

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
January 20, 2017
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Z. Vance Morgan, IV, DMD, President
Arthur L. Bruce, DMD, Vice President
Dennis A. Martin, DMD, Secretary
Carolyn L. Brown, DMD
Philip M. Prickett, DMD
Walter J. Machowski, Jr., DMD
Eric C. Schweitzer, Esquire
Samuel M. Hazel, DMD
Paul S. Coombs, Jr., DMD
Jessica Keisler, RDH

Elaine Murphy, RDH had an excused absence.

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
Adrian Rivera, OIE Investigator
Adam Russell, LLR Advice Attorney
Prentiss C. Shealey, LLR Litigation Attorney ODC
Julia M. Blackwell, Court Reporter
Charles Bumgardner, DMD
Lee Muthig, RDH—MTC
Rocky Napier, DMD
Holly Beeson, Counsel, LLR Office of Communications and Governmental Affairs
Grover Rabon, DMD—SCDA
Phil Latham, SCDA
Rick Wilson, RPP Special Counsel
Jolee Gudmundson, SCANA
Frank Sheheen, RPP Director
Kent Schillaci
James Mercer, DDS
Adam Hairr, DDS
Joe Griffin, DMD
Madeline Fogg, Compliance Navigation LLC
Mark Sanders, Chief Investigator, OIE
Aaron Bloom, DDS
Karlene Guastafarro, DDS

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. Morgan, Board President, called the meeting to order at 9:00 a.m. All votes referenced herein were unanimous unless otherwise noted.

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APPROVAL OF THE AGENDA:

Motion: A motion was made by Mr. Schweitzer to approve the Agenda. Dr. Coombs second it. The motion carried.

APPROVAL OF THE MINUTES:

Motion: A motion was made by Mr. Schweitzer to approve the minutes of the last meeting on October 14, 2016. Dr. Coombs seconded it. The motion carried.

BOARD ELECTIONS:

Dr. Coombs made a motion to nominate and elect the next President, Vice President and Secretary. Dr. Morgan nominated Dr. Bruce to serve as President; Dr. Dennis Martin to serve as Vice President; and Dr. Sam Hazel to serve as Secretary. Dr. Prickett seconded it. The motion carried.

Dr. Bruce began presiding over the meeting.

Presentation of Plaque to Dr. Morgan

Dr. Rita Melton, Board Administrator, presented Dr. Morgan a plaque for his service as Board President and as one of the members of the Board from 2010 to 2016.

NEW BUSINESS

Ratification of Licenses

Dr. Brown motioned to accept the ratification list as presented by staff. Dr. Prickett seconded the motion. The motion carried.

Discussion of Licensure Review Committee Composition

Dr. Bruce stated since he is now serving as President, he would accept nominations for members to replace him on the Licensure Review Committee. He asked for volunteers to serve. Dr. Coombs and Dr. Machowski stated they would volunteer to serve. Mr. Schweitzer made a motion for Dr. Coombs and Dr. Machowski to serve on the Committee. Dr. Hazel seconded it. The motion carried.

Request to Develop Joint Advisory Opinion Regarding the Administration of Botox with the State Boards of Medical Examiners and Nursing and Identification of 3 Board Members to Serve

Darra Coleman, Chief Advice Counsel at LLR, led the discussion.

Ms. Coleman stated that the Medical Board recognizes that it would be helpful to the public, as well as the licensees, if, instead of having three separate advisory opinions pertaining to Botox, we could work towards the development of one opinion. She stated that they would have to respect the scopes of the practice act of each Board. (The three Boards involved in the Botox discussion are the Medical Board, Nursing Board and Dentistry Board.)

Ms. Coleman stated if the Board agrees to participate in the development of a Joint Advisory Opinion, three volunteers from the Board would be needed.

After more discussion, Dr. Machowski made a motion to join with the Medical and Nursing Boards to formulate a Joint Advisory Opinion on the administration of Botox and other injectables. Mr. Schweitzer seconded it. The motion carried.

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Mr. Schweitzer made a motion for Dr. Prickett, Dr. Martin and Dr. Coombs to serve on the committee. Dr. Hazel seconded it. The motion carried.

NEW BUSINESS

Executive Session for Purposes of Obtaining Legal Advice Regarding Advertising Issues

Mr. Schweitzer made a motion to go into executive session to seek legal advice regarding the advertising of dental services. Dr. Coombs seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Coombs seconded it. The motion carried.

Discussion on Sedation Regulations

Holly Beeson, LLR Counsel, from the Office of Communications and Governmental Affairs, led the discussion regarding Sedation Regulations. Ms. Beeson offered assistance from her office with tweaking the regulations which would be helpful to clarify what the board's intent is and in a manner that is useful to the public.

A lengthy discussion with the Board and members from the public took place pertaining to this matter.

Robbie Boland, who oversees inspections at LLR, wanted to know how these inspections are to be conducted. Ms. Coleman stated that the way the law is currently written, the fee goes with the permit, not with the inspection.

Another brief discussion took place with the Board and the public. No motions were made during this discussion.

Sanitation of Slow Speed Handpieces

Dr. Bruce began the discussion by asking whether or not dental professionals need to be sterilizing the slow speed hand piece motors, as opposed to sterilizing the attachments that actually come in contact with the patient.

After a lengthy discussion, Dr. Prickett made a motion to go into executive session to seek advice from legal counsel on this issue. Dr. Morgan seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Hazel seconded it. The motion carried.

Dr. Hazel made a motion to reiterate the Board's position and that the CDC guidelines be followed for sanitation of slow-speed hand pieces. Dr. Prickett and Dr. Coombs seconded it. The motion carried.

Patient Gifting Question

Adam Russell, Advice Attorney for the Board, stated that he would like to have clarification from the Board on the matter of dentists providing small gifts to patients. Dr. Coombs made a motion that a dentist can provide a small gift. Dr. Morgan seconded it. The motion carried.

DISCIPLINARY ISSUES REPORTS

IRC Reports

Mark Sanders, Chief Investigator, presented the report.

He requested approval of 13 dismissals. Dr. Coombs made a motion to accept the 13 dismissals.

Dr. Hazel seconded it. The motion carried.

Mark Sanders submitted four formal complaints for their approval. Dr. Machowski made a motion to approve. Dr. Coombs seconded it. The motion carried.

Mark Sanders submitted three Letters of Caution for their approval. There is also an Addendum which would make it a fourth Letter of Caution. Mr. Sanders stated there is a total of four Letters of Caution.

Mr. Schweitzer made a motion to approve the Letters of Caution. Dr. Hazel seconded it. The motion carried.

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Mr. Sanders gave a brief statistical report for OIE. It was only through three-quarters of the year, through September 20, 2016. He stated they have received 45 cases in the third quarter, a total of 103 through the three quarters. In the third quarter, they closed 32 cases, which is a total of 104 for the year. As of this date, OIE has 65 cases.

OIE/OGC Management Reports

Prentiss Shealey presented the reports. She stated that there are currently 30 open cases on 18 Respondents; two (2) are pending, which were covered in the IRC report. There are seven (7) pending Consent Agreements; four (4) are pending Memorandums of Agreement; 16 are pending panel hearings, that is only seven Respondents. There are some with multiple Respondents. All, except two (2) of those cases have been previously scheduled and continued. There are no cases pending a Board hearing. There is one (1) pending an Order. They have closed 16 cases in the last year.

Mr. Schweitzer made a motion to accept the OIE/OGC Reports. Dr. Martin seconded. The motion carried.

Administrative Report

Dr. Melton stated between Oct. 14, 2016 to Jan. 19, 2017, we have received 102 new applications and reinstated seven (7). There are 12,333 total active credentials. She stated the Board is currently in renewal, which started on Oct. 3rd and runs through Feb. 28th. We have currently processed 6,256 licensed of all different credentials. Dr. Melton stated we have some panel hearings scheduled for the first six months of 2017. The next Specialty Examination is scheduled for January 27th. Four candidates are scheduled. There will only be two specialties given that day, which are Pediatrics and Endodontics.

Dr. Machowski brought up the domestic violence continuing education. A brief discussion ensued, Dr. Melton stated she would look into that and let them know at the next Board meeting if this is a requirement or not.

Dr. Melton stated that she is working to move the nitrous oxide monitoring examination and the infiltration anesthesia monitoring examination to online technology. Currently, the staff spends quite a lot of time on working with both of these examinations. She stated she is working with an outside agency to get that online so that applicants will not have to drive to Columbia to take these exams. She will bring more information regarding this matter at a later date.

Dr. Martin mentioned that he would like to get started with the newsletter maybe around May or June.

Dr. Martin also stated that it will be good to start thinking about who is going to the AADB meeting. Dr. Coombs stated he believes it is April 9th and 10th. Dr. Melton stated to let her know if anyone is interested in attending.

Dr. Rocky Napier, from S.C. Dental Association, stated that he believed that sometime in the fall or prior to that, it was mentioned that the domestic violence CE is not a requirement. It was only a proposal from the Governor. He stated he believes it is optional.

RPP Presentation

Rick Wilson, Counsel for Recovering Professionals Program, presented the Board with a proposed policy regarding individuals with the diagnosis of a "mild" substance abuse disorder. He stated this policy has already been discussed with the Medical Board, Nursing Board and the Pharmacy Board.

Mr. Wilson stated the proposal basically states that a person who comes to RPP before a complaint is opened with LLR and who receives a "mild" diagnosis would be eligible to enroll in monitoring program lasting for a period less than the standard five year monitoring agreement. If the individual qualifies for this program, he/she would be required to enroll with the RPP Senior Program after completing the shorter monitoring agreement. Mr. Schweitzer made a motion to adopt this procedure as proposed. Dr. Coombs seconded it. The motion carried.

Application Hearings

RE: Dr. Aaron Forsythe Bloom—Initial Application

Dr. Aaron Forsythe Bloom is seeking to become licensed as a dentist in this state. Dr. Bloom was not represented by an attorney. Mr. Russell advised the Board.

He was requested to meet with the Board because he had not met the requirements of active practice for a minimum of five years immediately preceding the date of application.

Dr. Coombs made a motion to go into executive session to seek legal advice. Dr. Martin seconded it. The motion carried.

Dr. Machowski made a motion to come out of executive session. Dr. Martin seconded it. The motion carried.

Dr. Coombs made a motion to approve Dr. Bloom's application for licensure. Dr. Machowski seconded it. The motion carried.

RE: Dr. Karlene Gustafarro—Initial Application

Dr. Karlene Gustafarro is seeking to become licensed as a dentist in this state. Dr. Gustafarro was represented by her attorney, Eric Scalzo, Esquire. She was requested to meet with the Board due to a "yes" answer on her application.

Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Prickett seconded it. The motion carried.

Dr. Hazel made a motion to come out of executive session. Dr. Morgan seconded it. The motion carried.

Dr. Prickett made a motion to approve her licensure by credentials. Dr. Coombs seconded it. The motion carried.

Discussion Topics

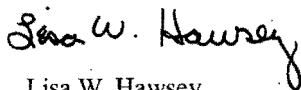
Dr. Bruce stated that he noticed that we accept CRDTS, which is a non-ADEX exam. He asked if anybody was an examiner with CRDTS. Dr. Morgan stated that he is. The Board then held a discussion pertaining to the CRDTS examination. No motions were made on this matter.

Dr. Hazel made a motion to adjourn. Dr. Martin seconded it. The motion carried.

Dr. Bruce stated the next meeting is April 14, 2017.

The meeting adjourned at 2:17 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.