

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
April 6, 2018
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Dennis A. Martin, DMD, President
Paul S. Coombs, Jr., DMD, Vice-President
Carolyn Brown, DMD, Secretary
Samuel M. Hazel, DMD
Walter J. Machowski, Jr., DMD
Philip M. Prickett, DMD
Charles G. Bumgardner, DMD
Donald L. Marler, DMD
Jessica M. Keisler, RDH
Elaine A. Murphy, RDH was not present

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator
Lisa Hawsey, Administrative Assistant
Lorie Graham, OIE Investigator
P.C. Faglie, OIE Chief Investigator
Adam Russell, LLR Advice Counsel
Megan Flannery, LLR Litigation Attorney ODC
Julia M. Blackwell, Court Reporter
Dr. Patrick Brian Daley
Cameron B. Littlejohn, Jr., Esq.
Beth Garrick, RPP
H. Lucius Laffitte, III, Esq.
Kristen Holland
Dr. Bilal Ahmed
De. Walter Kostrzewski
Dr. Jason Wood
Elizabeth Gardner, RDH

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. Martin, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Elaine A. Murphy, RDH was not present. Adam Russell, Esq. served as the Board's Advice Attorney. The Board members introduced themselves.

APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

Dr. Bumgardner stated he would like clarification on the January meeting minutes. There was a brief discussion on the matter.

Dr. Bumgardner made a motion to amend the January minutes to reflect his recollection of additional information contained in the Board's motion regarding primary preventative care that is reversible. Dr. Prickett seconded the motion. The motion carried.

Dr. Coombs made a motion to approve the January minutes subject to Dr. Bumgardner's amendment. Dr. Marler seconded it. The motion carried.

[After reviewing the transcript from the January Board meeting, the Board, at its July 13, 2018 meeting, determined that the information originally contained in the proposed January meeting minutes was correct and voted to withdraw its April 6, 2018 motion to amend the January minutes to include the additional information presented by Dr. Bumgardner. The January minutes were resubmitted to, and approved by, the Board on July 13, 2018.]

RE: The Agenda

Dr. Martin stated that RPP will be presented at a later date and move the Public Relations Committee report ahead.

OIE REPORT

P. C. Faglie presented the report, as he was filling in for Mark Sanders.

Mr. Faglie stated the Board has 12 cases recommended for dismissals.

After a brief discussion on one situation, Dr. Coombs made a motion to approve the 12 cases for dismissal. Dr. Brown seconded it. The motion carried.

Mr. Faglie then stated there are three (3) formal complaints.

Dr. Hazel made a motion to accept the three (3) formal complaints. Dr. Coombs seconded it. The motion carried.

Mr. Faglie stated there are two (2) Letters of Caution for approval. Dr. Machowski recused himself from voting on this. Dr. Prickett made a motion to accept the two (2) Letters of Caution. Dr. Hazel seconded it. The motion carried.

Mr. Faglie gave the statistical report. Mr. Faglie stated there are 28 active investigations for they are working on. Dr. Prickett made a motion to accept the statistical report. Dr. Marler seconded. The motion carried.

ODC REPORT

Megan Flannery, Esq. gave the Office of Disciplinary Report due to the absence of Prentiss Shealey, Esq.

Ms. Flannery stated there are 34 open cases, with 23 Respondents; Seven (7) are pending Consent Agreements; 10 are pending Memorandum of Agreements (MOAs); 14 are pending panel hearings. She stated that one Respondent has three (3) cases and is scheduled to go before a hearing in May; another Respondent has four (4) cases and is pending to go forward in July. There are five (5) cases pending Board hearings, and 39 cases have been closed since April 2018. The report is for information only and does not require a vote.

Ms. Flannery then gave a report on advertising. She stated LLR created a new process pertaining to advertising cases. Instead of going to OIE (Office of Enforcement), the complaint analyst would send it to the Office of Disciplinary Counsel and then it would be reviewed using the Commercial Speech Test and then make a

recommendation. Currently, there is one case in that the word "advanced" was recalled and there's a recommendation for a dismissal. Dr. Bumgardner recused himself from voting on this. Dr. Hazel made a motion to accept the recommendation for dismissal. Ms. Keisler seconded it. The motion carried.

Disciplinary Hearings

Kristen Holland—Request Release From Board Order

A hearing was held for the Respondent to seek release of the conditions from the Board Order. Mr. Russell advised the Board. The State was represented by Megan Flannery, Esq. The Respondent was present and was not represented by an attorney. Dr. Marler made a motion to close the hearing. Dr. Machowski seconded it. The motion carried. Mr. Russell advised the Board the hearing is closed because it involved personal health information that is protected by federal law. After a brief discussion, Dr. Prickett made a motion to release the conditions of her Order. Dr. Coombs seconded it. The motion carried.

RE: Case No. 2015-76

A closed hearing was held for the Respondent. Mr. Russell advised the Board. Mr. Cameron B. Littlejohn, Jr., Esq. represented the Respondent. The state was represented by Megan Flannery, Esq. The Respondent's attorney approached the podium with opening remarks. The Respondent then approached the podium and after being duly sworn in gave his testimony.

After a brief discussion with the Board, Dr. Hazel made a motion to go into executive session to seek legal advice. Dr. Coombs seconded it. The motion carried.

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

Dr. Coombs made a motion that the Board accept his MOA (Memorandum of Agreement) given; release the terms of the Interim Order of Reinstatement, and issue a public reprimand and impose a \$2,500.00 fine. Dr. Coombs further stated he motions to restrict him from prescribing controlled substances. Dr. Prickett seconded it. The motion carried.

RE: Case No. 2015-47

Dr. Bumgardner made a motion to come out of closed session. Dr. Machowski seconded it. The motion carried.

A hearing was held for the Respondent to discuss whether or not to accept the Disciplinary Hearing Panel's recommendation. Mr. Russell advised the Board. The State was represented by Megan Flannery, Esq. The Respondent was not present, but his attorney, Lucius Laffitte, Jr., Esq. was in attendance representing him. After discussing the Respondent's case, Dr. Hazel made a motion to go into executive session to seek legal advice. Dr. Coombs seconded it. The motion carried.

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

Dr. Bumgardner made a motion to adopt the Hearing Panel's recommendation. Dr. Coombs seconded it. The motion carried.

RE: Case No. 2017-68

A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Megan Flannery, Esq. The Respondent was not present. The Respondent was not represented by an attorney.

After a presentation of the facts by Ms. Flannery, Dr. Coombs made a motion to accept the Consent Agreement as presented. Dr. Prickett seconded it. The motion carried.

RE: Case No. 2017-89

A hearing was held for the Respondent. The Respondent was present and was not represented by an attorney. Mr. Russell advised the Board. The State was represented by Megan Flannery, Esq. Ms. Flannery presented the facts of the case. After hearing all of the facts presented, Dr. Prickett made a motion that the Board not accept the Consent Agreement as written and that they recommend a private reprimand and that it does not have to come back before the Board, but can be signed off by the President of the Board. Dr. Machowski seconded it. The motion carried.

Reports/Information

Public Relations Dental Committee Report

Dr. Brown is the Chair of the Public Relation Committee. She stated they met on March 12, 2018 at 12 p.m. In addition to herself, Dr. Hazel, Dr. Martin, Adam Russell, Advice Counsel and Dr. Rita Melton, Board Administrator, were in attendance.

In their meeting, they discussed the upcoming Board newsletter with regards of subject contents. They also reviewed the Board's website for errors or relevant content.

Application Hearings

A motion was made by Dr. Coombs to defer Dr. Jose G. Ravelo's application hearing. Dr. Machowski seconded it. The motion carried.

Initial Application with "Yes" Answer

Dr. Bilal Ahmed is seeking a dental license by way of credentials. Since he answered "yes" to one of the questions on the application, he is required to meet with the Board. Dr. Ahmed was not represented by an attorney. Mr. Russell Advised the Board. After a brief discussion with Dr. Ahmed, Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Coombs seconded it. The motion carried.

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

Dr. Machowski made a motion that the board defer action until the matter is cleared back home (Connecticut). Dr. Hazel seconded the motion. The motion carried.

Initial Application with "Yes" Answer

Dr. Walter Kostrzewski is seeking a dental license by way of credentials. Since he answered "yes" to one or more of the questions on the application, he is required to appear before the Board. Dr. Kostrzewski was not represented by an attorney. Mr. Russell advised the Board.

After a discussion with Dr. Kostrzewski, Dr. Coombs made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

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

Dr. Prickett made a motion to deny Dr. Kostrzewski's request for a dental license due to the multiple, past disciplinary actions as well as a newer one, as of February 2017, that was new to this Board. Dr. Coombs seconded it. The motion carried.

Reinstatement Application for Lapsed License

Dr. Jason M. Wood is seeking reinstatement of his dental license. Dr. Wood was present and was not represented by an attorney. Mr. Russell advised the Board. Dr. Wood's dental license expired on March 1, 2015. Dr. Wood was required to meet with the Board to reinstate his dental license because according to the statute and regulations, he must meet before the Board to explain his competency and why he did not renew his license on time. After a discussion with the Board, Dr. Prickett made a motion to grant him his license. Dr. Hazel seconded it. The motion carried.

Reinstatement Application for Lapsed License

Elizabeth Gardner, RDH is seeking reinstatement of her dental hygiene license. Ms. Gardner was present and was not represented by an attorney. Mr. Russell advised the Board. Ms. Gardner was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet before the Board to explain her competency and why she did not renew her license on time. Ms. Gardner's dental hygiene license expired on March 1, 2011. After a brief discussion with the Board, Dr. Bumgardner made a motion to reinstate her license. Dr. Hazel seconded it. The motion carried with.

NEW BUSINESS

Ratification of Licenses

Dr. Coombs made a motion to approve the ratification list as provided by staff. Dr. Marler seconded it. The motion carried.

Vote on Approval of Board Administrator (Dr. Melton) to Present at Tri-County Dental Meeting

Dr. Coombs made a motion to approve Dr. Melton to speak at the Tri-County Dental Society of Anderson, Pickens and Oconee Counties. Dr. Machowski seconded it. The motion carried.

Dr. Martin reminded the Board that this should have been for Dr. Melton to speak at any dental organization that may ask her to speak.

Dr. Coombs then made a motion to approve Dr. Melton to speak at any meeting in South Carolina concerning matters of the State Dental Board. Dr. Marler seconded it. The motion carried.

Discussion on MUSC and Residency (Hospital and AEGD) Programs' Sedation Permits

The Board engaged in a discussion on this matter and decided to table it to a later board meeting.

Dr. Machowski made a motion to table this topic for a vote. Dr. Prickett seconded it. The motion carried.

Botox Policy Dental Committee Report

Dr. Prickett chaired this committee. He reported they met on February 15, 2018. He stated they discussed the Joint Advisory Opinion of the South Carolina State Boards of Dentistry, Medical Examiners, and Nursing pertaining to the use of neuromodulators, including Botox. They discussed who can administer Botox in dentistry, CE training that is needed to administer Botox. They discussed the locations Botox can be administered and the facilities where Botox can be administered. They reviewed recordkeeping and reviewed the August 20, 2009 policy on Botox and other injectables. He stated his full report will be in July.

Board Regulations Dental Committee Report

Dr. Machowski chaired this committee. He stated their committee met on March 16, 2018. In addition to Dr. Machowski, Dr. Paul Coombs and Dr. Charles Bumgardner were in attendance. Dr. Martin was in attendance via conference call. Dr. Rita Melton, the Board Administrator, was in attendance as well as Adam Russell, the Board's Advice Attorney.

The SCDA was represented by Mr. Phil Latham and Dr. Rocky Napier. They discussed Sections 39-1 through 39-8. The committee decided that much of the regulation are quoted or paraphrased statutes. The committee decided much work is needed to identify the changes. No votes were taken.

Laser Policy Dental Committee Report

Dr. Bumgardner chaired this committee. He stated they had two meetings. The first meeting Elaine Murphy and he were in attendance. Dr. Martin attended via conference call. Dr. Paul Downing was also on a conference call. Phil Latham from SCDA, Lee Muthig from Midlands Technical College and another faculty member from Midlands Technical College were in attendance.

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They discussed revising laser regulations and revising laser usage in the regulations. They looked at what other states are doing and their educational requirements if regulations were extended for laser use in this state with dentists and dental hygienists included.

The second meeting Elaine Murphy, Dr. Bumgardner, Dr. Melton were in attendance. Dr. Martin attended via conference call. Dr. Napier and Mr. Latham were in attendance.

They decided to submit before the Board to move towards the process of the regulation of lasers. Their proposed draft was included in the board meeting materials for their review. After a brief discussion on this matter, Dr. Coombs made a motion to accept the proposal to get it moving through the appropriate channels. Dr. Hazel seconded it. The motion carried.

Sedation/Inspection Dental Committee Report

Dr. Prickett chaired this committee. He stated the committee met on February 15th. He stated that in addition to himself, Dr. Marler was in attendance. Dr. Martin attended via conference call. Dr. Prickett stated that they were all in the Botox Committee meeting earlier that day.

At the meeting, they discussed the 2008 Board's policy concerning dental assistants/surgical technicians administering IV meds, drawing up meds used in sedation, and also establishing IVs. They discussed the inspection process for sedation permits. Dr. Prickett stated he will have a full report in July.

Administrative Information and Financial Report

Dr. Melton stated the financial report is provided in their board meeting materials as information.

She stated we have conducted two (2) elections. One is for the 4th congressional district and the other one is for the 6th congressional district. The office sent out 478 notices to the 4th congressional district and 68 notices were sent to the 6th congressional district. She went on to explain the election process. It was decided that Dr. Bumgardner and Ms. Keisler will count the ballots when the elections are concluded. Dr. Martin asked about the nomination process for one of the dental hygienists' seats on the Board. Dr. Melton stated that seat is appointed by the Governor. Dr. Martin asked if the public member position was still vacant. Dr. Melton stated that seat is also appointed by the Governor.

Dr. Melton stated that Dr. Bumgardner, Dr. Brown and she will be attending the AADB mid-winter Conference in Chicago. Dr. Melton stated that she will need to develop a travel budget and she will be sending that to them to review and for comments. Dr. Melton stated she has to turn that in to the administration office.

Dr. Coombs mentioned that Dr. Cranford told him that the next Southern Conference of Deans and Examiners will be early next winter in January or February and will be held in Augusta. He would like to encourage some of the board members to attend.

Dr. Machowski stated that he is attending the ADEX meeting sometime in August.

Dr. Melton gave a statistical report.

She stated there are 12,572 current credentials in dentistry. There are 2,630 general dentists, 644 specialists which is a total of 3,274. There are 2,188 dental hygienists.

Dr. Machowski asked what type of license does a dental assistant have. Dr. Melton stated we do not license dental assistants in South Carolina. They can be certified for monitoring nitrous oxide. Dr. Machowski asked about their radiation license. Dr. Melton stated he would need to get that from the South Carolina Dental Association.

Dr. Martin stated he would like for Dr. Melton to include his name for the annual meeting for AADB.

Legal Comments

None

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Public Comments

Dr. Martin asked Mr. Latham, of the S.C. Dental Association, if they could come up with a CE course for two hours online at no cost for SCDA members and maybe a cost for nonmembers. Mr. Latham stated that the Medical Association came to them to try to partner with them to start that. But, that they had gotten too far down the road for them to partner with this one. However, in the meantime, the SCDA is offering an opioid course at their annual meeting. He stated that the ADA has eight or nine courses that are totally free. They are online.

A short discussion continued on this topic. Mr. Latham went on to say that there are 17 different opioid-related bills at the State House. Senator Peeler tried to take bits and pieces of all of them and put them into one bill.

A brief discussion ensued pertaining to prescription writing. Mr. Martin then thanked Mr. Latham and his staff for their diligence and hard work on behalf of the dentists in South Carolina.

Mr. Martin asked for a motion for an excused absence for Ms. Murphy. Dr. Hazel made a motion to excuse Ms. Murphy from this meeting. Dr. Marler seconded it. The motion carried.

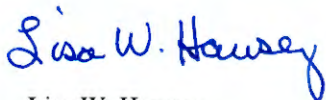
Announcements: Meeting Dates for 2018—July 13 and October 12

The next meeting dates are scheduled for July 13, 2018 and October 12, 2018.

Adjournment

The meeting adjourned at 1:26 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.