

Minutes of the South Carolina Board of Dentistry  
Business Meeting, Reinstatement and Application Hearings, Disciplinary Hearings  
July 12, 2013  
Synergy Business Park, Kingtree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present:

Charles F. Wade, D.M.D., President  
John M. Whittington, D.M.D., Vice 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.  
Z. Vance Morgan, IV, D.M.D.  
Elaine A. Murphy, R.D.H.  
Eric C. Schweitzer, Esquire

Staff and others present were:

Kimberly Roberts Bates, D.M.D.  
Martin Bockler, D.M.D.  
James E. Bradley, Esq.  
Matthew Coles, Esq.  
Rodney N. Cost, D.D.S.  
George L. Crawford, D.M.D.  
Henry W. Crossetti, D.M.D.  
Kate K. Cox, LLR Administrator  
Letisha Edwards, D.D.S.  
Jay R. Friedman, 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  
Samuel M. Hazel, D.M.D.  
Ashley S. Heslop, Esq.  
Jennifer Hollingsworth, Esq.  
Thorpe A. Jacobs, D.M.D.  
Rene Carson Kight, D.M.D.  
Chrislyn E. Lawhon, D.G.D.  
David Love, OIE  
Sara McCartha, LLR Advice Attorney  
Donald W. McVicker, D.M.D.  
Patrick R. Marcello, D.M.D.  
Maheshvar Patel, D.M.D.  
Megan N. Price  
Amy B. Rawis  
Amye L. Rushing, Esq.  
Brian E. Sang, D.D.S.  
Frank Sheheen, RPP  
Jeffrey J. Simmons, D.G.D.  
Robin L. Spaniel, Thompson Court Reporter  
Donna Jackson Spring, R.D.H.  
Robert G. Widhalm, D.T.  
James E. Wright, D.M.D.

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### 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 9:05 a.m. All votes referenced herein were unanimous unless otherwise noted. Dr. Sam Hazel was welcomed as a guest.

### APPROVAL OF THE AGENDA:

**Motion:** A motion was made by Dr. Whittington to approve the Agenda. Dr. Martin seconded the motion. The motion carried.

### APPROVAL OF THE MINUTES:

**Motion:** A motion was made by Dr. Goins to approve the Minutes of the April 5, 2013 Board meeting. Dr. Morgan seconded the motion. The motion carried.

### DISCIPLINARY ISSUES REPORTS:

#### Investigative Review Committee (IRC) Report:

The IRC report was presented by Mr. Love.

**Motion:** A motion was made by Dr. Morgan to approve the IRC report authorizing nine (9) Dismissals. Dr. Goins seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Bruce to approve the IRC report authorizing one (1) Dismissal with Cease and Desist Order. Dr. Goins seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Goins to approve the IRC report authorizing ten (10) Authorizations for Formal Complaints. Dr. Alterman seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Alterman to approve the IRC report authorizing the issuance of two (2) Letters of Caution. Dr. Goins seconded the motion. The motion carried.

#### OIE and OGC Management Reports:

The OIE Management Reports for 2011, 2012, and 2013 were presented and OGC Management Reports were presented. All were accepted as information. Legal processes were discussed for investigations and hearings.

#### Recovering Professionals Program (RPP) - Requests on Procedures:

Mr. Sheheen appeared to request a drug exception for the SC RPP Abstinence Policy for ADHD diagnosis in the RPP clients with documented information and to explain the procedures to allow use of a medication.

**Motion:** A motion was made by Mr. Schweitzer to approve the RPP request on a case by case basis for the RPP clients with ADHD diagnosis which is not a blanket exception or exclusion; and there is to be period of monitoring. Dr. Whittington seconded the motion. The motion carried.

As a second matter, Mr. Sheheen also explained the procedure for a year of monitoring of any problematic licensees who do not get a DSM-IV criteria diagnosis of substance abuse or dependence. This is not a change he explained. The Board agreed to continue this process for this type of licensee.

**NINE (9) APPLICATION HEARINGS:**

**Hearings 1-4 will be heard before going into Executive Session.**

Megan N. Price - Dental Hygiene:

An application hearing was held for Ms. Price. Ms. McCarthy advised the Board. Ms. Price was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Amanda B. Rawls - Dental Hygiene:

An application hearing was held for Ms. Rawls. Ms. McCarthy advised the Board. Ms. Rawls was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Kimberly Roberts Bates, D.M.D.:

An application hearing was held for Dr. Bates. Ms. McCarthy advised the Board. Dr. Bates was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Martin Bockler, D.M.D.:

An application hearing was held for Dr. Bockler. Ms. McCarthy advised the Board. Dr. Bockler was present but waived his right to counsel. 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. Whittington seconded the motion. The motion carried.

**I-4 Hearing Motions**

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

**Motion for Rawls:** Ms. Barbare made a motion to approve the application for licensure for Ms. Rawls for dental hygiene. Dr. Whittington seconded the motion. The motion carried.

**Motion for Bates:** Dr. Bruce made a motion to approve the application for licensure for Dr. Bates for dentistry. Dr. Goins seconded the motion. The motion carried.

**Motion for Bockler:** Dr. Alterman made a motion to approve the application for licensure for Dr. Bockler for dentistry. Dr. Morgan seconded the motion. The motion carried.

**Hearings 5-8 will be heard before going into Executive Session.**

Henry W. Crossetti, D.M.D.:

An application hearing was held for Dr. Crossetti. Ms. McCartha advised the Board. Dr. Crossetti was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Letisha Edwards, D.D.S.:

An application hearing was held for Dr. Edwards. Ms. McCartha advised the Board. Dr. Edwards was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Jay R. Friedman, D.M.D.:

An application hearing was held for Dr. Friedman. Ms. McCartha advised the Board. Dr. Friedman was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Masheshvar Patel, D.M.D.:

An application hearing was held for Dr. Patel. Ms. McCartha advised the Board. Dr. Patel was present and was represented by counsel. 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. Morgan seconded the motion. The motion carried.

#### **5- 8 Hearing Motions**

**Motion for Crossetti:** Mr. Schweitzer made a motion to deny the application for licensure by Credentials for Dr. Crossetti for dentistry based on his "yes" answers in the History Section of application and stated licensure by Examinations is the alternate path to licensure. Dr. Goins seconded the motion. The motion carried.

**Motion for Edwards:** Mr. Schweitzer made a motion to deny the application for licensure by Credentials for Dr. Edwards for dentistry based on her "yes" answers in the History Section of application and stated licensure by Examinations is the alternate path to licensure. Dr. Goins seconded the motion. The motion carried.

**Motion for Friedman:** Dr. Alterman made a motion to approve the application for licensure for Dr. Friedman for dentistry. Dr. Martin seconded the motion. The motion carried.

**Motion for Patel:** Mr. Schweitzer made a motion to table the application for licensure by Credentials for Dr. Patel and have him reappear when issues in Georgia have been resolved. Dr. Whittington seconded the motion. The motion carried.

**Hearing 9 will be heard before going into Executive Session.**

Robert G. Wildhalm, D.T.:

An application hearing was held for Mr. Wildhalm. Ms. McCarthy advised the Board. Mr. Wildhalm was present and waived his right to counsel. A court reporter was present. The hearing commenced.

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

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

#### **9th Hearing Motion**

**Motion:** Dr. Whittington made a motion to approve the application for licensure for Mr. Wildhalm for dental technician. Mr. Schweitzer seconded the motion. The motion carried.

#### **SIX (6) REINSTATEMENT APPLICATION HEARINGS:**

**Reinstatement Hearings 1-3 will be heard before going into Executive Session.**

Donna Jackson Spring, R.D.H.:

A reinstatement application hearing was held for Ms. Spring. Ms. McCarthy advised the Board. Ms. Spring was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Rene Carson Kight, D.M.D.:

A reinstatement application hearing was held for Dr. Kight. Ms. McCarthy advised the Board. Dr. Kight was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Rodney N. Cost, D.D.S.:

A reinstatement application hearing was held for Dr. Cost. Ms. McCarthy advised the Board. Dr. Cost was present but waived his right to counsel. 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. Whittington seconded the motion. The motion carried.

#### **1-3 Hearing Motions**

**Motion for Spring:** Ms. Barbare made a motion to approve the reinstatement application for licensure for Ms. Spring for dental hygiene licensure. Dr. Goins seconded the motion. The motion carried.

**Motion for Kight:** Dr. Morgan made a motion to approve the reinstatement application for licensure for Dr. Kight for dental licensure. Dr. Alterman seconded the motion. The motion carried.

**Motion for Cost:** Dr. Alterman made a motion to approve the reinstatement application for licensure for Dr. Cost for dental licensure. Dr. Goins seconded the motion. The motion carried.

**Reinstatement Hearings 4-6 will be heard before going into Executive Session.**

**Brian E. Sang, D.M.D.:**

A reinstatement application hearing was held for Dr. Sang. Ms. McCarthy advised the Board. Dr. Sang was present but waived his right to counsel. A court reporter was present. The hearing commenced.

**Donald W. McVicker, D.M.D.:**

A reinstatement application hearing was held for Dr. McVicker. Ms. McCarthy advised the Board. Dr. McVicker was present but waived his right to counsel. A court reporter was present. The hearing commenced.

**James E. Wright, D.M.D.:**

A reinstatement application hearing was held for Dr. Wright. Ms. McCarthy advised the Board. Dr. Wright was present but waived his right to counsel. A court reporter was present. The hearing commenced.

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

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

#### **4-6 Hearing Motions**

**Motion for Sang:** Dr. Whittington made a motion to approve the reinstatement application for licensure for Dr. Sang for dentistry. Dr. Goins seconded the motion. The motion carried.

**Motion for McVicker:** Dr. Alterman made a motion to approve the reinstatement application for licensure for Dr. McVicker with strict conditions to act only as a consultant with no direct patient care which would include things such as not taking an impressions, etc. Mr. Schweitzer seconded the motion. The motion carried.

**Motion for Wright:** Mr. Schweitzer made a motion to approve the reinstatement application for licensure for Dr. Wright with conditions that there be no treatment of minor age patients (age 18 and under) and that he not practice conscious sedation on anyone. Ms. Barbare seconded the motion. The motion carried.

#### **DISCIPLINARY HEARING REQUEST:**

**Request to be Released Final Order by Compliance - Patrick R. Marcello, D.M.D.**

A request to be released from a Final Order hearing was held for Dr. Marcello. Ms. McCarthy advised the Board. Dr. Marcello was present and was represented by counsel, James Bradley, Esq. A court reporter was present. Dr. Bruce was recused and left the room. A quorum was noted. The hearing commenced.

**Motion:** A motion was made to go into Executive Session by Mr. Schweitzer. The motion was seconded by Dr. Morgan. The motion carried.

**Motion:** Dr. Alterman made a motion to return to Open Session. The motion was seconded by Mr. Schweitzer. The motion carried.

**Motion:** Dr. Whittington made a motion to approve Dr. Marcello's request to be taken off of Suspension (Probation) by noting Dr. Marcello's compliance with his Order; to require that Dr. Marcello continues to comply with #6 of his Order that he will not use anesthetic Propofol and will not carry anyone above or below whatever you say is moderate sedation; and to require you sign a letter that will be sent to you indicating you agree with these conditions to be met. Dr. Alterman seconded the motion. The motion carried.

#### DISCIPLINARY MEMORANDUM OF AGREEMENT AND STIPULATIONS (MOA) HEARINGS:

Chrislyn E. Lawhon, D.M.D.:

A disciplinary hearing was held with a Memorandum of Agreement and Stipulations presented by Ms. Hawkins. Ms. McCartha advised the Board. Dr. Lawhon was present and represented by Amye L. Rushing, Esq. A court reporter was present. The hearing commenced.

**Motion:** Dr. Whittington 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. Whittington made a motion to follow the sanctions of the federal government for three years of probation, a fine, restrict prescriptions for three years, and require an appearance before the Board at the end of the three year period. An Order will be written to fully express the Board's conclusions. Dr. Goins seconded the motion. The motion carried.

George L. Crawford, D.M.D.:

A disciplinary hearing was held with a Memorandum of Agreement and Stipulations presented by Ms. Hawkins. Ms. McCartha advised the Board. Dr. Crawford was present and waived his right to counsel. A court reporter was present. The hearing commenced.

**Motion:** Dr. Goins made a motion to go into Executive Session. Dr. Whittington 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:** Mr. Schweitzer made a motion to reject the MOA and to issue a Letter of Concern. Dr. Alterman seconded the motion. The motion carried.

Thorpe A. Jacob, D.M.D.:

A disciplinary hearing was held with a Memorandum of Agreement and Stipulations presented by Ms. Hawkins. Ms. McCartha advised the Board. Dr. Jacob was present and represented by Ashley S. Heslop, Esq. A court reporter was present. The hearing commenced.

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



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**Motion:** A motion was made to return to Open Session. The motion was seconded. The motion carried.

**Motion:** Mr. Schweitzer Whittington made a motion to reject the MOA and to issue a Letter of Concern regarding more careful documentation. Dr. Alterman seconded the motion. The motion carried.

**Jeffrey J. Simmons, D.M.D.:**

A disciplinary hearing was held with a Memorandum of Agreement and Stipulations presented by Ms. Hawkins. Ms. McCartha advised the Board. Dr. Simmons was present and was represented by Jennifer Hollingsworth, Esq. and Matthew Coles, Esq. A court reporter was present. The hearing commenced.

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

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

Discussion of a motion followed and was tabled.

**Motion:** Dr. Goins made a motion to go into Executive Session. Ms. Barbare 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:** Mr. Schweitzer made a motion to accept the MOA; issue a Public Reprimand; and require a fine of \$2500.00. An Order will be written to fully express the Board's conclusions. Dr. Alterman seconded the motion. The motion carried.

ADMINISTRATIVE REPORTS:

**Administrative Report:**

The Administrative Report was given by Mrs. Cox to include the LLR staffing list; to note the Board has 10,532 credentialed licensees and registrants on file; to review Senate Bill 407 for inspection of dental offices was proposed in 2013 and did not have progress in the 2013 session; to note there is the handout included on the Disciplinary Panel members names for full evidentiary hearings with appointment to the Panel to be made by Dr. Wade as needed; and to note the affirmation of the Board's findings on Dr. Trimmier was emailed to all Board members.

District Five (5) Election was discussed and notice for an election will be to be mailed in late July. Dr. Sam Hazel was welcomed to the meeting as a guest today and it was noted his name has been sent to the Governor for appointment to the District Six (6) seat. Approval was given for the AADA and AADB meetings in New Orleans in October 2013 for the representatives to be Dr. Wade and Dr. Whittington. It was reported that the Board's newsletter is ready for electronic publishing.

Inspections were discussed. Credentialing application requirements in 40-15-275 (A) (5) and 39-1 (B) were discussed and it was stated that applicants need to be aware of this statute.

It was noted Dr. Wade appointed Dr. Whittington to replace Dr. David Jones on the Application Review Committee. The Board was asked to continue to keep September 6, 2013 open until August 1, 2013 for a decision for any disciplinary needs. The last scheduled meeting of the board was announced to be October 11, 2013.



Financial Report:

Financial Report of the Board was given as information by Mrs. Cox and budget items, deposits, and expenditures were explained.

UNFINISHED BUSINESS:

Sedation Committee Update Report:

Dr. Wade reported on the Committee's progress and noted the Committee will continue to meet with all stakeholders and welcome comments. Feedback has been received from the Academy of General Dentistry and the Pedos. SCDA will send feedback in August. Dr. Wade stated the Committee will report again at the October board meeting; and the draft continues to be studied. He noted the Newsletter will also mention the Sedation issue for proposed legislation in 2014.

Regulatory Review by Executive Order:

Ms. McCartha and Mrs. Cox reviewed the LLR findings of the Regulatory Review. They reported that there were only three (3) comments from the public that LLR noted: the fee for credentialing; the requirement for CE for credentialing and required hours of work in dentistry prior to being considered for licensure by credentials; and limitations on practice of dental hygienists. It was discussed that the required CE and continuous work in dentistry for 5 years prior to licensure is for public protection and continued competency. LLR only made one suggestion which was on the fee for credentialing which was to consider lowering it. It was discussed if applicants are coming by examination, the exam score is only valid for five (5) years, after which applicants would need to retake the exam.

NEW BUSINESS:

Reentry Requirements to Dental Hygiene Practice:

Ms. Barbare reviewed her prepared the reentry suggestions for applicants who have been out of the practice for six years or more 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 and each request will be approved on an individual basis. Applicants will need to find the coursework and patients for approval.

**Motion:** Mr. Schweitzer made a motion to approve these courses and the reentry program. The motion was seconded by Dr. Goins. The motion passed.

Reentry courses for dentists were discussed. National issue interest in maintaining certification in specialties by taking additional courses was also discussed.

Proxy Votes for SRTA:

Mrs. Barbare collected these votes and will get the proxies to SRTA for their annual meeting.

**Motion:** A motion was made by Dr. Goins to have Dr. Michelle Bedell stay on SRTA as the SC representative. Ms. Barbare seconded the motion. The motion passed.

Ratification of Licenses and Registrations:

Newly issued licenses and registrations were presented to the Board for ratification for dates through July 12, 2013.

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

LEGAL:

There was no legal business.

DISCUSSION TOPICS:

Dr. Wade and Dr. Alterman discussed the AADB meeting in Chicago, IL. They shared information on remedial preparation courses that are being developed for dentists; discussed student debt for professional education; discussed continued competency needs to be more than continuing education; and noted the Oklahoma complaint and infection issue. From the AADA meeting for administrators, Mrs. Cox discussed that many states are getting many "yes" answers on their applications on personal and professional history and on complaint matters. Many board appearances are being required on very old or simpler charges unless some guidelines are given. The Application Committee can help sort some of these out and not require appearances if they have a criteria to use.

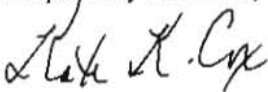
PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS and ADJOURNMENT:

There being no further business or announcements Dr. Wade adjourned the meeting at 5:01 p.m.

Respectfully submitted,



Kate K. Cox  
Administrator