

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
April 15, 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.
Jessica M. Keisler, R.D.H.
Philip M. Prickett, DMD
Walter J. Machowski, Jr., D.M.D.
Elaine A. Murphy, R.D.H.
Eric C. Schweitzer, Esquire

Board members with excused absence:

Samuel M. Hazel, DMD and Paul S. Coombs, Jr., DMD

Staff and others present were:

Lisa Hawsey, LLR Administrative Assistant
Nancy Flores, Administrative Assistant
Lorie Graham, OIE Investigator
Dylan Sitterle, LLR
Mark Sanders, OIE Chief Investigator
Adrian Rivera, OIE Investigator
Adam Russell, LLR Advice Attorney
Prentiss C. Shealey, LLR Litigation Attorney ODC
Erin Baldwin, Esq., LLR Litigation Attorney ODC
Melissa Blackwell, Thompson Court Reporter
Jennifer E. Ferreira, DDS
James Wisner, DMD
John Bradley
C. B. McDonald, DDS
Sloan P. Ellis
William R. Miller, DMD
Ryan Beasley
Steve Lenker
Rocky Napier
Phil Latham
Rita Melton, DMD, BSN, RN
J. Ronald Smith, DDS
Paulette Bentley, RPP

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

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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. Excused absences were noted for Dr. Coombs and Dr. Hazel.

APPROVAL OF THE AGENDA:

Motion: A motion was made by Dr. Bruce 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 January 15, 2016. Dr. Machowski seconded the motion. The motion carried.

Dr. Philip M. Prickett was introduced as the new board member.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Reports:

The IRC report was presented by Lori Graham, OIE. The report was from the IRC held on March 31, 2016.

Motion: A motion was made by Dr. Bruce to approve the IRC Report as presented for 20 Dismissals, 4 Formal Complaints, and 9 Letters of Caution. Ms. Murphy seconded the motion. The motion carried.

Motion: A motion was made by Mr. Schweitzer to approve the written formal complaints. Dr. Bruce seconded the motion. The motion carried.

OIE and ODC Management Reports:

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

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

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

Disciplinary Hearing - Case 2011-11

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

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

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

Motion: Dr. Bruce made a motion that the Respondent's license be placed in good standing and probation lifted. Dr. Prickett seconded the motion. The motion carried.

Hearing for Case OGC-07-0006, OIE 2007-39

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 not represented by counsel. A court reporter was present. The closed hearing commenced.

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

Motion: Mr. Schweitzer made a motion to return to Open Session. Ms. Murphy seconded the motion. The motion carried.

Motion: Dr. Machowski made a motion to reinstate his license. Mr. Schweitzer seconded the motion. The motion carried.

Hearing for Case # 2015-40

A hearing to request to be released from RPP was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss C. Shealey, Esq. The Respondent was present via telephone and represented himself with waiver of counsel. He was sworn in by Notary Public, Terri Granger, at his office in Mt. Pleasant, S.C. A court reporter was present. The closed hearing commenced.

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

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

Motion: Mr. Schweitzer made a motion that he can be released from RPP and from the monitoring contract. Dr. Prickett seconded the motion. After a discussion led by Dr. Machowski, the motion was carried.

Disciplinary Hearing Panel Recommendation for Case Nos. 2011-57, 2011-74, 2012-12, 2014-70 and 2015-99

A hearing was held for the Respondent. He was represented by his attorney, John Bradley. Mr. Russell advised the Board. The State was represented by Prentiss Shealey, Esq. A court reporter was present. The closed hearing commenced.

Motion: Dr. Machowski made a motion to go into Executive Session. Ms. Murphy seconded it.

Motion: Mr. Schweitzer made a motion to return to Open Session. Dr. Bruce seconded it.

Mr. Schweitzer made a motion re the Board's actions to specifically address each of the cases that came before them, in particular case no. 2011-21 (which should be 2012-12). The Panel had recommended that they find a standard of care violation regarding one of the two patients in that case, which is B.K.; Mr. Schweitzer would like for his motion to address that part of that case and 2014-70 and 2014-99. Re: the first: he would move with regard to case no. 2011-21 (which should be 2012-12) that they find there was a violation of the Practice Act and that the Board require the Respondent to take a 1 hour CE course on crowns and bridge. Re: case no. 2014-70: Mr. Schweitzer would like to move that the Board adopt the Panel's recommendation that violated the Practice Act—the Panel recommended just a flat \$3,000.00 sanction; it wasn't allocated between any of the cases—Mr. Schweitzer would recommend to allocate \$2,000.00 of the monetary sanction to case no. 2014-70 and allocate \$1,000.00 to case no. 2014-99. In addition, he would like to adopt the Panel's recommendation and ask for 10 hours of CE on ethics and advertising, probably 5 hours of each if there are appropriate 5-hour courses; He would like to adopt the recommendation of the Panel that there be a public reprimand; and that lastly, the Respondent's license be placed on Probation until he has complied with all of the terms that were set forth which would be: payment of monetary

sanctions and completion of CEs. Further, the Respondent's license could be restored in a non-probationary status without having to come back to this Board for any additional proceedings.
Dr. Martin seconded the motion. The motion carried.

MOA: Case No. 2015-122

A Memorandum of Agreement hearing was held for the Respondent. The Respondent was represented by Sloan Ellis, Esq. Mr. Russell advised the Board. The State was represented by Erin Baldwin, Esq. A court reporter was present. The closed hearing commenced.

Dr. Machowski made a motion to go into Executive Session.

Mr. Schweitzer seconded it.

Mr. Schweitzer made a motion to go back into Open Session.

Dr. Machowski seconded it.

Motion: Dr. Machowski made a motion that the Board immediately reinstate his license and that it be immediately suspended and stayed upon completion of five years with the RPP program, with an additional three years of the Senior Program and paying a fine of \$5,000.00 within 30 days. He will need to come back before the Board after the three year Senior RPP Program to seek release of terms. After a brief discussion, Dr. Bruce seconded the motion. The motion carried.

Application Hearing

Dr. Jennifer Ferreira came before the board to seek approval for her license as a dentist in this state. Dr. Ferreira met with the Board without counsel. Adam Russell, Esq, is the Board's advice attorney. Her application was placed before the Board because her application could not be approved at staff level.

Mr. Schweitzer made a motion to go into Executive Session. Ms. Murphy seconded the motion.

Dr. Prickett motioned to come back into Open Session. Dr. Machowski seconded it.

Motion: Dr. Machowski made a motion for Dr. Ferreira's application to be approved for licensure as a General Dentist. Ms. Murphy seconded. The motion carried.

Presentation on CE Broker---Dyan Sitterle, LLR

Mr. Sitterle reviewed the process of which CE Broker keeps track of the continuing education hours of the various licensed professionals. The Board took this information under advisement.

Appearance to Discuss General Anesthesia/Deep Sedation----Dr. Eleni Kennedy Correspondence

They reviewed Dr. Kennedy's letter concerning anesthesia and will refer this to the Sedation Committee. Those named on the committee are: Dr. Philip Prickett, Dr. Carolyn Brown, Dr. Charles Wade and Dr. Felicia Goins.

Approval of Volunteer Clinic: ROC Dental

Dr. Machowski made a motion to approve them as a Volunteer Clinic. Ms. Murphy seconded it. The motion carried.

Correspondence from Dr. Jon Miller Re Opinion On In-Office Dental Discount Plans

Dr. Machowski made a motion that our legal department look into it and get back to the Board. Dr. Prickett seconded it. The motion carried.

Ratification of Licenses:

The list of persons licensed since the last Board meeting on January 15, 2016 was presented.

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

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given by Lisa Hawsey. Panel meeting dates scheduled at April 22nd and August 19th. The Financial Report is provided as information. Our next board meetings are scheduled for July 8, 2016 and October 14, 2015.

AADB Report—Dr. Morgan, others

Dr. Morgan stated he did not attend the AADB meeting in Chicago because he was sick. Dr. Brown, Dr. Bruce and Dr. Coombs did attend.
Dr. Morgan gave information re ERA and D-PREP and remediation, which is basically a remediation program to try to assist Boards
Dr. Brown spoke re her attendance at the AADB meeting. She stated the meeting was co-sponsored by the American Dental Association and the American Dental Education Association. She stated the two-day session focused on the concept of the “evolving dental team” and went on to explain the details surrounding that concept.

LEGAL:

There was no legal discussion.

DISCUSSION TOPICS:

There were no discussion topics.

PUBLIC COMMENTS:

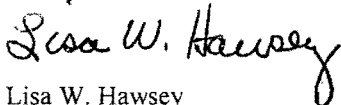
There were none.

ANNOUNCEMENTS AND ADJOURNMENT:

Dr. Morgan announced the next board meeting dates which are July 8th and October 14th

Dr. Morgan adjourned the meeting at 4:25 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.