

Minutes of the South Carolina Board of Dentistry
Business Meeting, Reinstatement and Application Hearings, Disciplinary Hearing
and Board's Regulatory Review
April 5, 2013
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present:

Charles F. Wade, D.M.D., President
Douglas J. Alterman, D.M.D., Secretary
Sherie Williams Barbare, R.D.H.
Arthur L. Bruce, D.M.D.
Felicia L. Goins, D.D.S.
Dennis A. Martin, D.M.D.
Elaine A. Murphy, R.D.H.
Eric C. Schweitzer, Esquire

Excused Board member absences:

Z. Vance Morgan, IV, D.M.D.
John M. Whittington, D.M.D., Vice President

Staff and others present were:

Arthur Aiken, Esquire
Mark Brown, SCDA
Kelly V. Catoe, R.D.H.
Kate K. Cox, LLR Administrator
Michael W. Cox, D.M.D.
Katrina Deas, R.D.H.
Merri M. Gandhi, D.M.D., SCAGD
Justin A. Garrett, D.M.D.
Lori Graham, OIE
Kevin S. Grimm, D.M.D.
Suzanne Hawkins, LLR Litigation Attorney, Office of General Counsel (OGC)
Lisa Hawsey, LLR Administrative Assistant
Phil Latham, SCDA
Chrislyn E. Lawhon, D.G.D.
David Love, OIE
Sherri Lydon, Esquire
Noelle F. Mathes
Kathy Meadows, OIE
James Mercer, SCDA
Jack Pringle, Esquire
Robin L. Spaniel, Thompson Court Reporter
Sheridon Spoon, LLR Advice Attorney
Donna J. Spring, R.D.H.

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. Wade, President, called the meeting to order at 9:10 a.m. All votes referenced herein were unanimous unless otherwise noted. Dr. Wade welcomed Elaine A. Murphy, R.D.H. and Dr. Dennis Martin, D.M.D. from Congressional District 4 as newly appointed Board members.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Motion: A motion was made by Dr. Bruce to approve the Minutes of the January 11, 2013 Board meeting. Dr. Goins seconded the motion. The motion carried.

DISCIPLINARY MOA HEARING:

Michael W. Cox, D.M.D:

A disciplinary hearing was held with a MOA presented by Ms. Hawkins. Mr. Spoon advised the Board. Dr. Cox was represented by Sherri Lydon, Esq. A court reporter was present. The hearing with MOA presented commenced.

Motion: M. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Motion: Dr. Bruce made a motion to issue Dr. Cox a private reprimand and levy a fine of \$2,000.00. Dr. Goins seconded the motion. The motion carried.

Chrislyn E. Lawhon, D.M.D:

A continuance was requested by Dr. Lawhon's attorney for the scheduled hearing and it was granted.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Report:

The IRC report was presented by Mr. Love.

Motion: A motion was made by Mr. Schweitzer to approve the IRC report authorizing eleven (11) Dismissals. Dr. Goins seconded the motion. The motion carried.

Motion: A motion was made by Mr. Schweitzer to approve the IRC report authorizing two (2) Dismissals with Cease and Desist Orders. Dr. Goins seconded the motion. The motion carried.

Motion: A motion was made by Dr. Alterman to approve the IRC report authorizing one (1) Authorization for Formal Complaint. Dr. Goins seconded the motion. The motion carried.

Motion: A motion was made by Mr. Schweitzer to approve the IRC report authorizing the issuance of four (4) Letters of Caution. Dr. Goins seconded the motion. The motion carried.

OIE and OGC Management Reports:

The OIE and OGC Management Reports were presented and accepted as information. Legal processes were discussed for investigations and hearings.

APPLICATION BY CREDENTIALS HEARING:

Justin Alexander Garrett, D.D.S.:

An application hearing was held for Dr. Garrett. Mr. Spoon advised the Board. Dr. Garrett was represented by Jack Pringle, Esq. A court reporter was present. The hearing commenced.

Motion: Mr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Motion: Dr. Alterman made a motion to approve Dr. Garrett's application for licensure. Dr. Goins seconded the motion. The motion carried.

APPLICATION BY CREDENTIALS HEARING:

Kevin Scott Grimm, D.D.S.:

An application hearing was held for Dr. Grimm. Mr. Spoon advised the Board. Dr. Grimm was not represented and waived his right before proceeding. A court reporter was present. The hearing commenced.

Motion: Dr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Motion: Mr. Schweitzer made a motion to deny the application for Licensure by Credentials. Dr. Goins seconded the motion. The motion carried.

Discussion followed that Application by Examination is the other means to apply for licensure other than by Licensure by Credentials. Mr. Spoon discussed the matter with the applicant.

APPLICATION HEARING:

Noelle F. Mathes - Dental Hygiene:

An application hearing was held for Ms. Mathes. Mr. Spoon advised the Board. Ms. Mathes was not represented; however, she stated her family attorney was aware of the issues and she waived her right before proceeding. A court reporter was present. The hearing commenced.

Motion: Dr. Bruce made a motion to go into Executive Session. Dr. Alterman seconded the motion. The motion carried.

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

Motion: Ms. Barbare made a motion to approve the application for licensure. Dr. Alterman seconded the motion. The motion carried.

REINSTATEMENT HEARING:

Donna J. Spring, R.D.H.:

A reinstatement hearing was held before the Board for Ms. Spring. Mr. Spoon advised the Board. Ms. Spring was represented by Arthur Aiken, Esq. A court reporter was present. The hearing commenced.

Motion: Mr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

Motion: Dr. Goins made a motion to return to Open Session. Dr. Martin seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion to table the application for reinstatement until the issue in North Carolina has been acted upon there for reinstatement or resolution. Dr. Alterman seconded the motion. The motion carried.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given by Mrs. Cox to include Board staffing list and biennial renewal summary with renewal being completed. Reentry for dental hygienists who have been out of practice over six years was discussed. Ms. Barbare has suggested the reentry to be 14 hours of CE to include hours in perio, pharmacology, instrumentation, dental products, OSHA update, and radiology. It was noted a Board appearance is also required. Discussion followed and this will be addressed in another meeting.

Panel hearings were discussed again to be used for full evidentiary hearings, not for presentations of Consent Agreements or MOA Hearings. It was noted names for panel members are still being collected. District Six Election was discussed and candidate Dr. Sam Hazel's name was sent to the Governor for consideration; the final reminder of the April 15, 2013 deadline was given for Statement of Economic Interests; and the AADA and AADB meetings in Chicago were discussed as being on April 21-23, 2013 for Dr. Wade, Dr. Alterman and Mrs. Cox. Keeping all contact information current was discussed.

Waiver requests for late fee for renewals were read and discussed.

Motion: Dr. Alterman made a motion to deny all refund requests. Ms. Murphy seconded the motion. The motion carried.

Dr. Tommy Dixon was discussed as being a candidate for an expert reviewer or an IRC member. Dr. Dixon was added as a third member for the IRC.

Financial Report:

Financial Report of the Board was given as information by Mrs. Cox.

UNFINISHED BUSINESS:

Sedation Committee Update Report:

Dr. Wade reported on the Committee's draft report. It was stated that sedation issues are national issues. Discussion followed on many points that have been considered to include evaluating offices, putting together evaluation teams, designing forms to be used, checking other states' procedures, noting ADA interest in sedation to be a specialty in dentistry, reviewing the SC Board of Dentistry's laws on anesthesia and sedation, and discussing office inspections. It was noted the Committee will meet following the Board meeting and how to meet with all stakeholders will be discussed.

Motion: Mr. Schweitzer made a motion to approve the Sedation draft. The motion was seconded by Ms. Barbare. The motion passed.

Mrs. Cox stated that the draft will be as updated and approved. It will be provided to the Committee along with the copy of the work notebook for each person's use in their presentations.

NEW BUSINESS:

CRDTS Hygiene Deputy Examiner from South Carolina:

A recommendation for appointment for the CRDTS Hygiene Deputy Examiner from Dr. John C. Cosby was presented for Kelly V. Catoe. Ms. Catoe was introduced and addressed the Board.

Motion: Ms. Barbare made a motion to approve Ms. Catoe. The motion was seconded by Dr. Goins. The motion passed.

Legislative Committee:

Dr. Wade would like to reinstate a Legislative Committee to be started in January 2014 and chaired by the Board Vice President in 2014 which would be Dr. Alterman. He also suggested the committee have one hygienist, one more dentist and some ex-Board members as was done in the past. This committee would research any legislation and give feed back to the Board. It was suggested that this committee might look into reinstatement issues. Depending on the number present at a Committee meeting, noticing the public will need to be considered.

Newsletter:

Dr. Wade would like to reinstate a biannual newsletter. He suggested that it be under the Board Secretary. Dr. Alterman is going to work with it now and then in 2014 it would be under Dr. Morgan. Dr. Bruce has been asked to help Dr. Alterman at this time too. It was suggested the July and January might be dates for the newsletter and that they be electronic. Mrs. Cox noted LLR has electronic formats already for use.

Motion: Dr. Bruce made a motion to set up a Legislative Committee and begin a newsletter. The motion was seconded by Mr. Schweitzer. The motion passed.

Groupon Issue:

The issue of fee splitting and coupons was discussed. The Board stated it will refer inquirers to the ADA Code of Ethics Section 4 (E) (1), as well as the SC Regulation 39-11, 1-H. The Board also has statute 40-15-190 (9) regarding violating Codes of Ethics. It was stated the fee splitting issue could be a newsletter article.

Ratification of Licenses and Registrations:

Newly issued licenses and registrations were presented to the Board for ratification for dates through April 5, 2013.

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

Regulatory Review by Executive Order:

Sheridon Spoon and Mrs. Cox presented the Executive Order for Regulatory Review required by all Boards and reviewed the criteria for the review. The Board had been charged with reviewing its statutes and regulations as well as policies prior to the meeting to see if anything is burdensome. Discussion was held on the topic.

Motion: Dr. Alterman made a motion that the response to the LLR Taskforce would be that the Board's statutes, regulations, and any proposed statutes are not burdensome and are for the protection of the public. Two members will continue a review up to the submission date for any other potential changes in the response. If there are no changes from today's findings as not burdensome, it was stated the response to the LLR Taskforce will be submitted. The motion was seconded by Mr. Schweitzer. The motion carried.

LEGAL:

There was no legal business.

DISCUSSION TOPICS:

The House Bill 407 for random inspections was discussed. It was noted there are already various state statute permissions in other places for inspections by OSHA, DHEC, and the Dental Board, as public protection.

Teeth whitening was discussed with Ms. Graham pointing out an Answer to the FTC regarding a complaint by North Carolina regarding teeth whitening. North Carolina statutes and regulations are written to mention "stain removal", as part of the practice act so they are engaged with the FTC. Mr. Spoon pointed out the matter is not settled in North Carolina yet with the FTC. Mrs. Cox stated complaints can still be filed and investigated to see who is doing whitening and how it is done, as well as what products are being used.

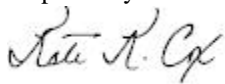
PUBLIC COMMENT:

Katrina Deas, R.D.H. asked to address the Board regarding access to dental care for the young, the elderly, and the underprivileged, as well as people in nursing homes and care facilities. Discussion followed. Ms. Deas was commended for her interest, work, and passion for the vulnerable.

ANNOUNCEMENTS and ADJOURNMENT:

The next meeting of the Board will be July 12, 2013. There being no further business Dr. Wade adjourned the meeting at 2:08 p.m.

Respectfully submitted,



Kate K. Cox
Administrator