

Minutes of the South Carolina Board of Dentistry  
Business Meeting and Disciplinary Issues  
April 5, 2019  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Paul S. Coombs, Jr., DMD, President  
Carolyn Brown., DMD, Vice-President  
Walter J. Machowski, Jr., DMD, Secretary  
Philip M. Prickett, DMD  
Charles G. Bumgardner, DMD  
Jessica M. Keisler, RDH  
Murtuza Ansari, DMD  
William David Stewart, DMD  
Donald L. Marler, DMD 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  
Bob Horner, Esq., LLR Advice Counsel  
Prentiss Shealey, Esquire, LLR Litigation Attorney ODC  
Heather R. Landry, Court Reporter  
Dr. Michael Cory Hall  
Dr. Joseph Hourihan  
Dr. Dwight McMillan  
Maria Hourihan  
Dr. Fred Sykes  
Dr. Morris Hall  
Rachel Priest, RDH  
Dr. Frank Hodges  
Dr. Joyce Radeka  
Dr. Larry Davis  
Jessica Waller—Gallivan, White & Boyd PA  
Dr. Donald Wilson  
Dr. Jeff Mirrielees  
Dr. Courtney Shelbourne  
Saundra Kelley, RDH  
Jerquell White, RDH  
Dr. Rocky Napier  
Dr. Richard Bond  
Dr. John Whittington  
Raymond Lala, DHEC  
Liz Adams, CE Broker Representative—via teleconference

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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. Coombs, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Bob Horner, Esq., served as the Board's Advice Attorney. The Board members introduced themselves. Dr. Donald Marler was not present.

### APPROVAL OF THE AGENDA

Dr. Machowski made a motion to approve the agenda. Dr. Stewart seconded it. The motion carried.

### APPROVAL OF MINUTES

Dr. Prickett made a motion to approve the minutes from the January 18, 2019 meeting. Dr. Machowski seconded it. The motion carried.

### BOARD ABSENCES

Dr. Stewart made a motion to approve Dr. Marler's absence. Dr. Machowski seconded it. The motion carried.

### DISCIPLINARY ISSUES REPORT

Dr. Rita Melton, Board Administrator, gave the OIE Report due to Mark Sanders absence. She reported the Office of Investigations had about 33 alleged issues. They closed out 17 cases in the fourth quarter for the year. For calendar year 2018, they had 107 alleged cases. They closed 95 cases. For the IRC Report, there are 12 dismissal cases. A brief discussion ensued.

Dr. Prickett then made a motion to approve the materials and the dismissal cases. Dr. Bumgardner seconded the motion. The motion carried.

Dr. Melton stated there are four (4) formal complaints to vote on.

Dr. Brown made a motion to accept these complaints as presented. Dr. Prickett seconded it. The motion carried.

Dr. Melton stated there is one letter of caution for approval. Dr. Bumgardner made a motion to accept the letter of caution. Dr. Prickett seconded it. The motion carried.

### OGC REPORTS

Prentiss Shealey, Esq. reported her office has 31 cases. There are 21 respondents and a couple of respondents have multiple cases. She stated there are about eight that are pending consent agreements, nine that are pending MOAs, about 12 that are pending panel hearings. One is pending a board hearing. There is one pending an Order. Her office has closed 20 cases and none of those are on appeal.

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### Application Hearings

#### Reinstatements

Since there were 12 reinstatements, the Board decided to split the group in half.

The first half of the reinstatement applicants were the following:

Dr. Courtney Shelbourne, Dr. Donald Wilson, Dr. Joseph Hourihan, Dr. Morris Hall, Dr. Fred Sykes and Dr. Jeff Mirrielees.

After a brief explanation from each applicant, the Board then heard the next group of applicants. They are as follows: Dr. Michael Cory Hall, Dr. Frank Hodges, Dr. Joyce Radken, Dr. Dwight McMillian, Ms. Rachel Priest and Ms. Jerquell White. The Board then heard explanations from each of these applicants.

After Dr. Coombs explained to the applicants the importance of renewing his/her license on time and that it is their responsibility to do so, Dr. Prickett made a motion to reinstate each license. Dr. Bumgardner seconded it. The motion carried.

A separate reinstatement hearing was held for Sandra Kelly, RDH. Ms. Kelly's dental hygiene license had expired on March 1, 2017. After a brief discussion with the Board, Dr. Prickett made a motion to reinstate her license. Dr. Bumgardner seconded it. The motion carried.

### REPORTS/INFORMATION

#### ATC-Dental Assisting CODA Site Visit Written Report by Dr. Dennis Martin

The Board engaged in a short discussion pertaining to Dr. Martin's report. Since it did not require a vote, it was accepted as information.

#### Dental Applications Review Committee Report

Dr. Bumgardner gave a brief report and concluded that the committee moved to table the matter of what to recommend to the Board until they have a subsequent meeting. Committee members were assigned to review some of the state applications and testing agencies.

#### AADB Conference Reports

Dr. Prickett and Dr. Melton gave their individual reports. There were no votes taken as these reports were given as information to the Board.

#### Sedation Applications and Inspection Progress Report

Dr. Melton stated there has been 297 inspection applications sent into the Board's office. To date, 285 inspections have been conducted. Presently, there are 12 inspections pending. A brief discussion ensued. No votes were taken during or after the report.

#### Southern Conference of Dental Deans and Examiners Report

Dr. Brown reported that Dr. Bumgardner and Dr. Machowski also attended the 64<sup>th</sup> Southern Conference of Dental Deans—Dental Deans and Examiners Conference. It was held from January 25<sup>th</sup> through the 27<sup>th</sup> at the dental school in Augusta, GA. Each one gave their individual reports. There were no votes taken during or after these reports.

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### **Financial Report**

Dr. Melton stated the financial information is in the board meeting materials. Dr. Melton stated she requested that the budget director at LLR to appear at this meeting, but he was not able to attend. Dr. Melton stated she will request that he attend another meeting to answer questions the members may have pertaining to the budget.

### **Administrative Information**

Dr. Melton stated we have received 100 initial applications, both online and on paper. Our office has issued 63 initial licenses. She also stated we will be conducting CE audits soon. In particular, dentists will be audited to make sure they took an approved course for opioids and also to ensure they took the required 28 hours. Dental hygienists and dental technicians will be audited for the required hours as well as an approved infection control course. Three candidates will be in an election for the vacant dental hygiene seat on the Board. Their names are: Teresa Edwards, Elizabeth Marchi and John Kinard. Dr. Melton stated when the ballots are returned to this office, appointed board members will be needed to open and count the ballots.

Dr. Melton also mentioned there is a vacancy on the board for a public member as well.

Dr. Melton stated the office will be working to send a notice of election for District 5 by July.

A brief discussion ensued pertaining to approved ce courses for opioids.

### **Disciplinary Hearings**

Dr. Bumgardner made a motion to close the hearing to the public to protect the respondent's privacy. Dr. Prickett seconded it. The motion carried.

### **RE: Case No. 2017-67--MOA**

A closed hearing was held for the Respondent. Bob Horner, Esq. advised the Board. The Respondent was not represented by an attorney. The state was represented by Prentiss Shealey, Esq.

After the case was presented, Dr. Bumgardner made a motion to go into executive session to seek legal counsel. Dr. Machowski seconded it. The motion carried.

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

Dr. Brown made a motion that the Board accept the Respondent's MOA and impose the following sanctions: A \$1,500 civil penalty and a private reprimand, and the penalties to be paid within 30 days of receipt of communication with the Board counsel. Dr. Bumgardner seconded it. The motion carried.

### OLD BUSINESS

### **Clarification of Proposed Legislation on Laser Usage in Oral Cavity Only**

Bob Horner, Esq. explained the legislation pertaining to laser usage. The Board ensued in a discussion pertaining to the legislation. The Board concluded that Dr. Bumgardner and Dr. Stewart will meet via conference call to discuss it further and give a report to the Board. There were no votes taken during or after this discussion.

### NEW BUSINESS

### **Vote on Members Interested in Serving on the CRDTS Examination Review Committee**

Dr. Bumgardner made a motion to vote on those appointed by the Board to serve on the CRDTS Examination Review Committee. They are as follows: Dr. Murtuza Ansari, Dr. Donald Marler, and Dr. John Cosby. The motion passed with all members signifying aye with no opposition.

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**Vote on Delegation of Authority to Board President to Sign C & D Orders**

Bob Horner, Esq. explained to the Board that they are trying to streamline the cease-and-desist orders as it relates to the unlicensed practice of dentistry or dental hygiene. Advice Counsel would like to ask each board to delegate the authority to review and approve C & Ds to the Board President so these can be issued in a timely fashion and shut down unlicensed practice quicker. Any other C & D would come before the Board as usual.

Dr. Machowski made a motion to allow the Board President to submit cease-and-desist orders for the unauthorized practice of dentistry. Ms. Keisler seconded it. The motion carried.

**Review and Status Update on S. 689**

Bob Horner, Esq. briefed the board on this bill which consists of two parts. The first part is dealing with criminal convictions and the licensing of those persons by all of the boards or professions under LLR. The other part consisted of apprenticeships. With the Dentistry Board, it refers to dental assistants. There were no votes taken during or after this discussion.

**Development of Resolutions ou ADEX Board Seats Held by States**

Dr. Machowski led a discussion on the districting of the ADEX Board seats. Upon completion of the discussion, Dr. Bumgardner made a motion that Dr. Machowski propose redistricting in a more equitable manner when he attends the ADEX meeting. Dr. Stewart seconded it. The motion carried.

**Presentation on Dentistry Implementation of CE Broker for CE Documentation**

Dr. Ray Lala, the Division Dental Director at S.C. DHEC, spoke to the Board on several of the dental public health initiatives that he and his staff are involved in. He also spoke about annual trainings he conducts with dental personnel and to provide public health services in the various facilities around the state. His report was for information purposes and therefore, no votes were taken.

**Presentation on Dentistry Implementation of CE Broker for CE Documentation**

Liz Adams from CE Broker met with the Board via teleconference. She is the Partner Success Manager at CE Broker. Ms. Adams gave the Board an overview of what CE Broker does and how they can simplify the licensing and regulation process. After a lengthy discussion with the Board and with Dr. Rocky Napier, there were no votes taken during or after the discussion.

**Public Comments**

Dr. Rocky Napier spoke to the Board regarding some the dental terminology in the Practice Act is outdated. Mr. Horner reviewed with the Board and Dr. Napier the process in which must occur in order to change anything in the Practice Act.

**Announcements**

Dr. Coombs stated the next board meeting will be on July 12, 2019.

**Adjournment**

Dr. Prickett made a motion for the meeting to adjourn. Dr. Brown seconded it. The motion carried. The meeting adjourned at 2:28 p.m.

Respectfully submitted,

Lisa W. Hawsey,  
Admin. Asst.