

MINUTES
South Carolina Board of Dentistry
Board Meeting
9:00 a.m., October 6, 2023

Public notice of this meeting was properly posted at the S.C. Board of Dentistry office, Synergy Business Park, Kingtree 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.

BOARD MEMBERS PRESENT:

Murtuza A. Ansari, DMD, President
William D. Stewart, DMD, Vice-President
Sherie W. Barbare, RDH, Secretary
Carolyn L. Brown, DMD
Charles Bumgardner, DMD
Harold N. Eddy, DDS
Elizabeth Marchi, RDH
Donald L. Marler, DMD
Thomas A. McDonald, DMD, MD
Britt K. Reagin, DMD

SCLLR STAFF PRESENT:

Bob Horner, Esq., Office of Advice Counsel
Casey Smith, Esq., Office of Disciplinary Counsel
Amy Holleman, Board Executive
Norma McAllister, Program Coordinator
Shamone Breazeale, Administrative Assistant
Amelia Leeks, Program Manager, Office of Investigation and Enforcement
Ashley Bailey, Lead Investigator, Office of Investigations and Enforcement
Jennifer Stillwell, Lead Inspector, Office of Investigations and Enforcement
Lolei Bristow, Investigator, Office of Investigations and Enforcement
Jennifer A. Hollis, Investigator, Office of Investigations and Enforcement
Jared Damaske, Investigator, Office of Investigations and Enforcement
Pete Siepert, Investigator, Office of Investigations and Enforcement
Josh, Shannon, IT Services Specialist

PRESENT:

Dr. Jeffrey Allen Neal
Dr. Michael Edward Whalen
Dr. Herbert Ludwig Saint Jean
Dr. Daniel Lee Hanks
Deb Carter
Mark Brown, South Carolina Dental Association
Julia Makell, South Carolina Dental Association
Lindsay Nishan
Margie Whalen
Meghan Rjordon
Nadine A. Garrett, Court Reporter, Creel Court Reporting, Inc

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

APPROVAL OF AGENDA

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

Motion: To approve the agenda
McDonald/Stewart/approved

BOARD MISSION AND MEMBER STATISTICS

Dr. Ansari 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 of the South Carolina State Board of Dentistry.

The Board currently has one vacant seat, for a public member and one at-large dentist expired seat. Interested individuals may submit a cover letter and résumé to the South Carolina Office of Boards and Commissions according to the SC Code of law 40-15-20(A). The terms of members are for six years or until their successor are appointed and qualified.

Congressional Districts 2 and 6 seats expire on December 31, 2023. Dentist in those districts received notice via email on March 31, 2023 regarding elections to file those seats, per SC Code of law 40-15-20 and regulations. The Board received a petition for those names in each district and submitted the names to the Governor for consideration.

INTRODUCTION OF BOARD MEMBERS:

Members of the Board introduced themselves.

APPROVAL OF EXCUSED ABSENCES:

All members of the Board were present.

APPROVAL OF BOARD MEETING MINUTES:

The Board reviewed the minutes.

Motion: To approve the minutes for July 14, 2023
Reagin/Machi/Approve

PRESIDENT’S REMARKS

Dr. Ansari welcomed all attendees.

STAFF REPORTS

- A. Office of Investigations and Enforcement Statistical Report – Ashley Bailey, Lead Investigator
Ms. Bailey reported for the period of January 2, 2023 to September 18, 2023 that the agency received ninety-seven (97) complaints and closed eighty-six (86). The Board reviewed the report.

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

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

- B. Investigative Review Committee Report – Ashley Bailey, Lead Investigator
Ms. Bailey reported the IRC Committee recommended eighteen (18) cases for dismissal, one (1) letter of caution, and one (1) formal complaint.

Motion: To accept the 18 cases for dismissals.
Bumgardner/McDonald/approved

Motion: Moved to change the letter of caution for one (1) case to a formal complaint
Bumgardner/Barbare/approved

Motion: To accept the one (1) case for a formal complaint
McDonald/Bumgardner/approved.

The Board moved the discussion for 12. C. Inspections for Portable and Mobile Dental Units next on the agenda, due to a scheduling conflict with presenter, Jennifer Stillwell.

Discussion: Inspections for Portable and Mobile Dental Facilities (12.C)

Ms. Stillwell informed the Board that the inspectors completed the yearly required inspections of the state's nine (9) licensed Mobile Dental Units. Portable handheld units receive inspections for new units, reinstatement, or notification to the inspections department that a substantial changed/repair has occurred to the unit.

- C. Office of Disciplinary Counsel (ODC) Report – Casey Smith, Esquire
Ms. Smith reported there are currently twenty-two (22) open cases. Of the open cases, nine (9) are pending hearings and agreements; twenty-seven cases closed since, January 1, 2023, and five (5) closed since July 6, 2023.

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

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

- D. Board Executive Report – Amy Holleman
Ms. Holleman informed the Board that the cash balance as of August 31, 2023 was \$3,650,373.16.

APPLICATION HEARINGS

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

8. A. Dentist

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

1. Jeffrey Allen Neal
Dr. Neal, 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/Barbare/approve

Return to Closed Session:

Motion: To come out of Executive Session
Bumgardner/Marler/Approved

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

Dr. Ansari called for a disposition in this matter.

Motion: To approve licensure by credentials pending passing the
jurisprudence exam
Reagin/McDonald/approved by majority/Brown opposed

Motion: To return to open session
Bumgardner/Brown/Approved

2. Michael Edward Whalen
Dr. Whalen, sworn in by the court reporter, appeared before the Board for an application hearing with legal counsel, Lindsey McSean.

Motion: To accept licensing by examination pending passing the
jurisprudence exam.
Brown/Reagin/Approved

3. Herbert Ludwig Saint Jean
Dr. Saint Jean, sworn in by the court reporter, appeared before the Board for an application hearing without legal counsel representation.

Motion: To approve licensure by credentials after passing the
jurisprudence exam.
McDonald/Brown/Approved

4. Daniel Lee Hanks
Dr. Hanks, sworn in by the court reporter, appeared before the Board for a reinstatement application hearing without legal counsel representation.

Executive Session

Motion: To go into Executive Session to receive legal advice
Bumgardner/Reagin/approve

Return to Public Session:

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

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

Motion: To approve the reinstatement application after passing the jurisprudence exam.
Reagin/Stewart/Approved

DISCIPLINARY HEARING

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

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

9. A. Memorandum of Agreement

1. Case No.: 2021-112

Casey Smith, Disciplinary Counsel, representing the State, presented the Memorandum of Agreement. The Respondent's attorney, Megan Riordan and the Respondent appeared before the Board.

The Respondent addressed the Board and answered questions regarding this matter. The State and the Respondent's attorney gave closing statements. Dr. Ansari called for a motion to go into executive session to seek legal advice.

Executive Session

Motion: To go into Executive Session to receive legal advice
Brown/Bumgardner/approve

Return to Public Session

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

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

Motion: Accept Memorandum, of Agreement (MOA)
McDonald/Reagin/approve

Motion: To return to open session
Bumgardner/McDonald/Approved

10. Old Business

A. Summary of Procedures for Dental Hygienist, Expanded Duty Dental Assistants, and Dental Assistants

Ms. Holleman presented the new summary of procedures. The Board discussed the summary.

Motion: Summary of Procedures return to Committee for further review
Bumgardner/Marchi/approved

B. Temporary Restricted License – For Live Patient CE

Mr. Horner asked the Board to review the presented guidelines for a temporary restricted dentist license for live patient continuing education for the training of new and emerging technology under the supervision of a South Carolina licensed Dentist. Each applicant must submit an application to the Board for approval. The Board discussed the matter.

Motion: Approve Temporary Restricted License guidelines with modification to the nitrous requirement and remove deep/moderate sedation
Stewart/Reagin/approved

C. Teaching for Continuing Education Credit

Ms. Holleman asked the Board to provide guidance with applying continuing education credits for teaching. The Board discussed the matter.

Motion: Accept twenty-five (25) percent of the teaching hours to be applied toward continuing education credits.
McDonald/Motion withdrawn

Motion: Table discuss to determine the appropriate language for accepting continuing education credits for teaching
McDonald/Bumgardner/approved

11. CE Broker Presentation – Deb Carter

Ms. Carter, Client Success Manager, presented to the Board and answered questions from Board members. Ms. Carter stated that CE Broker provides a platform that all stakeholders involved in continuing education, the Board, continuing education providers, and the licensee.

12. **New Business**

A. Discussion: CE Audit Updates, Questions, and issues

Ms. Holleman provided updates regarding the CE audits for licensees.

1. Post-Graduate Residency for CE Credit

Ms. Holleman asked for guidance in applying continuing education credits for post-graduate residency. The Board discussed the matter.

Motion: Licensees currently in a Residency program are exempt from CE requirements until the licensee graduates.
McDonald/Eddy/approved

2. Guidance from Board Regarding Noncompliance
Ms. Holleman asked the Board to provide guidance for noncompliance with the continuing education audits.

Executive Session

Motion: To go into Executive Session to receive legal advice
Brown/Bumgardner/approve

Return to Public Session

Motion: To come out of Executive Session
Stewart/Marchi/approve

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

Motion: If a licensee has not completed their CE requirements or properly reported their CE requirements by March 1st of the renewal year, the licensee is subject to a \$500.00 fine and a private reprimand. The licensee then will be granted 60 days to complete the CE requirements, and, if not completed within the 60 days, their license will be suspended, which may require a Board appearance in order to reinstate the license. The Board's Advice Counsel and Executive will collaborate in developing the noncompliance letter.

McDonald/Bumgardner/approve

Mr. Horner asked that the Board consider voting as a majority to modify the agenda to add the creation of an Adverse Occurrence Form.

Motion: Modify the agenda by adding "The Creation of an Adverse Occurrence Form"
McDonald/Marler/approved

Mr. Horner asked that the Board consider creating, according to Regulations 39-17 (D) a standard Adverse Occurrence Form which is required upon an adverse occurrence. The licensee's adverse occurrence report is required to include a description of the dental treatment at the time of the occurrence; the type of sedation and anesthetic agent administered; a description of the incident that occurred while the patient was under sedation; and describe the condition of the patient upon leaving the dental office.

Motion: Move to create the Adverse Occurrence Reporting Form
McDonald/Marler/approved

B. Discussion: Can Dental Assistants Apply Topical Fluoride?

Motion: Dental Assistants are authorized to apply topical fluoride
McDonald/Bumgardner/approved

C. Discussion: Inspections for Portable and Mobile Dental Facilities

Ms. Stillwell provided information regarding this topic earlier during the meeting.

D. Travel Request – 2024 Southern Dental Deans and Examiners Annual Conference, January 19-21, 2024

Motion: Travel approved for all the Board members
Bumgardner/Marler/approved

E. Travel Request – 2024 FARB Forum (Federation of Associations of Regulatory Boards) January 25-28, 2024 – Fort Worth, TX - Board Executive Only

Motion: Travel approved
Marler/McDonald/approved

F. Discuss Testing Requirements for New Dental School Graduates: Written and Clinical Exams

Dr. Bumgardner presented before the Board that as a requirement for licensing the prospective licensee should be required to take and pass all five sections of the (ADEX) – CDCA-WREB-CITA exam to include the periodontal scaling.

Motion: Require licensure by examination applicants to take and pass all five sections of the (ADEX) – CDCA-WREB-CITA dental exam.
Bumgardner/Eddy/approved

13. Approval – 2024 Board Meeting Calendar

Ms. Holleman presented the 2024 Board Meeting calendar.

Friday, January 19, 2024 at 9:00 a.m. in the Lowcountry Conference Room

Friday, April 5, 2024 at 9:00 a.m. in the Lowcountry Conference Room

Friday, June 7, 2024 at 9:00 a.m. in the Lowcountry Conference Room

Friday, October 25, 2024 at 9:00 a.m. in the Lowcountry Conference Room

Motion: Approved 2024 Board meeting dates/calendar
McDonald/Marchi/approved

14. Election of Officers

Dr. Ansari called for nominations for Board officers.

Dr. Ansari nominated Dr. William D. Stewart for President – nomination closed with a motion on said name

Motion: Ansari/Reagin/approved

Dr. Reagin nominated Dr. Thomas A. McDonald for Vice-President – nomination closed with a motion on said name

Motion: Reagin/Marler/approved

Dr. Ansari nominated Sherie W. Barbare for Secretary – nomination closed with a motion on said name

Motion: Ansari/Reagin/approved

15. Public Comments

ADJOURNMENT

Motion: To adjourn
Brown/McDonald/approved

Dr. Ansari, after ensuring there being no further business to discuss, adjourned the October 6, 2023 meeting for the South Carolina Board of Dentistry at 2:00 p.m.

NEXT MEETING

The next scheduled Board meeting for the South Carolina Board of Dentistry is January 19, 2024.