

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
January 19, 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
Elaine A. Murphy, RDH
Donald L. Marler, DMD
Jessica M. Keisler, RDH was 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
Adam Russell, LLR Advice Counsel
Prentiss C. Shealey, LLR Litigation Attorney ODC
Julia M. Blackwell, Court Reporter
Arthur L. Bruce, DMD
Suzanne Paull, RDH
Dr. Harmeet D. Walia
Shane A. Hanvey, RDH
Dr. Andrew W. Greenburg
Judith Ann Lockwood, RDH
Lee Muthig, Midlands Technical College
Mark Brown, S.C. Dental Association
Emily Marie K. Williams, RDH
Jamie L. Williams, RDH
Dr. Peter G. Divenere

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

APPROVAL OF MINUTES

Dr. Coombs asked if they received a draft of the minutes from the called meeting. Dr. Melton stated those will be coming later.

Motion: Dr. Hazel made a motion to approve the minutes of the last meeting held on October 13, 2017. Dr. Bumgardner seconded it. The motion carried.

BOARD ABSENCES

After a brief discussion of how to vote on the call-in absence, it was decided to vote by each member to give a verbal vote. All members present voted not to accept the call in absence except the President of the Board, Dr. Martin.

SCDA Presentation Report at House of Delegates

Dr. Arthur Bruce, the past President of the Board, gave a report on his recent House of Delegates meeting with the South Carolina Dental Association's (SCDA) annual meeting. Dr. Bruce reported that he informed the members of what he experienced by serving on the S.C. Board of Dentistry, i.e. the type of disciplinary matters the board deals with as well as CE requirements and other licensure matters. Dr. Martin thanked him for his report and wished him the best.

Presentation of Plaques for Board Service

Dr. Martin stated the Board wants to honor two of their former board members. One is the Board's immediate past president and other was the board's lay board member. Dr. Melton, the Board's Administrator, presented Dr. Bruce a plaque for all of his service to the Board of Dentistry. Dr. Bruce served on the Board from 2012 through 2017. In absentia, Mr. Eric Schweitzer was recognized for his service on the Board. Mr. Schweitzer served from 2011 through 2017.

Disciplinary Issues Reports

Mark Sanders presented the IRC Report. He submitted 15 dismissals for board approval. Dr. Brown recused herself from this matter. Dr. Machowski made a motion to accept the 15 dismissals. Dr. Hazel second. The motion carried.

Mr. Sanders stated he is submitting one dismissal with a cease-and-desist for board approval. Dr. Prickett made a motion to accept the dismissal with a cease- and- desist. Dr. Bumgardner seconded the motion. The motion carried. Dr. Coombs made a motion to accept the Formal Complaints. Dr. Prickett seconded the motion. The motion carried.

Dr. Coombs made a motion to accept the Letters of Caution. Dr. Prickett seconded the motion. The motion carried.

Mr. Sanders presented the statistical report. He stated for the third quarter ending September 30th, their office received 23 cases; and for the third quarter ending September 30th, there were 16 cases closed; and, as of this date, January 19, 2018, they have 33 active investigations in OIE.

Prentiss Shealey, Esq. presented the Office of Disciplinary Counsel (ODC) Report. Her office currently has 34 open cases. Out of those open cases, there are 24 Respondents because some of them have multiple cases. She stated two Respondents that she has a case on also have a case pending an investigation. Six of those cases were still pending a Consent Agreement; and eight were pending a Memorandum of Agreement; 16 are pending a panel hearing, although three of those have multiple cases. There are four which are pending board hearing. That includes the three for today and then one was a panel hearing which was held last Friday. She stated 42 cases were closed in the calendar year last year.

Disciplinary Hearings

RE: Case No. 2016-130—Consent Agreement

A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss Shealey, Esq. The Respondent was not present. Ms. Shealey presented the information concerning the Consent Agreement. After a brief discussion, Dr. Hazel made a motion to approve the Consent Agreement. Dr. Prickett seconded it. The motion carried.

RE: Case 2015-62—Consent Agreement

A hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss Shealey, Esq. The Respondent was not present. Ms. Shealey presented the facts of the case. The Board then discussed the IRC's recommendations, which were a public reprimand, probation—continue probationary status for an additional two years, an \$8,000 fine, to complete eight hours of continuing education recordkeeping, and to complete eight hours of continuing education in record prosthetics. After their discussion, Dr. Coombs made a motion to reject the Consent Agreement. Ms. Murphy seconded to reject it. Dr. Brown also seconded to reject it. The motion carried.

RE: 2017-25-Memorandum of Agreement

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 Prentiss Shealey, Esq. The Respondent approached the podium and after being duly sworn in gave her testimony. After a brief discussion with the Board, Dr. Prickett made a motion to go into executive session to seek legal advise. Ms. Murphy seconded it. The motion carried. Dr. Prickett made a motion to come out of executive session. Dr. Hazel seconded it. The motion carried. Dr. Prickett made a motion to accept the Memorandum of Agreement and that the Board give her a Letter of Caution. They also want to recommend that she only practice dental medicine and that she only write prescriptions related to dental medicine. Dr. Bumgardner seconded it. The motion carried.

Application Hearing—Reinstatement Application

Dr. Harmeet D. Walia is seeking reinstatement of his dental instructor's license. Dr. Walia was not represented by an attorney. Mr. Russell advised the Board. Dr. Walia was required to meet with the Board to reinstate his dental instructor's license because according to the statute and regulations, he must appear before the Board to explain his competency and why he did not reinstate his license on time. After a brief discussion, Dr. Bumgardner made a motion to reinstate his license. Ms. Murphy and Dr. Prickett seconded it. The motion carried.

Application Hearing—Reinstatement Application

Dr. Greenberg is seeking reinstatement of his dental license. Dr. Greenberg was not represented by an attorney. Mr. Russell advised the Board. Dr. Greenberg was required to meet with the Board to reinstate his dental license because according to statute and regulations, he must appear before the Board to explain his competency and why he did not reinstate his license on time. After a brief discussion with the Board, Dr. Bumgardner made a motion to reinstate his license. Dr. Coombs seconded it. The motion carried.

Application Hearing—Reinstatement Application

Dr. Peter Divenere is seeking reinstatement of his dental license. Dr. Divenere was not represented by an attorney. Mr. Russell advised the Board.

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

After a brief discussion with the Board, Dr. Machowski made a motion to reinstate his license. Ms. Murphy seconded it. The motion carried.

Application Hearing—Reinstatement Application

Shane A. Hanvey, RDH is seeking reinstatement of his dental hygiene license. Mr. Hanvey was not represented by an attorney. Mr. Russell advised the Board. Mr. Hanvey was required to meet with the Board to reinstate his dental hygiene license because according to statute and regulations, he must appear before the Board to explain his competency and why he did not reinstate his license on time. After a brief discussion with the Board, Ms. Murphy made a motion to reinstate his license. Dr. Bumgardner seconded it. The motion carried.

Application Hearing—Reinstatement Application

Judith Ann Lockwood, RDH is seeking reinstatement of her dental hygiene license. Ms. Lockwood was not represented by an attorney. Mr. Russell advised the Board. Ms. Lockwood was required to meet with the Board to reinstate her dental hygiene 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. Coombs made a motion to reinstate her license. Dr. Hazel seconded it. The motion carried.

Application Hearing—Reinstatement Application

Emily Marie Kearney Williams, RDH is seeking reinstatement of her dental hygiene license. Ms. Williams was not represented by an attorney. Mr. Russell advised the Board. Ms. Williams was required to meet with the Board to reinstate her dental hygiene 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. Brown made a motion to reinstate her license. Ms. Murphy seconded it. The motion carried.

Application Hearing—Reinstatement Application

Suzanne Paull, RDH is seeking reinstatement of her dental hygiene license. Ms. Paull was not represented by an attorney. Mr. Russell advised the Board. Ms. Paull was required to meet with the Board to reinstate her dental hygiene 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. Coombs made a motion to reinstate her license. Dr. Bumgardner seconded it. The motion carried.

OLD BUSINESS

MTC Dental Hygiene Clinical Re-entry to Profession Course Proposal for Discussion and Approval

Lee Muthig, RDH presented to the Board a hygiene refresher course proposal.

After a discussion with the board, Elaine Murphy made a motion to accept Ms. Muthig's program as a refresher course for dental hygiene. Dr. Coombs seconded it. The motion carried.

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NEW BUSINESS

Ratification of Licenses

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

Vote on Dr. Martin and Dr. Coombs to Attend 63rd Southern Conference for Deans and Examiners on January 26-28 2018

Vote on Board Members to Attend Mid-Winter and Annual AADB Meetings

Dr. Prickett made a motion that the Board allows the President of the State Board of Dentistry to approve members of the Board and staff to attend certain meeting on behalf of the State Board of Dentistry. After a brief discussion, Dr. Coombs seconded the motion. All members signified by saying "aye" with no opposition, the motion carried.

Vote on Board Members to Attend Mid-Winter and Annual AADB Meetings (cont.)

The following board members are interested in attending the mid-winter meeting in Chicago: Dr. Brown and Dr. Bumgardner.

The following board members indicated they are interested in attending the annual meeting in Boston: Dr. Marler, Dr. Machowski, Dr. Coombs.

Approval for Lisa Swick to Participate in the MTC Remedial Program

Dr. Coombs made a motion to approve Lisa Swick to take the MTC remedial program. Ms. Murphy seconded it. The motion carried. Dr. Martin stated Ms. Swick would need to re-appear before the Board once she completes the program.

Board Policies for Board Subcommittees to Review and Revise

Dr. Martin established the following subcommittees:

Regulations Committee—Dr. Machowski, Chair, Dr. Coombs and Dr. Bumgardner

Botox and Sedation Committee—Dr. Prickett, Chair, Dr. Marler and Dr. Coombs

Public Outreach Committee—Dr. Brown, Chair and Dr. Hazel

Laser Committee—Dr. Bumgardner, Chair and Ms. Murphy

Regulations Committee—Dr. Machowski, Chair, Dr. Coombs and Dr. Bumgardner

Dr. Machowski made a motion to establish these committees. Dr. Brown seconded it. The motion carried.

Dr. Martin discussed the possibility of having a President-elect as a board officer. Mr. Russell, advice attorney, stated the Practice Act requires annual elections. After a brief discussion on this matter, there were no votes taken during or after the discussion.

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REPORTS/INFORMATION

Sedation Applications and Inspection Progress Report

Dr. Melton, Administrator, stated that our office has received a total of 36 sedation permit applications; there are 24 which are pending inspections. There have already been 12 permits issued.

Dr. Prickett made a motion that the board informs the dentists that we'll be sending out an email blast to encourage them to fill out their anesthesia applications. After a brief discussion, the motion was seconded by Dr. Bumgardner. The motion carried.

Eric Thompson, Director of Office of Inspections, gave a synopsis of the inspections for the sedation permits. He thanked Dr. Prickett for his guidance in the learning process of sedation inspections. The board continued discussion with Mr. Thompson on the inspection process. There were no further votes taken during or after this discussion.

Clarification of Primary Preventive Care that is Reversible as Contemplated by S.C. Code Ann. Sec. 40-15-110 (10)

Mr. Adam Russell, Advice Attorney, indicated that he received a question regarding procedures that may be done by dental hygienists working in a public health program. He indicated that S.C. Code Ann. Sec. 40-15-110(10) generally allows these hygienists to provide education to patients and perform "primary preventative care that is reversible." The question becomes, are certain therapeutic sealants and temporary fillings "primary preventative care that is reversible?" Ms. Tammy Byrd, RDH, offered to present information on this topic.

Ms. Byrd stated she is the Chair of the Council on Regulation Practice for the South Carolina Dental Hygiene Association. She stated "primary preventative care that is reversible" has been defined by the American Dental to include removal of loose debris for temporary fillings, but not all of decayed tooth structure." It includes: "Screenings, fluoride, placement of sealants, temporary fillings and prophylaxis." She also discussed the Atraumatic Restorative Technique, Interim Restorative Technique, and Caries Control Technique.

Clarification of Primary Preventive Care that is Reversible as Contemplated by S.C. Code Ann. Sec. 40-15-110 (10) (CONT.)

After further discussing this with the Board, Dr. Bumgardner made a motion to go into executive session to seek legal advice. Dr. Coombs seconded the motion. The motion carried.

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

Before a motion was made regarding this topic, Mr. Russell, Advice Attorney, stated the question before the Board again. "Are therapeutic sealants and temporary fillings, such as Atraumatic Restorative Technique, Interim Restorative Technique, and Caries Control Technique, primarily preventative care that is reversible?"

Dr. Bumgardner made a motion that the Board considers these procedures, as outlined by Mr. Russell, to be primary preventative care that is reversible. Dr. Coombs seconded it. All were in favor and signified by "aye," but for Dr. Machowski, who voted "nay." The motion carried.

AADB Conference Reports

Dr. Brown reported that Dr. Coombs, Dr. Machowski, Dr. Martin and Dr. Melton, Board Administrator attended the two-day meeting. Dr. Brown gave a very thorough report of the meeting. Dr. Martin stated information pertaining to this meeting can be found on the website, www.dentalboards.org.

Dr. Martin stated he spoke to Dr. Teater at the meeting pertaining to his use of a combination of acetaminophen and ibuprofen for pain. He does not use any opioids. A brief discussion ensued. No votes were taken during or after the discussion.

CITA Annual Meeting Report

Dr. Coombs gave a report on his trip to San Antonio at the CITA conference. After a lengthy discussion on exam matters, the Board decided to request that this matter be placed on the agenda for the next board meeting. No votes were taken during or after the discussion.

Administrative Information

Financial Report

Dr. Melton stated as of today, there are 12,434 dental credentials. This number includes all licensees with the Dentistry Board. She stated there are a total of 2,605 licensed general dentists and a total of 639 specialty dentists. There are a total of 1,516 licensed dental hygienists. The specialty exam will be held on January 26th.

Dr. Melton stated that the board needs to remember to file their Ethics Commission paperwork by March 30th.

Dr. Melton stated board elections will be coming up. A discussion ensued pertaining to elections.

The Financial Report was provided in the board meeting materials.

Dr. Melton discussed with the Board how members are reimbursed for their official duties, i.e. attending conferences, etc.

Dr. Melton stated our office is not able to pull a report of licensees who were granted a license and to begin active practice within two years.

Dr. Melton stated that CE Broker will be working with the Dentistry Board soon.

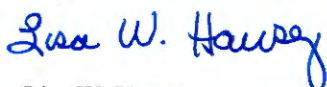
The Board had a discussion on the difference between a reinstated license and a lapsed license.

Dr. Coombs brought up a discussion on absences of Board members. After some discussion of Ms. Keisler's absence at October's meeting, Dr. Hazel made a motion to excuse her absence. Dr. Coombs seconded it. The motion carried.

Discussion ensued pertaining to the next board meeting in April. Dr. Hazel made a motion that we meet on April 6, 2018. Ms. Murphy seconded it. The motion carried.

Dr. Martin asked if there was a motion to adjourn. Dr. Bumgardner made a motion to adjourn. Ms. Murphy and Dr. Prickett seconded it. The motion carried. The meeting adjourned at 3:04 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.