

MINUTES
South Carolina Board of Dentistry
Board Meeting
9:00 a.m., January 13, 2023

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. Members of the public wishing to attend may do so by live streaming at <https://lir.sc.gov/bod/videos.aspx>

BOARD MEMBERS PRESENT:

William Stewart, DMD – Vice President
Sherie W. Barbare, RDH – Secretary
Carolyn Brown, DMD
Charles Bumgardner, DMD
Donald Marler, DMD
Thomas McDonald, DMD, MD
Elizabeth Marchi, RDH
Britt Reagin, DMD

SCLLR STAFF PRESENT:

Donnell Jennings, Esq., Asst. Dep. Dir. of Enforcement, Office of Investigation & Enforcement
Bob Horner, Esq., Office of Advice Counsel
Prentiss Shealey, Esq., Office of Disciplinary Counsel
Casey Smith, Esq., Office of Disciplinary Counsel
Amy Holleman, Board Administrator
Norma McAllister, Program Assistant
Amanda Branham, Chief Investigator, Office of Investigations and Enforcement
Jennifer Stillwell, Chief Inspector, Office of Investigations and Enforcement
Ashley Bailey, Investigator, Office of Investigations and Enforcement
Lolei Bristow, Investigator, Office of Investigations and Enforcement
Natasha Mitchell, Investigator, Office of Investigations and Enforcement
Pete Siepert, Investigator, Officer of Investigations and Enforcement

PRESENT:

Katherine Boone, Creel Court Reporting
Mohamed Meghil, DMD
William C. Clance, DMD
Julia K. Mikell, DDS – South Carolina Dental Association

CALL TO ORDER: Dr. Stewart, Vice-President called the meeting to order at 9:02 am.

APPROVAL OF AGENDA

Dr. Stewart called for a motion to approve the agenda.

Motion: To approve the agenda
Marler/Marchi/approved

BOARD MISSION AND MEMBER STATISTICS

Dr. Stewart stated the Board's mission is to promote the health, safety, and economic well-being of the public through regulation, and licensing of dentist, dentist hygienist, and dental technicians. The Board also investigates complaints; conducts application and disciplinary hearings in accordance with statute and regulations. The Board currently has one vacant seat, for a public member and one at-large dentist expired seat.

INTRODUCTION OF BOARD MEMBERS AND OTHERS:

Members of the Board introduced themselves.

APPROVAL OF EXCUSED ABSENCES:

Dr. Stewart called for a motion to approve the absences.

Motion: To approve Dr. Eddy and Dr. Ansari's absence.
McDonald/Marler/approved

BOARD ADMINISTRATION DISCUSSION

Ms. Holleman informed the Board that until further notice by the agency she will remain the interim administrator for the Board.

APPROVAL OF BOARD MEETING MINUTES:

The Board reviewed the minutes.

Motion: To approve the minutes for the October 3, 2022 and November 4, 2022 meetings pending corrections to November 4, 2022 minutes.
Marler/Marchi/approved

Dr. Stewart called for a motion to move into a closed session.

Motion: To move into closed session
Brown/Marler/approved

STAFF REPORTS

- a. Office of Investigations and Enforcement Statistical Report - Amanda Branham
Ms. Branham reported for the period of January 1, 2022 to January 4, 2023 that the agency received one hundred seventeen (117) complaints and closed 85.

Motion: To approve the OIE Statistical Report
Brown/McDonald/approved

Investigative Review Committee Report – Amanda Branham, Chief Investigator

Ms. Branham reported the IRC Committee met on December 1, 2022, recommending nine (9) cases for dismissal, two (2) Cease and Desist, two (2) letters of caution, and four (4) formal complaints.

Motion: To accept the 10 (ten) cases for dismissal Brown/Marler/approved

Motion: To accept the two Cease and Desist
McDonald/Brown/approved

Motion: To accept the two letters of caution
McDonald/Reagin/approved

Motion: To accept the four cases for formal complaint
McDonald/Marler/approved.

- c. Office of Disciplinary Counsel (ODC) Report – Prentiss Shealey, Esq.
Ms. Shealey reported there are currently twenty-eight (28) open cases. Of the open cases, eight (8) are pending hearings and agreements; one (1) pending closure and eight (8) cases closed since January 1, 2022.

Motion: To approve the ODC report as presented
Marler/Brown/approved

Dr. Stewart called for a motion to return to open session

Motion: To return to open session
McDonald/Marler/approved

- d. Administrator Report – Amy Holleman
Ms. Holleman, in December 2022, attended the South Carolina Dental Hygienist Association's annual symposium in Myrtle Beach, South Carolina. Also in attendance was CE Broker's representative, Deb Carter.

Ms. Holleman stated that most inquiries were regarding the renewal's liability insurance question. She stated that the Board's advice attorney and staff will be revisiting the verbiage for the liability insurance question for renewals.

Ms. Holleman informed the Board the current renewal period will end March 1, 2023. Licenses who failed to renew by December 31, 2022 are currently in an additional fee cycle which is doubled the renewal fee beginning January 1, 2023 through January 31, 2023. The fee will be five dollars (\$5.00) per day, with a cap of one-hundred and forty dollars (\$140.00), beginning February 1, 2023 through March 1, 2023. The licenses will expire March 1, 2023, and those who have not renewed at that time would be required to apply for reinstatement of their license. The Board's statute requires that the Board notifies by certified letter/notice all licensees who failed to renew by January 31.

Ms. Holleman reported there are currently 1,031 licensees in renewal which includes 416 General Dentists out them 100 are Dental Specialists; 285 Dental Hygienists 166 Dental Hygienist with Infiltration Anesthesia; Seven (7) Dental Instructors; Two (2) Dental Instructor Specialist; Two (2) Orthodontic Technicians; 41 Dental Technicians; 10 Dental Volunteers; One (1) Volunteer Hygienist; and one Volunteer Specialist.

14,188 licensees that have renewed, which includes, 3,454 General Dentist; 688 Dental Specialist; 1,850 Dental Hygienist; 2,276 Dental Hygienist with Infiltration Anesthesia; 23 Dental Instructors; Six (6) Dental Specialist Instructors; 10 Mobile Dental facilities; Six (6) Orthodontic Technicians; 26 Portable Dental Operations; 140 Dental Technicians; 13 Dental Volunteers; One (1) Volunteer Specialist; and 332 Sedation Permits.

The Board confirmed past discussion and research regarding the licensee's confirmed with permission text number be used an avenue to communicate renewal information to the licensees. However, the Board asked that the Administrator revisit the possibility of the usage of the license's text (phone) number as a means of communicating renewal matter and review the historically perspective regarding the usage of text messages to licensees for renewal purposes.

All licenses printed during this renewal cycle with the next renewal date of December 31, 2024 will be reprinted with the corrected expiration date of March 1, 2025. The website currently reflects, March 1, 2023 as the expiration date for the current renewal.

Motion: The Board recognizes that licensees' license expires as of March 1 of every renewal period.
Marler/Bumgardner/approved

The Board discussed the process of a provider, such as the Academy of General Dentistry, automatically uploading completed continuing education courses by the provider for licensees. Due to the logistics involving a vendor becoming a continuing education provider under a CE Broker account it was determined that The Academy of General Dentistry must contact CE Broker to determine the process.

The Board's fees were discussed, and the Board asked that someone in Finance or the Agency Director attend the April 2023 meeting to discuss fees and the possibility of a fee reduction.

The Board's cash balance as of November 30, 2022 was \$3,761,911.11.

APPLICATION HEARINGS

These proceedings were recorded by a certified court reporter in order to produce a verbatim transcript should one be necessary.

- a. Mohmed Meghil, DMD
Dr. Meghil, sworn in by the court reporter, appeared before the Board for an application hearing without legal counsel representation.

Executive Session

Motion: To go into Executive Session to receive legal advice
Brown/Marler/approved

Return to Public Session

Motion: To come out of Executive Session
McDonald/Marler/approved

Dr. Stewart, Vice-President, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

MOTION: To deny the application
Bumgardner/Marler/approved

The Board recessed for 10 minutes.

- b. William C. Clance
Dr. Clance, sworn in by the court reporter, appeared before the Board for an application hearing without legal counsel representation.

MOTION: To approve Dr. Clance’s reinstatement application.
Brown/Bumgardner/approved

- c. Leigh H. Wilson
Dr. Wilson did not appeared before the Board. Dr. Stewart called for a disposition in this matter.

MOTION: To approve Dr. Wilson’s reinstatement application.
Reagin/McDonald/approved

Dr. Brown left the meeting at 10:50 a.m.

REPORTS

- a. Sedation Re-inspection Report – Jennifer Stillwell, Chief Inspector

Ms. Jennifer Stillwell reported that the inspectors completed 371 inspections between January 1, 2022 and December 31, 2022; 326 renewals inspections between September 1, 2022 and December 31, 2022; two facilities failed the initial inspection requiring a follow-up inspection; and four facilities inspections are currently scheduled.

Ms. Stillwell reminded the Board that in the July 2022, the Board passed new sedation re-inspection procedures. Ms. Stillwell asked that the Board implementation of the new re-inspections procedures to commence on January 1, 2024 for the next renewal cycle with the established condition that a facility that pass its re-inspection within six (6) months of the renewal date is eligible for renewal without an additional inspection.

MOTION: New sedation re-inspections procedures for facilities will begin March 1, 2024
McDonald/Marlow/approved

- b. CDCA-WREB-CITA Annual Meeting Report – Amy Holleman
Ms. Holleman attended the January 5-7, 2023 CDCA-WREB-CITA’s [The Commission on Dental Competency Assessments (CDCA) – The Western Regional Examining Board (WREB) – The Council of Interstate Testing Agencies (CITA)] annual meeting in Grapevine, TX. Ms. Holleman provided a report to the Board. The organization administers the ADEX (American Board of Dental Examiners) licensure examinations for dentists and dental hygienists.

NEW BUSINESS

- a. Expert Witnesses
 - i. General Dentistry
 - ii. Pediatric

Executive Session

Motion: To go into Executive Session to receive legal advice. The Board asked that Donnell Jennings, Esq., Office of Investigation and Enforcement; Prentiss Shealey, Esq., Office of Disciplinary Counsel; and Amy Holleman, Board Administrator remain in the session.

Marler/McDonald/approved

Return to Public Session

Motion: To come out of Executive Session
Marler/Reagin/approved

Dr. Stewart, Vice-President, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

Dr. Stewart called for a motion to go into closed session.

Motion: To go into closed session
Marchi/McDonald/approved

Motion: Motion to submit a list of agreed upon names as Expert Witnesses
Marler/McDonald/approved

Motion: To come out of closed session
Marler/Bumgardner/approved

b. Complaint Process – Bob Horner

Motion: To accept the Affidavit form referenced in Section: 40-15-180 as part of the complainant's documentation
McDonald/Marler/approved

c. Discussion: Overtreatment/standard of care – Dr. Bumgardner

Motion: To create an Advisory Committee to study excessive treatment plans. The Committee would consist of the following members: Board President, Dr. Murtuza Ansari; Dr. Carolyn Brown; Dr. Bumgardner; Elizabeth Marchi, RDH; Amanda Branham, Chief Investigator; and Prentiss Shealey, Esq., Office of Disciplinary Counsel

Marler/McDonald/approved

LEGISLATIVE CONTACT – Amy Holleman

Ms. Holleman asked that the Board elect a Legislative contact/liaison. The Board unanimously agreed that Dr. Murtuza Ansari serve as the Board's Legislative contact/liaison and Dr. Charles Bumgardner as the alternate.

Dr. Stewart asked that the Board go into Executive Session.

Executive Session

Motion: To go into Executive Session to receive legal advice
McDonald/Marchi/approved

Return to Public Session

Motion: To come out of Executive Session
McDonald/Marler/approved

Dr. Stewart, Vice-President, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

LEGAL BUSINESS

None

PUBLIC COMMENTS

There were not public comments.

NEXT MEETING

The next scheduled Board meeting for the South Carolina Board of Dentistry is April 14, 2023.

ADJOURNMENT

Motion: To adjourn
Marler/Marchi/approved

Dr. Stewart, after ensuring there being no further business to discuss, adjourned the January 13, 2023 meeting for the South Carolina Board of Dentistry at 12:03 p.m.