

Minutes of the South Carolina Board of Dentistry  
Business Meeting and Disciplinary Issues  
October 13, 2017  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Arthur L. Bruce, DMD, President  
Dennis A. Martin, DMD, Vice-President  
Samuel L. Hazel, DMD, Secretary  
Walter J. Machowski, Jr., DMD  
Philip M. Prickett, DMD  
Paul S. Coombs, Jr., DMD  
Charles G. Bumgardner, DMD  
Eric C. Schweitzer, Esquire, Public Member  
Carolyn Brown, DMD  
Elaine A. Murphy, RDH and Jessica M. Keisler, RDH were not present.

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator  
Lisa Hawsey, Administrative Assistant  
Lorie Graham, OIE Investigator  
Adrian Rivera, OIE Investigator  
Hardwick Stuart, Jr., LLR Advice Counsel  
Prentiss C. Shealey, LLR Litigation Attorney ODC  
Julia M. Blackwell, Court Reporter  
Lee Muthig, RDH—MTC  
Francesca Shell, DH  
Elizabeth Katz, DMD  
Upasna Gandhi, DMD  
Nanda D'Aleo, DDS  
Meredith Sella  
Jeff Rossman, DDS  
Jamie Josslyn, DH  
Lisa Swick, DH  
Michael Davies, DMD  
Vineet Ganapati, DDS  
Tristie Reinhardt, DH  
Lisa Ravenel, DMD  
Melanie Weidner, DH  
Janet H. Southerland, DMD  
Phil Latham, S.C. Dental Association  
Thomas Edmond, S.C. Dental Association

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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. Bruce, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Elaine A. Murphy, RDH and Jessica M. Keisler, RDH were not present. Since Adam Russell, Esq, the Board's advice attorney is on medical leave, Hardwick Stuart, Esq. filled in for him. The Board members introduced themselves.

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

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

Dr. Coombs made a motion to excuse one of the absences and table the other one, pending more information. Mr. Schweitzer seconded it.

### APPROVAL OF THE AGENDA

**Motion:** Dr. Coombs made a motion to approve the agenda. Dr. Bumgardner seconded it. The motion carried.

### APPROVAL OF MINUTES

**Motion:** Dr. Machowski made a motion to approve the minutes of the last meeting held on July 14, 2017. Mr. Schweitzer seconded it. The motion carried.

**Motion:** Mr. Schweitzer made a motion to approve the minutes of the August 4, 2017 Sedation Committee meeting. Dr. Prickett seconded it. The motion carried.

**Motion:** Mr. Schweitzer made a motion to approve the minutes from the August 25, 2017 called meeting. Dr. Coombs seconded it. The motion carried.

### REPORTS

#### OIE/ODC Management Reports

##### IRC Report

Mark Sanders, Chief Investigator from OIE gave the report. He stated there were 35 cases received in OIE and for the same quarter ending June 30<sup>th</sup>, there were 48 cases closed. Presently, there are 36 active investigations. Mr. Sanders submitted seven dismissals for the Board's approval.

**Motion:** Mr. Schweitzer made a motion to accept these as submitted. Dr. Hazel seconded it. The motion carried. Mr. Sanders submitted one dismissal with a cease-and-desist for the Board's approval.

**Motion:** Dr. Bumgardner made a motion to accept this as submitted. Dr. Coombs seconded it. The motion carried.

Mr. Sanders submitted four formal complaints for the Board's approval.

**Motion:** Dr. Bumgardner made a motion to accept these as submitted. Dr. Hazel seconded it. The motion carried.

Mr. Sanders submitted one formal complaint with a cease-and-desist for the Board's approval.

**Motion:** Dr. Coombs made a motion to accept as submitted. Dr. Hazel seconded it. The motion carried.

Mr. Sanders submitted six Letters of Caution for the Board's approval.

**Motion:** Dr. Hazel made a motion to accept as submitted. Dr. Bumgardner seconded it. The motion carried.

### **ODC Report**

Prentiss Shealey, Esquire gave this report.

Currently, ODC has 34 open cases—which is 22 Respondents. There are six cases pending Consent Agreements. There are ten cases pending Memorandum of Agreements. There are six pending Consent Agreements; 10 are pending Memorandum of Agreements; 17 are pending a Panel hearing; there are no pending Board hearings because two were changed this morning to be submitted as Memorandum of Agreements and decided to wait until January. There are no pending Orders. There were 38 closed cases in the last year.

### **Application Hearing—Initial Application**

Dr. Michael Davies is seeking a dental license through credentials. Dr. Davies was not represented by an attorney. Mr. Stuart advised the Board.

He was requested to meet with the board because he has not shown proof of the required five years of active practice prior to applying. After the board asked some questions to Dr. Davies pertaining to his lapse of practice in Boston, Dr. Machowski made a motion to go into executive session to seek legal counsel. Dr. Bumgardner seconded it. The motion carried.

Mr. Schweitzer made a motion to come out of executive session. Dr. Coombs seconded it. The motion carried. Dr. Machowski made a motion that the board deny Dr. Davies application for licensure by credential because of Section 40-15-275, paragraph 3. Dr. Bumgardner seconded it. The motion carried.

Dr. Bruce stated to Dr. Davies that he could apply by way of examination or if he can provide proof that he did practice enough to meet the minimum requirements, he would encourage him to appeal.

### **Application Hearing—Initial Application**

Dr. Upasna Gandhi is seeking a dental license through examination. Dr. Gandhi was not represented by an attorney. Mr. Stuart advised the Board.

Dr. Gandhi was requested to meet with the Board due to a “yes” answer on her application.

Mr. Schweitzer wanted to note in the record that in the settlement agreement there was a piece of the materials in paragraph 1, the last sentence, it says: “For future records, this agreement should not be considered a disciplinary suspension or disciplinary action”.

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

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

Dr. Bumgardner made a motion to grant Dr. Gandhi her license. Mr. Schweitzer seconded. The motion carried.

### **Application Hearing—Initial Application**

Dr. Jeffrey Rossman is seeking a restricted instructor’s license to teach dentistry at MUSC. Dr. Rossman was not represented by an attorney. Mr. Stuart advised the Board.

Dr. Rossman was requested to meet with the Board due to a “yes” answer on his application.

After a brief discussion with the Board, Dr. Bumgardner made a motion to grant Dr. Rossman the restricted instructor’s license. Mr. Schweitzer seconded it. The motion carried.

### **Application Hearing—Initial Application**

Dr. Elizabeth L. Katz is seeking a dental license through credentials. Dr. Katz was not represented by an attorney. Mr. Stuart advised the Board.

Dr. Katz was requested to meet with the Board due to a “yes” answer on her application.

After a brief discussion with the Board, Dr. Bumgardner made a motion to grant Dr. Katz her license. Mr. Schweitzer seconded it. The motion carried.

**Application Hearing—Initial Application**

Dr. Nanda D'Aleo is seeking a dental license through credentials. Dr. D'Aleo was represented by Meredith Sella, attorney with Nelson Mullins. The Board was represented by Mr. Stuart.

Dr. D'Aleo was requested to meet with the Board due to a "yes" answer on her application.

After a brief discussion with the Board, Dr. Bumgardner made a motion to go into executive session to seek legal counsel. Mr. Schweitzer seconded it. The motion carried.

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

Dr. Coombs made a motion to grant Dr. D'Aleo her license. Mr. Schweitzer seconded it. The motion carried.

**Application Hearing—Initial Application**

Melanie Weidner was requested to meet with the board because she was allegedly practicing dental hygiene without a license. Ms. Weidner is requesting to become licensed as a dental hygienist. She stated she holds a current Michigan dental hygiene license. Ms. Weidner was not represented by an attorney. Mr. Stuart advised the Board. After a discussion with the Board, Dr. Hazel made a motion to go into executive session to seek legal counsel. Mr. Schweitzer seconded it. The motion carried.

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

Mr. Schweitzer made a motion to deny Ms. Weidner's application for licensure as a dental hygienist and to also issue a cease and desist order to ensure that she does not practice unless and until a valid license is obtained. Dr. Bumgardner seconded it. The motion carried.

**Application Hearing--Reinstatement Application**

Dr. Lisa Ravenel is seeking reinstatement of her dental license. Dr. Ravenel was not represented by an attorney. Mr. Stuart advised the Board.

Dr. Ravenel was requested to meet with the Board to reinstate her dental license because according to statute and regulations, she must appear before the Board to explain her competency and why she did not reinstate her license on time.

After a brief discussion with the Board, Dr. Bumgardner made a motion to approve Dr. Ravenel's reinstatement. Dr. Hazel seconded it. The motion carried.

**Application Hearing—Initial Application**

Dr. Janet H. Southerland is seeking licensure as a dental license through credentials. Dr. Southerland was not represented by an attorney. Mr. Stuart advised the Board.

Dr. Southerland was requested to meet with the Board due to a "yes" answer on her application.

Mr. Schweitzer made a motion that her dental license be granted. Dr. Bumgardner seconded it. The motion carried.

**Application Hearing—Reinstatement Application**

Dr. Vineet Ganapati is seeking reinstatement of her dental license. Dr. Ganapati was not represented by an attorney. Mr. Stuart advised the Board.

Dr. Ganapati was required to meet with the Board to reinstate her dental license because according to the statute and regulations, she must appear before the Board to explain her competency and why she did not reinstate her license on time.

After a brief discussion with the Board, Dr. Prickett made a motion to reinstate her license. Mr. Schweitzer seconded it. The motion carried.

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**Application Hearing—Reinstatement Application**

Jessica M. Josselyn is seeking reinstatement of her dental hygiene license. Ms. Josselyn was not represented by an attorney. Mr. Stuart advised the Board.

Ms. Josselyn was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must appear before the Board to explain her competency and why she did not reinstate her license on time.

After a brief discussion with the Board, Dr. Machowski made a motion to reinstate her dental hygiene license. Dr. Prickett seconded it. The motion carried.

**Application Hearing—Reinstatement Application**

Francesca Y. Shell is seeking reinstatement of her dental hygiene license. Ms. Shell was not represented by an attorney. Mr. Stuart advised the Board.

Ms. Shell was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must appear before the Board to explain her competency and why she did not reinstate her license on time.

After a brief discussion with the Board, Dr. Martin made a motion to reinstate her dental hygiene license. Mr. Schweitzer seconded it. The motion carried.

**Application Hearing—Reinstatement Application**

Tristie Reinhardt is seeking reinstatement of her dental hygiene license. Ms. Reinhardt was not represented by an attorney. Mr. Stuart advised the Board.

Ms. Reinhardt was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must appear before the Board to explain her competency and why she did not reinstate her license on time.

After a brief discussion with the Board, Dr. Prickett made a motion to reinstate her dental hygiene license. Dr. Coombs seconded it. The motion carried.

**Application Hearing—Reinstatement Application**

Octavia J. Harris is seeking reinstatement of her dental hygiene license. Ms. Harris was not represented by an attorney. Mr. Stuart advised the Board.

Ms. Harris was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must appear before the Board to explain her competency and why she did not reinstate her license on time.

After a brief discussion with the Board, Dr. Bumgardner made a motion to reinstate her dental hygiene license. Dr. Brown seconded it. The motion carried.

**Application Hearing—Reinstatement Application**

Lisa C. Swick is seeking reinstatement of her dental hygiene license. Ms. Swick was not represented by an attorney. Mr. Stuart advised the Board.

Ms. Swick's dental hygiene license expired on March 1, 2006. She is required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must appear before the Board to explain her competency. Dr. Melton presented a proposal that Lee Muthig, Department Head at Midlands Technical College, came up with to assist Ms. Swick in her proficiency

After a discussion with the Board, Dr. Martin made a motion to go into executive session to seek legal counsel. Dr. Bumgardner seconded it. The motion carried.

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

Mr. Schweitzer made a motion that after a review of the statutes and consulting with legal counsel, the Board must deny her application for reinstatement. The interpretation involves two things: either an approved reentry program or an examination. The Board does not have an approved reentry program before them. The Board invited her to take the examination. Dr. Prickett seconded it. The motion carried.

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### NEW BUSINESS

#### **Ratification of Licenses**

Dr. Martin made a motion to approve the ratification list as provided by staff. Mr. Schweitzer seconded it. The motion carried.

#### **Election of New Dental Board Member Officers**

Dr. Hazel nominated Dr. Martin for President. Mr. Schweitzer seconded. Mr. Schweitzer made a motion to close the nominations for President. Dr. Hazel seconded it. The motion carried for Dr. Martin as President.

Dr. Martin nominated Dr. Coombs for Vice-President. Dr. Hazel seconded it. Mr. Schweitzer moved the nominations be closed. Dr. Martin seconded it. The motion carried for Dr. Coombs as Vice-President.

Dr. Machowski nominated Dr. Brown for Secretary. Dr. Hazel seconded it. Mr. Schweitzer moved the nominations be closed. Dr. Coombs seconded it. The motion carried for Dr. Brown as Secretary.

#### **Sedation Permit Applications Approval**

Dr. Prickett presented the Deep Sedation/General Anesthesia Permit Application and the Moderate Parenteral and/or Moderate Enteral Sedation Permit Application applications to the board for their review. Dr. Hazel made a motion to accept the sedation material presented to them. Mr. Schweitzer seconded. The motion carried.

Dr. Prickett also stated the Provider Only Anesthesia Permit Application is in their materials for approval too.

Mr. Schweitzer made a motion to approve this application. Dr. Brown seconded it. The motion carried.

Dr. Prickett presented the Sedation/General Anesthesia Permit Facility Checklist for approval.

Dr. Coombs made a motion to approve the checklist. Dr. Prickett seconded it. The motion carried.

Dr. Prickett stated the permits are in their packet for approval (what they're actually going to look like).

Dr. Coombs made a motion to accept them as presented. Dr. Machowski seconded it. The motion carried.

Lastly, Dr. Prickett stated the "South Carolina Board of Dentistry Change of Practice Form" is in their materials for approval. This is for the dental anesthesiologists and nurse anesthetists to go to different offices.

Dr. Coombs made a motion to accept this as presented. Dr. Brown seconded it. The motion carried.

#### **Discussion and Vote on Dentist Refresher Program to Return to Practice Proposal from Dr. Todd Brown**

The Board went into closed session for this discussion.

After a lengthy discussion, the Board requested additional information from the Administrator at which time, she asked to be excused to research this matter. In her absence, the Board then moved to the next item on the agenda.

#### **ADEX Conference Report**

Dr. Machowski gave the report.

There were no votes taken during or after this report.

#### **Dentistry Regulatory Review**

Mr. Stuart gave the report. He stated Governor McMaster has sent out an executive order requiring all Boards and Commissions to review their regulations for any additions or changes.

The Board decided to have a called meeting to discuss proposed changes on November 9, 2017 at 5:30 p.m.

**Discussion and Vote on Dentist Refresher Program to Return to Practice Proposal from Dr. Todd Brown (cont.)**

The Board returned to closed session.

After more discussion on the matter, the Board returned to open session.

Dr. Hazel made a motion that they accept the refresher course for Dr. Todd Brown as he returns to the practice of dentistry, and that he be granted a license upon successful completion of approval by the President. Mr. Schweitzer added an amendment. He stated that it needs to be clear that this is for this specific case, no other case, and not to establish any precedent. Dr. Prickett seconded the amendment. Dr. Bruce asked all in favor of Mr. Schweitzer's amendment to Dr. Hazel's motion. Six members voted "Aye" and two members voted "Nay". The motion carried. Dr. Hazel's motion that has been amended was seconded by Dr. Prickett. Six members voted "Aye" and two members voted "Nay". The motion carried.

**Administration and Financial Reports**

Dr. Melton stated we have a total of 12,333 credentials. From the last board meeting until today, 245 licenses were issued. During that same period, we have received 194 applications for consideration.

The financial report is as indicated in your materials.

Dr. Melton gave a brief synopsis of what CE Broker's role will be with the Dentistry Board.

Dr. Melton stated the Board held an election for Dr. Bruce's seat, which will become vacant the end of this year.

The two candidates who are seeking election to the Board from District 3 are Dr. Don Marler and Dr. Chris Griffin.

Dr. Melton needs to have two board members to volunteer to come to the office to count ballots. Dr. Bumgardner stated he would volunteer. Dr. Bruce mentioned Elaine Murphy to help if she can.

Dr. Melton discussed the members who will be attending the AADB Conference in Atlanta. They are Dr. Coombs, Dr. Martin, Dr. Brown and Dr. Machowski. Dr. Melton stated she will be attending as well.

Dr. Prickett gave a brief report from his visit to MUSC pertaining to CODA.

Dr. Melton stated the meeting dates for 2018 are on the Board's website. Dr. Bumgardner mentioned that the meeting for April is on the 13<sup>th</sup>. Dr. Bruce stated a lot of the board members are working with the SRTA Board at MUSC that day. After confirming room availability, the April meeting was changed to April 20, 2018.

Dr. Martin requested that we remove the "ADEX" term from our website. Dr. Melton stated she would do that.

**Discussion Topics**

Dr. Bumgardner stated he would like a report of people who applied by credentials in 2016 indicating the number of clinical hours worked.

Dr. Bumgardner also requested to receive a report of the number of people licensed through credential and through examination. He stated he would like to see if they actually work the 1200 hours in the first two years.

Dr. Machowski mentioned he would like to discuss why this Board accepts CITA for dental and not hygiene.

Mr. Stuart stated he may be able to assist with legal matters concerning this issue until Mr. Russell returns.

Other discussion ensued pertaining to the various exams. The Board decided to continue this discussion at the January 2018 meeting.

Dr. Martin stated to make plans to attend the spring AADB meeting if interested.

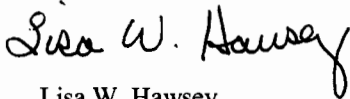
**Public Comments**

None

**Adjournment**

Before the meeting adjourned, Dr. Schweitzer stated the Governor accepted his resignation effective December 31<sup>st</sup>. He thanked everyone that he served with. Dr. Machowski made a motion to adjourn. Dr. Bumgardner seconded it. The motion carried. The meeting adjourned at 3:09 p.m.

Respectfully Submitted,



Lisa W. Hawsey  
Admin. Asst.