garland, DENTSPLY

BOARD MEETING MINUTES

July 14, 2017

Page 2

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. Carolyn Brown had an excused absence.

Dr. Bruce introduced the new Board member, Dr. Charles Bumgardner. He is representing District 2.

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: Dr. Coombs made a motion to approve the minutes of the last meeting held on April 14, 2017. Dr. Machowski seconded it. The motion carried.

REPORTS

OIE/ODC Management Reports

IRC Report

Mark Sanders, Chief Investigator from OIE gave the report. He stated he is submitting 13 dismissals for approval.

Motion: Mr. Schweitzer made a motion to accept these as submitted. Dr. Coombs seconded it. The motion carried.

Mr. Sanders submitted one formal complaint for the board's approval.

Motion: Dr. Coombs made a motion to accept this as submitted. Mr. Schweitzer seconded it. The motion carried.

Mr. Sanders submitted three Letters of Caution for board approval.

Motion: Mr. Schweitzer made a motion to accept these as submitted. Dr. Hazel seconded it. The motion carried.

Mr. Sanders stated the statistical report in OIE for the first quarter ending March 31st has received 16 cases. For the quarter ending March 31st, there were 26 cases closed. As of today's date, they have 38 active cases. This concluded his statistical report.

ODC Report

Prentiss Shealey, Esquire, gave this report.

Currently, ODC has 35 open cases—which is 22 Respondents. There are six cases pending Consent Agreements.

There are ten cases pending Memorandum of Agreements. There are 17 cases pending for Panel Hearing—with only 8 Respondents. One Respondent has six cases. However, Respondent is quite ill and is not fit to stand a hearing. (Those six cases are on hold.) Two cases are pending a board hearing, which both will be held today.

There are no cases pending Order from Advice Counsel. Last year they closed 41 cases. Twenty-nine of those were held in the last three months. She stated she will discuss with Dr. Melton about scheduling more Panel Hearings.

Presentation: Discussion on Hand Pieces Sterilization Presentation by DENTSPLY

Bruce Garland from DENTSPLY introduced his team. Kathy Eklund joined the meeting via teleconference. After a lengthy presentation with various speakers and video presentations, the Board engaged in a discussion with the presenters. No votes were taken during or after the presentation.

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

Motion: Mr. Schweitzer made a motion to go into closed session. Dr. Machowski seconded it. The motion carried.

Disciplinary Hearing Case # 2016-5

A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss Shealey, Esq. The Respondent was not represented by an attorney. A court reporter was present. The closed hearing commenced.

After an off-the-record discussion, Ms. Shealey stated she would like to withdraw the Memorandum of Agreement at this time.

No votes were taken during or after the hearing.

Disciplinary Hearing Case #2016-55

Motion: Mr. Schweitzer made a motion to go into closed session. Dr. Coombs seconded it. The motion carried. A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss Shealey, Esq. The Respondent was not present.

The Board then voted on the matter with ayes and nays.

Seven accepted the Consent Agreement, four disagreed with the Consent Agreement.

Application Hearing—Initial Application

Dr. Brett Hill is seeking licensure as a dentist through credentials. Dr. Hill was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the board due to a “yes” answer on his application.

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

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

Dr. Pricket made a motion to grant Dr. Hill a license by credentials to practice in South Carolina. Mr. Schweitzer seconded it. The motion carried.

Application Hearing—Initial Application

Dr. Nathan Lloyd is seeking licensure as a dentist through credentials. Dr. Lloyd was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the Board due to a “yes” answer on his application.

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

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

Mr. Schweitzer made a motion to deny Dr. Lloyd’s application for licensure based on the statute. The application for licensure through credentials base on the provision in the S.C. Dental Practice Act does not allow the Board to approve a license, in particular with an unexpunged felony conviction. Dr. Bumgardner seconded. The motion carried. The Board emphasized to Dr. Lloyd that he could re-apply by successfully completing one of the Board approved regional examinations.

Application Hearing—Initial Application

Dr. Richard Offutt is seeking licensure as a dentist through credentials. Dr. Offutt was not represented by an attorney. Mr. Russell advised the Board

He was requested to meet with the Board due to a “yes” answer on his application.

Dr. Machowski made a motion to go into executive session to seek legal advice. Mr. Schweitzer wanted to state on the record that he would like to reflect that there was a complaint filed with the State Board, which was dismissed. There was also an expert who reviewed the file and disagreed with the complainant. Mr. Schweitzer then seconded the motion. The motion carried.

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

Dr. Bumgardner made a motion that the Board grant his licensed through credentials. Mr. Schweitzer seconded it. The motion carried.

Application Hearing—Initial Application

Dr. Jessica Rau is seeking licensure as a dentist through examination. Dr. Rau was not represented by an attorney. Mr. Russell advised the Board.

She was requested to meet with the Board due to a “yes” answer on her application.

Mr. Schweitzer made a motion to accept her application. Dr. Coombs seconded it. The motion carried.

Application Hearing—Request for Re-examination Appeal

Dr. Charles Elwell, III is seeking to appeal to be able to re-take the examination for the fourth time and he only requests to re-take the prosthodontics portion. Dr. Elwell was not represented by an attorney. Mr. Russell advised the Board.

Dr. Prickett made a motion to go into executive session to seek legal advice. Ms. Murphy and Mr. Schweitzer seconded it. The motion carried.

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

Dr. Machowski made a motion to deny Dr. Elwell’s request. Dr. Prickett seconded it. The motion carried.

Reinstatement Application With “Yes” Answer

Dr. Christy Haffner is seeking reinstatement of her South Carolina dental license. Dr. Haffner was not represented by an attorney. Mr. Russell advised the Board.

She was requested to meet with the Board because she held a South Carolina dental license which expired in 2003 and she had a “yes” answer under the personal history section of the application. According to statute and regulations, she must appear before the Board to explain her absence from practice and the board must assure her competency before reinstating her license.

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

Reinstatement Application With “Yes Answer

Dr. Todd Brown is seeking reinstatement of his South Carolina dental license. Dr. Brown was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the Board because he held a South Carolina dental license which expired in 2011 and he had a “yes” answer under the personal history section of the application. According to statute and regulations, he must appear before the Board to explain his continued competency before the Board reinstates his license.

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

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

Mr. Schweitzer made a motion to relicense him contingent on Dr. Brown doing one of two things: taking what has been referred as a reentry course to reestablish competency or at Dr. Brown’s option, take a recognized state board.

Dr. Coombs seconded it. Dr. Machowski stated that the reentry program needs to be approved by the President of our State Board. Mr. Schweitzer stated that this is an amendment to his motion, not a new motion, and he will accept that amendment. Dr. Coombs seconded it with the amendment. The motion carried.

Reinstatement Application

Dr. Charles P. King is seeking reinstatement of his South Carolina dental license. Dr. King was not represented by an attorney. Mr. Russell advised the Board. Dr. Bruce, President of the Board, recused himself from this hearing. Dr. King was requested to meet with the Board because he did not renew his license at the required renewal period. Dr. Prickett made a motion to reinstate his license and that he pay the required late fee. Dr. Bumgardner seconded it. The motion carried.

Reinstatement Application

Dr. James M. Havird is seeking reinstatement of his South Carolina dental license. Dr. Havird was not represented by an attorney. Mr. Russell advised the Board. Dr. Bruce, President of the Board, recused himself from this hearing. Dr. Havird was requested to meet with the Board because he did not renew his license at the required renewal period.

Dr. Prickett made a motion to reinstate his license and pay the required late fee. Mr. Schweitzer seconded the motion. The motion carried.

Reinstatement Application

Dr. Jewell Pompey Dorsey is seeking reinstatement of her South Carolina dental license. Dr. Pompey Dorsey was not represented by an attorney. Mr. Russell advised the Board.

Dr. Pompey Dorsey was requested to meet with the Board because she did not renew her license at the required renewal period.

Dr. Prickett made a motion to reinstate her license and pay the required late fee. Mr. Schweitzer seconded the motion. The motion carried.

Reinstatement Application (Teleconference)

Dr. Vineet Ganapati is seeking reinstatement of her South Carolina dental license. Dr. Ganapati appeared before the Board via teleconference. She was not represented by an attorney. Mr. Russell advised the Board.

Dr. Ganapati was required to meet with the Board because she did not renew her license at the required renewal period. Since she did not have a notary public in her presence to swear her in, her hearing will have to be postponed until the next Board meeting on October 13, 2017.

Dr. Machowski made a motion to extend her current license until the next board meeting, which she can either show up in person or have a notary present at the time of the teleconference. Mr. Schweitzer seconded it. The motion carried.

Reinstatement Application

Dr. William E. Bruce, II is seeking reinstatement of his South Carolina dental license. Dr. Bruce was not represented by an attorney. Mr. Russell advised the Board. Dr. Arthur Bruce, President of the Board, recused himself from this hearing.

Dr. Bruce was requested to meet with the Board because he did not renew his license at the required renewal period.

Dr. Prickett made a motion to reinstate his license and pay required late fee. Mr. Schweitzer seconded the motion. The motion carried.

Reinstatement Application

Elena Tyrrell, RDH is seeking reinstatement of her South Carolina dental hygiene license. Ms. Tyrrell was not represented by an attorney. Mr. Russell advised the Board.

Ms. Tyrrell was requested to meet with the Board because her dental hygiene license had expired in 2004.

According to the statute and regulations, she must explain her competency before being reinstated of her license.

Dr. Bruce asked all in favor of the motion to signify by saying "Aye". Eight members signified by saying "Aye" and one member opposed by saying "Aye". Her license is reinstated.

Reinstatement Application

Jennifer Thompson, RDH is seeking reinstatement of her South Carolina dental hygiene license. Ms. Thompson was not represented by an attorney. Mr. Russell advised the Board. Ms. Thompson was requested to meet with the Board because she did not renew her dental hygiene license at the required renewal period. Dr. Prickett made a motion to reinstate her license and pay the required late fee. Mr. Schweitzer seconded it. The motion carried.

NEW BUSINESS

Update On New PMP (SCRIPTS) Legislation and CE Requirement

Darra Coleman, Chief Advice Counsel, gave a presentation on the PMP (Scripts) legislation that just became effective at the end of this session. This impacts this board's professionals and some other healthcare professionals. The Board engaged in a discussion with Ms. Coleman pertaining to this matter, but no votes were taken during or after the presentation.

Ratification of Licenses

Mr. Schweitzer made a motion to approve the ratification list as provided by staff. Dr. Machowski seconded it. The motion carried.

Discussion on Board Members to Attend AADB Annual Meeting in Atlanta, GA on October 17-18, 2017

Mr. Schweitzer made a motion to send Dr. Martin, Dr. Coombs and the Administrator to the meeting. Ms. Murphy seconded it. The motion carried.

Dr. Martin made a motion to send Dr. Machowski and Dr. Brown as alternates. Mr. Schweitzer seconded it. The motion carried.

Mr. Schweitzer made a motion to strongly support that all four of those Board Members and the Administration be allowed to attend the meeting. Dr. Coombs seconded it. The motion carried.

Decision of Dental Hygiene License Application Requirement—Letters of Recommendations

Ms. Murphy made a motion to allow dental hygiene applicants to provide three letters of recommendations, with a minimum of one letter from a licensed dentist and the other two can be from licensed dental hygienists. Ms. Keisler seconded it. The motion carried.

Discussion on Laser Usage by Dental Hygienists

Dr. Gary Holtzclaw requested that the Board consider dental hygienists to use lasers in clinical practice. The Board engaged in a discussion with him on this topic. The Board will take the information under advisement. No votes were taken during or after the presentation.

Discussion on Practice Compliance Related to CDC Guidelines

Madeline Fogg, Consultant from Compliance Navigation LLC, had a few questions she presented to the Board. Her questions pertained to enforcement of audits of CEUs, audits of risk assessments, audits of policy documentation, in-office inspections proof of spore testing and labeling of instrument pouches. She also had questions pertaining to handpieces, spore testing and water quality. The Board engaged in a lengthy discussion with her regarding her questions. No votes were taken during or after this discussion.

Discussion on Application Questions/Procedures for “Yes” Answers

Adam Russell, Esquire, asked the Board if they would like to develop a list to determine if an application should be brought before the Board or not.

Mr. Schweitzer made a motion to have a committee to review applications so applicants do not have to wait to become licensed. Ms. Murphy seconded the motion. The motion carried.

REPORTS/INFORMATION

Administrative Information

Dr. Melton gave the Administrator’s report.

She stated she has been working with several educators to receive feedback regarding the nitrous oxide and infiltration anesthesia examinations. This is in preparation for the tests to be eventually offered online.

She discussed the next election process.

Dr. Coombs asked Dr. Melton about the status of the online CE credit reporting. Dr. Melton stated that she will check on that.

Dr. Melton stated the Sedation Committee will be meeting the first week of August.

Financial Report

The financial report is included in board meeting materials for your review.

Board Rep for MUSC CODA Site Visit

Dr. Machowski brought up a discussion on the ADEX exam process, since he is the representative from the Board.

Dr. Machowski asked if there was a plan to for this board to accept the CITA exam for dental hygienists, since the Board accepts it for dental applicants. Mr. Russell, Advice Counsel, stated that there will not be a change at this time. Subsequently, some discussion took place on how regional exams are approved by the Board.

Botox Collaborative Committee Update

Dr. Martin stated that they are looking to the Medical Board to give them leadership in what they can do. Dr. Prickett stated that we will continue to work together to come up with joint policies in the near future.

LEGAL

Executive Session to Provide Legal Advice Regarding Recent Fifth Circuit Case

Dr. Machowski made a motion to go into executive session. Dr. Martin 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 to give an excused absence for Dr. Brown today. Ms. Murphy seconded it. The motion carried.

Dr. Bruce adjourned the meeting at 4:28 p.m.

Respectfully submitted,

Lisa W. Hawsey
Admin. Asst.