

MINUTES
South Carolina Board of Dentistry
Teleconference Board Meeting

9:00 a.m., October 9, 2020

Public notice of this meeting was properly posted at the S.C. Board of Dentistry office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. In accordance with the Governor's directives regarding social distancing, the meeting will be held via teleconference. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

BOARD MEMBERS PRESENT:

Carolyn Brown, DMD – President
Walter Machowski, Jr., DMD – Vice President
Charles Bumgardner, DMD - Secretary
Murtuza Ansari, DMD
Elizabeth Marchi, RDH
Donald Marler, DMD
William Stewart, DMD

SCLLR STAFF PRESENT:

Bob Horner, esq., Office of Advice Counsel
Meredith Buttler, Board Administrator
Prentiss Shealey, esq., Office of Disciplinary Counsel
Courtney Clark, Office of Disciplinary Counsel
Christa Bell, Office of Investigations and Enforcement
Lorie Graham, Office of Investigations and Enforcement

PRESENT:

Melissa Blackwell, Court Reporter	Madison Currie, RDH
Tia Cooper, RPP	Mary Haigler, DDS
James Mercer, DDS	Amy Natoli
Phil Latham, SCDA	Karen McPherson, DMD – MUSC
Latecia Cobbs, RPP	Philip Prickett, DMD
Robyn Madden, RPP	Gary Pickard, Pacific Dental
Rebecca Payne, RPP	Renee Spencer, RDH
James Ripley, DDS	Rocky Napier, DMD
Raymond Kessler, DMD – MUSC	Lee Muthig
Anastasia Graham	Jerry Walker, DMD - SRTA
Jessica Bui, SRTA	

CALL TO ORDER: President Brown called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Marchi/Machowski/approved.

INTRODUCTION OF BOARD MEMBERS

Each Board member provided a brief introduction of themselves.

APPROVAL OF EXCUSED ABSENCES

No absences for approval.

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes for the July 10, 2020 meeting.
Bumgardner/Stewart/approved.

PRESIDENT'S REMARKS

Dr. Brown thanked those for attending the meeting.

Vice-President, Walter Machowski, requested clarification on board members serving after their term has official expired. Mr. Horner referenced the Board's practice act which allows board members to serve until they resign or are replaced. Dr. Machowski asked if vacant seats are counted towards the quorum totals. Mr. Horner clarified that vacant seats are not counted when determining if the Board has a quorum during a meeting.

STAFF REPORTS

- a. Office of Investigations and Enforcement Statistical Report
On behalf of Ms. Angela Baldwin, Ms. Buttler reported that through the third quarter the Board had received a total of sixty five (65) complaints and through the second quarter thirty nine (39) cases have been closed.
- b. Investigative Review Committee Report
On behalf of Ms. Baldwin, Ms. Buttler reported the IRC Committee met on October 1, 2020, recommending nine (9) cases for dismissal, five (5) letters of caution and one (1) formal complaint.

Motion: To enter into executive session for legal advice concerning recusement.
Bumgardner/Machowski/approved.

Motion: To enter into public session.
Machowski/Bumgardner/approved.

Board President, Dr. Brown, noted for the record that no votes or actions were taken while in executive session.

Motion: To accept the nine (9) cases for dismissal.
Ansari/Marler/approved.

Motion: To accept the four (4) cases for dismissal with a letter of caution, excluding 2020-33.
Bumgardner/Ansari/approved.

Motion: To accept the case 2020-33 for dismissal with a letter of caution. Dr. Bumgardner recused himself from the voting.
Stewart/Ansari/approved.

Motion: To accept the one (1) cases for formal complaint.
Stewart/Marler/approved.

c. Office of Disciplinary Counsel

Ms. Shealey reported there are currently thirty one (31) cases open, comprised of eighteen (18) respondents. Of the thirty one (31) cases, one (1) is pending Consent Agreement, one (1) is pending MOA, ten (10) are pending rescheduling, and one (1) is pending Board Hearings and two (2) have been closed.

DISCIPLINARY HEARING

a. 2018-160 Panel Recommendation

Ms. Shealey stated the case has been rescheduled for the January 15, 2021 Board Meeting.

b. 2011-72 Consent Agreement

The respondent did not appear before the Board for a Consent Agreement hearing held in closed session.

Motion: To accept the Consent Agreement.
Bumgardner/Marler/approved.

c. 2019-83 Memorandum of Agreement

The respondent appeared before the Board for a closed Memorandum of Agreement hearing. Respondent was not represented by counsel and was sworn in by the court reporter.

Motion: To accept the Memorandum of Agreement including the finding of facts and violations. The Board will impose the following sanctions: respondent shall be issued a private reprimand requiring practice in a group setting until further notice by the Board. Respondent is to be placed on probation for a period of five years and is required comply with other terms and conditions known to the Board and the

Respondent.
Machowski/Marler/approved.

APPLICATION HEARING

a. James Ripley, DMD

Dr. Ripley appeared before the Board for an application hearing in open session. He was not represented by counsel and was sworn in by the Board President, Dr. Carolyn Brown. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To deny Dr. Ripley licensure by credential due to not having completed the required seventy (70) hours of continuing education within the last five years.
Bumgardner/no second.
Motion withdrawn

Motion: To approve Dr. Ripley licensure by credential pending proof of submission of the required seventy (70) hours of continuing education within the last five years.
Marler/Ansari/approved.

b. Madison Currie, RDH

Ms. Currie appeared before the Board for a hearing. She was not represented by counsel and was sworn in by the court reporter. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve Ms. Currie's application for dental hygiene.
Marchi/Machowski/approved.

REPORTS

a. RPP Contract

Ms. Tia Cooper, Robyn Madden, and Dr. Rebecca Payne were present from Recovering Professionals Program. Ms. Madden shared with the Board that RPP's contract with LLR has been renewed and with the renewal, RPP is offering additional services. Ms. Madden presented an overview of new service offerings and requested the ability to send a questionnaire to all Board members to ensure RPP is serving the Board properly. Ms. Buttler will coordinate the sending and collection of questionnaires.

b. SRTA Annual Meeting

The 45th Annual SRTA Meeting was held July 30 – August 1, 2020 in Virginia. Dr. Ansari attended the meeting and provided the Board with a written report.

c. Manikin Examinations

Dr. Brown reminded the Board that the manikin-based clinical examinations for dental and dental hygiene have been approved for acceptance by the Board through December 31, 2020. The Board members were presented reports from CITA, CDCA, CRDTS and SRTA. Dr. Jerry Walker of SRTA was present for the meeting and provided additional information on the manikin examination and the improvements to the teeth being utilized for the examinations. Dr. Walker reported that to date there has been positive feedback from both the candidates and the examination administrators. Ms. Marchi attested to having received positive feedback regarding the dental hygiene manikin clinical and although it was noted that the teeth did not feel 100% like human teeth, she was very satisfied in the steps being taken by the examination agencies to continue to improve the product and experience. Ms. Lee Muthig participated in the meeting, reminding the Board that the school clinics have not yet opened and therefore the manikin-examinations remain the only avenue to test.

d. MUSC Update

Dr. Raymond Kessler, DMD, and Dr. Karen McPherson, DMD, presented an overview of the adjustments MUSC has made in response to COVID. Dr. McPherson presented the modified offerings to the D4 students to ensure they will meet all requirements for graduation. Dr. Machowski asked if there had been any reported cases of COVID due to transmission in the clinics. Dr. McPherson reported there had not been any cases linked to transmission in the clinics and all reported cases were found to be through student socialization outside the clinic setting. Dr. Machowski inquired as to why live patient clinical examinations were not being given due to the report of no transmission of COVID in the clinical setting. Dr. McPherson reported the logistics to run the live-patient clinicals for all the eligible students over the same weekend would not work in the present restricted clinic environment. The requirement of a live-patient clinical examination would place an unnecessary additional burden on student and resources.

Motion: To circumvent the Board from calling a special meeting in December to review the continuance of manikin based clinical acceptance, the acceptance should be extended for both the dental and dental hygiene manikin-based clinical examinations through December 31, 2021.

Bumgardner/Stewart

Dr. Machowski objected to the motion and requested the Board wait to vote on an extension until further reports have been provided by the examination agencies. Dr. Machowski also urged the schools to begin developing revised exam schedules to work through the hurdles of the live-patient examinations. Dr. Ansari objected stating the schools need to know now what the Board's position is on acceptance so they can inform their students and plan accordingly.

Motion: To extended the acceptance for both the dental and dental hygiene manikin-based clinical examinations through December 31, 2021.

Bumgardner/Stewart

Machowski opposed

Approved.

Motion: To enter into executive session for legal advice. Administrator included not for the purposes of discussion but for facilitation of software.
Machowski/Marler/approved.

Motion: To enter into public session.
Stewart/Ansari/approved.

Board President, Dr. Brown, noted for the record that no votes or actions were taken while in executive session.

e. **Administrator Report**

Ms. Buttler reported there are currently 2,906 active general dental licenses, 721 active specialty licenses, 4,336 dental hygiene licenses and 5,212 dental assisting with nitrous oxide monitoring certificates, 203 dental technician licenses and 7 orthodontic technicians. The Board's current cash balance as of August 31, 2020 is \$3,388,609.92.

Ms. Buttler reported the Mobile Unit and Portable Dental Operations renewals closed on September 30, 2020. At the close of renewals, 12 mobile units had renewed, 11 are currently pending inspection and 38 portable dental units renewed, 1 is pending inspection. As a reminder, those registrations are annual renewals.

Dental renewals will be opening soon and will remain open till December 31, 2020 with late renewals commencing on January 1, 2021 and running to February 28, 2021. Reminder that CE Broker is not mandatory for this renewal cycle. This information has been included on the renewal notice and the online renewal application. Additionally, as previously discussed and approved, the board renewal cycle will shift to match the CE cycle and be in better alignment with the Board statutes. Following this renewal, licensure cycle will run from January 1 of odd number years to December 31 of even numbered years. Renewals will continue to have the late renewal period as specified from January 1 of odd number years to February 28 of odd number years.

Additionally included on this renewal cycle will be the inclusion of the sedation permit renewal as per S.C. Regulation 39-17(I). The \$200 biennial fee will be in addition to the regular license renewal fee. As with the regular license, the sedation permit renewal will be a flat \$200 fee and not affected by the number of facilities the licensee is utilizing the sedation permit in.

Ms. Buttler stated the Election for District 7 board seat has been concluded and Board staff will be conducting a double blind count. Following the close of the election, it was brought to the board office attention that certain dentists residing in District 7 did not receive a ballot. Upon review, it was found that a home address was not on file with the Board. Per S.C. Code of law 40-15-20(c), it stipulates licensed dentists residing in the subject district

shall vote. To ensure this does not occur in future elections, I have requested that the home address be mandatory to fill out on the upcoming renewals.

Ms. Buttler thanked Ms. Marchi for bringing to the Board's attention the changes to the National Board Dental Hygiene Exam. The Joint Commission on National Dental Examinations released notice on September 4, 2020 that candidates are now able to schedule appointment and complete a short-form version of the NBDHE at Pearson VUE testing centers. The announcement, quick facts and FAQs were presented for the Board's information.

NEW BUSINESS

a. Specialty License for Orofacial Pain

Ms. Buttler reported the Board office was recently made aware of the ADA's recognition of Orofacial Pain as a dental specialty. Ms. Buttler introduced Dr. Haigler who requested the ability to receive a specialty license in Orofacial Pain from the Board. If accepted by the Board, until such a time as a state exam could be developed, the only ability for an applicant to attain specialty licensure would be to be a diplomate.

Motion: To accept Orofacial Pain as a specialty licensed by the SC Board of Dentistry.
Stewart/Ansari/approved.

b. Travel Approval for AADB Mid-Winter Meeting in Chicago, IL on February 27-28, 2021

In light of several board seats expiring in the coming months and to ensure continuity of knowledge among the Board members, the Board is requesting to have more than two board members attend the conference.

Motion: To approve travel for all board members and the Board administrator to the AADB Mid-Winter Meeting in Chicago, IL on February 27-28, 2021.
Bumgardner/Ansari/approved.

c. Travel Approval for CDCA Annual Meeting in Grapevine, TX on January 7-9, 2021

Motion: To approve travel for two board members and the Board administrator to the CDCA Annual Meeting in Grapevine, TX on January 7-9, 2021.
Bumgardner/Ansari/approved.

LEGAL BUSINESS

Mr. Horner shared with the Board that the office has recently been receiving inquiries regarding the ability for licensed dental hygienists to perform myofunctional therapy. At the present time, it was the Board's understanding that myofunctional therapy lies within the purview of the Speech Pathology Board and therefore licensed dental hygienists wishing to provide myofunction therapy would need to attain the appropriate license with the Speech Pathology Board. Mr. Horner stated more information regarding the training and practice of the therapy is needed in order to determine if it may also fall within the scope of practice for the Board of

Dentistry. Ms. Marchi stated she would look further into the matter and report back to the Board. The Board will continue to investigate the matter and address the topic at a future Board meeting.

ELECTION OF OFFICERS

Dr. Brown opened the nominations for Secretary.

Dr. Ansari move to nominate Dr. Marler for Secretary.

Dr. Bumgardner moved to nominate Ms. Marchi for Secretary.

Dr. Ansari withdraws Dr. Marler nomination.

Dr. Brown opened the nominations for Vice President.

Dr. Ansari moves to nominate Dr. Marler for Vice President

Dr. Brown opened the nominations for President.

Dr. Ansari moves to nominate Dr. Bumgardner for President

Motion: To close nominations.
Marler/Ansari/approved.

Dr. Brown presented the slate of officers for 2021 for approval:

Ms. Marchi as Secretary

Dr. Marler as Vice President

Dr. Bumgardner as President

Motion: To approve the nominations.
Approved.

Dr. Stewart thanked Dr. Brown for being an outstanding leader though difficult circumstances over the past year. Dr. Bumgardner and Dr. Ansari both concurred.

PUBLIC COMMENTS

None.

ANNOUNCEMENT

Next Board Meeting is on January 15, 2021.

ADJOURNMENT

The October 15, 2020, meeting of the S.C. Board of Dentistry adjourned at 1:29 p.m.

The next meeting of the S.C. Board of Dentistry is scheduled for January 15, 2021.