

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
July 8, 2016
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Z. Vance Morgan, IV, D.M.D., President
Arthur L. Bruce, D.M.D., Vice President
Dennis A. Martin, D.M.D., Secretary
Carolyn L. Brown, D.M.D.
Philip M. Prickett, DMD
Walter J. Machowski, Jr., D.M.D.
Elaine A. Murphy, R.D.H.
Eric C. Schweitzer, Esquire
Dr. Samuel M. Hazel
Dr. Paul S. Coombs, Jr.

Board members with excused absence:

Jessica Keisler, RDH, had an excused absence.

Staff and others present were:

Dr. Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
Pleas Faglie, OIE Investigator
Adrian Rivera, OIE Investigator
Adam Russell, LLR Advice Attorney
Prentiss C. Shealey, LLR Litigation Attorney ODC
Erin Baldwin, LLR Litigation Attorney ODC
Melissa Blackwell, Court Reporter
Rick Wilson, Esquire
Travis Dayhuff, Esquire
Dr. Kristy Greenfield
Megan K. Skodras, RDH
Brooke Middleton Altman, RDH
Sherri Lydon, Esquire

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. Morgan, Board President, called the meeting to order at 9:00 a.m. All votes referenced herein were unanimous unless otherwise noted. An excused absence was noted for Jessica Keisler, RDH.

APPROVAL OF THE AGENDA:

Motion: A motion was made by Dr. Hazel to approve the Agenda. Dr. Machowski seconded the motion. The motion carried.

APPROVAL OF THE MINUTES:

Motion: A motion was made by Mr. Schweitzer to approve the Minutes of the last meeting on April 15, 2016. Dr. Prickett and Ms. Murphy seconded the motion. The motion carried.

Dr. Morgan introduced the new Board Administrator, Dr. Rita Melton.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Reports:

The IRC report was presented by Pleas Faglie, OIE Investigator.

Motion: A motion was made by Mr. Schweitzer to accept the report with the exception of the first matter and take that one under consideration and approve the report otherwise. Dr. Coombs seconded the motion. The motion carried.

OIE and ODC Management Reports:

Prentiss Shealey, Attorney from the Office of Disciplinary Counsel, presented the ODC Report. They have 33 open cases, 3 are currently pending Consent Agreements; 9 are pending Memorandum of Agreements; 15 are pending Panel Hearings; 1 is pending a Board hearing; 5 are pending Orders. They have closed 14 cases.

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

Motion: Dr. Bruce made a motion to go into private session for the disciplinary hearings. Ms. Murphy seconded the motion. The motion carried.

Disciplinary Hearing—MOA—Case No. 2015-123

A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Erin Baldwin, Esq. The Respondent was present and was represented by his attorney, Sherri A. Lyndon, Esq. A court reporter was present. The closed hearing commenced.

Motion: Dr. Hazel made a motion to go into executive session to receive legal advice on this matter. Dr. Coombs seconded it. The motion carried.

Motion: Mr. Schweitzer made a motion to return to open session. Dr. Bruce seconded it. The motion carried.

Motion: Dr. Coombs made a motion that the Respondent's license be immediately suspended with such suspension stayed and his license placed on a five-year probationary status, subject to the Respondent's compliance with the following conditions: Respondent's wife must serve as Respondent's supervising dentist, to be present during all hours that Respondent works; no use of his DEA license; no Scheduled medications or sedation to take place in his workplace; Respondent may not complete surgical procedures except those requiring local anesthesia; that Respondent maintains reasonable hours of, or less than, 40 hours per week; and that a \$10,000 fine be payable within 30 days of this Order; Respondent must appear before the Board at the conclusion of the probationary period to seek full reinstatement of his license. Mr. Schweitzer seconded it. The motion carried.

Petition for Release from Requirements Contained in Board Order

Dr. Prickett made a motion to go into closed session to protect certain confidential information. Dr. Coombs seconded it. The motion carried. Mr. Russell advised the Board. The Respondent was represented by his attorneys, Travis Dayhuff, Esq. and Susan Nelson Esq. Also, present during the hearing were Richard P. Wilson, Frank Sheehan, Tia Cooper and Diane Mullis, M.D. The closed hearing commenced.

Motion: Mr. Schweitzer made a motion to go into executive session to seek legal advice on this matter. Dr. Coombs seconded it. The motion carried.

Motion:

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

Motion:

Mr. Schweitzer made a motion to dismiss this case based upon lack of jurisdiction. Dr. Coombs seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of closed session. Dr. Brown seconded it.

Appearance to Discuss Request to Modify Botox Policy—Dr. Krystal Teague and Dr. Maylyn Price

Dr. Teague mentioned she will be the one doing the actual presentation. They are requesting a revision in the Botox policy to remove the limitation of the “perioral”. After much discussion with the Board, Dr. Morgan informed them the Board would review their request.

REPORTS/INFORMATION:

2016 Summer Board Newsletter Items—Dr. Dennis Martin

Dr. Martin stated between the president and Dr. Melton, he is looking to see if they can provide a newsletter at least twice year. The newsletter will be online.

Application Hearing--Reinstatement

Dr. Richard M. Forbes, DMD was scheduled to meet with the Board via teleconference to request reinstatement of his dental license. After unsuccessfully attempting to contact him via telephone, the Board deferred his reinstatement hearing to potentially meeting with them at their next scheduled board meeting on October 14, 2016. Mr. Schweitzer made a motion to request his presence at the October 14, 2016 board meeting. Dr. Bruce seconded it. The motion carried.

Application Hearing—Initial Application

Mr. Schweitzer made a motion to go into closed session for the hearing to protect certain confidential information. Dr. Bruce seconded the motion. The motion carried.

Dr. Kristy Greenfield is seeking licensure by credential to practice dentistry in this state. She was asked to appear before the Board to provide the final disposition on a matter she referred to on her application. Dr. Greenfield was not represented by an attorney.

Dr. Machowski made a motion to go into executive session to receive legal advice on this matter. Dr. Bruce seconded it. The motion carried.

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

Dr. Bruce made a motion to grant her a South Carolina license. Dr. Coombs seconded it. The motion carried.

Application Hearing—Initial Application

Dr. Morgan stated the Board is in closed session to protect certain confidential information.

Megan K. Skodras is seeking licensure as a dental hygienist in this state. She was requested to meet with the Board because she answered “yes” to a question on the personal history information page of the application. She was not represented by an attorney.

Dr. Coombs made a motion to go into executive session to receive legal advice on this matter. Dr. Brown seconded it. The motion carried.

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

Dr. Bruce made a motion to grant her a dental hygiene license and encourage her to be careful from now on. Mr. Schweitzer seconded the motion. The motion carried.

Application Hearing—Initial Application

Dr. Morgan stated the Board is in closed session to protect certain confidential information.

Brooke A. Middleton is seeking licensure as a dental hygienist in this state. She was requested to meet with the Board because she had a “yes” answer on her application. She was not represented by an attorney.

After a brief discussion with Ms. Middleton, Dr. Machowski made a motion to grant her a dental hygiene license. Dr. Prickett seconded the motion. The motion carried.

NEW BUSINESS

Appointment of Dr. Walt Machowski to Serve as the New Board Representative to ADEX—Dr. Morgan

Dr. Morgan stated Dr. Machowski seeks approval from the Board to be the representative to ADEX. He would serve in the House of Delegates and represent South Carolina for us.

Mr. Schweitzer made a motion to appoint Dr. Machowski. Ms. Murphy seconded it. The motion carried.

Discussion on board members to attend the AADB and ADA Annual Meetings in Denver, CO on October 18-24, 2016

Dr. Morgan requested that as many board members and the administrator -attend these meetings, if possible this year due to the topics being discussed such as a discussion on the different paths to initial licensure, licensing compacts, endorsement across states, etc. With much discussion, several Board members expressed an interest in attending.

Discussion on guidance for Board staff on applicants with “yes” answers on license applications, etc.

Mr. Schweitzer made a motion to allow the president or designees of the president to review and approve or disapprove license applications that have some reflection, or a “Yes”: answer on question, 3, and make it a substantive decision as to whether or not he can be approved “as is” or whether it needs to come before the Board for initial licensing. Dr. Bruce seconded it. The motion carried.

Discussion on advertising issues related to dentists offering discounts to new patients, groupons, split fees, signage, etc.

Mr. Schweitzer made a motion to go into executive session to receive legal advice on this matter. Dr. Coombs seconded the motion. The motion carried.

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

Dr. Morgan stated after getting legal counsel, the Board has the opinion that coupons are legal; groupons and split fees are not legal.

Discussion on ex-military dental assistants entering public sector request for waiver for exemption taking radiography certification course based on documented evidence of military training and certification credentials

Dr. Morgan stated there is a request for a waiver for exemption taking radiographic certification courses based on documented evidence of military training and certification credentials. Dr. Melton stated this request came from the South Carolina Dental Association. After much discussion on the matter, Dr. Coombs made a motion that ex-active duty military dental assistants entering the public sector be given a waiver for exemption from taking the radiography certification course, based on their documenting evidence of their military training and certification credentials. Dr. Brown and Ms. Murphy seconded it. The motion carried.

Ratification of Licenses

Dr. Coombs made a motion to ratify. Mr. Schweitzer seconded. The motion carried.
Dr. Morgan stated all licensed have been ratified.

Approval of Dr. Martin to be Reappointed to the SRTA Dental Exam Committee

Dr. Hazel made a motion to keep Dr. Martin on the committee to represent our Board. Mr. Schweitzer seconded it. The motion carried.

Administrative Report

Dr. Melton reported to date we have had 276 applications submitted in all categories. That includes licenses; certifications; monitoring nitrous oxide; monitoring infiltration anesthesia; and also portable and mobile applications. The Board has issued 76 licenses or certifications in the April/May timeframe. Since the last Board meeting, we have had 76 individuals who have taken the nitrous exam, with one failure; we've had 20 individuals who have taken the infiltration exam, 13 passed, 7 failures. Since the last board meeting, in all categories, there are 11,905 credentials. On July 15th there was a specialty exam. There were 19 candidates for that exam. We have a couple of Panel Hearings scheduled. Dr. Melton stated the Sedation Regulation Committee is scheduled to work on the protocols needed in order to implement the applications and permits mandated by the new legislation starting in September.

WREB Exam Observation Report

Dr. Morgan stated he attended the WREB Exam held at the University of Southern California from June 17th through June 20th in Los Angeles, CA. Dr. Morgan gave an extensive and favorable report of his experience observing the WREB Exam. He stated the Director of Exam Administration, Dr. Bruce Horn, along with the Director of Hygiene Administration has been asked to attend our next meeting in October to answer questions about WREB and to do a presentation as well.

Public Comments

Ms. Shealey wanted to know if the Board voted on the case from the IRC Report- the case with the non-delivered crown.

Dr. Bruce made a motion to go into executive session to receive legal advice on this matter. Dr. Coombs seconded it. The motion carried.

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

Dr. Machowski made a motion that the IRC case number 2015-79 be changed to – issue a Letter of Caution and inform the dentist that he needs to be careful about placing himself in situations where he does not have the ability to complete work that is started. Dr. Bruce seconded it. The motion carried.

BOARD MEETING MINUTES
July 8, 2016
Page 6

Adjournment

With no further business, the meeting adjourned at 3:12 p.m.

Respectfully submitted,

Lisa W. Hawsey
Admin. Asst.