

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
January 18, 2019
Synergy Business Park, Kingtree 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
Donald L. Marler, DMD
Jessica M. Keisler, RDH
Murtuza Ansari, DMD
William David Stewart, DMD

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, Esq. LLR Advice Counsel
Bob Horner, Esq., LLR Advice Counsel
Prentiss Shealey, Esquire, LLR Litigation Attorney ODC
Heather R. Landry, Court Reporter
John Q. Storie, RPP
Dr. David S. Sain, Tennessee Dental Wellness
Laticia Cobbs, RPP
Ashton Doby, RPP
Jamie Rosenkrans, RDH
Steve Denton, Esq.
Charles McNutt, DMD
Pooja Patel
Emily L. Langley, RDH
Tia Cooper, RPP
J.E. Mercer, DDS, SCDA
Matt Castele, Ambulatory Anesthesia
Sarandeep Huja, DMD, MUSC
Felicia Goins, DDS

CALL TO ORDER:

The Regular Session of the South Carolina Board of Dentistry was held at the Synergy Office Park, Kingtree 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. New Board members, Murtuza Ansari, DMD and William David Stewart, DMD were introduced. Adam Russell, Esq. and Bob Horner, Esq., served as the Board's Advice Attorneys. The Board members introduced themselves.

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APPROVAL OF THE AGENDA

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

APPROVAL OF MINUTES

Dr. Coombs stated he had some amendments which needed to be addressed pertaining to the October 12, 2018 board meeting minutes.

Dr. Prickett made a motion to approve the minutes from July 13, 2018. Dr. Bumgardner seconded it. The motion carried.

Dr. Bumgardner made a motion to approve the October 13, 2018 minutes as amended. Dr. Prickett seconded it. The motion carried.

WELCOME NEW BOARD MEMBERS AND NEW BOARD ADVICE COUNSEL

Dr. Coombs welcomed the two newest board members, Dr. Murtuza Omar Ansari and Dr. William "Bill" Stewart. Dr. Coombs also introduced the board's new Advice Counsel, Bob Horner.

BOARD ABSENCES

No board absences today

DISCIPLINARY ISSUES REPORT

P. C. Faglie, from Office of Investigations, gave the report due to Mark Sanders' absence.

Mr. Faglie reported there are seven (7) cases recommended for dismissal. Dr. Marler made a motion to accept the seven (7) cases for dismissal. Dr. Bumgardner seconded the motion. The motion carried.

Mr. Faglie reported there are three (3) cases recommended for a formal complaint. After a brief discussion, Dr. Brown made a motion to accept these and turn them over for formal complaints. Ms. Keisler seconded the motion. The motion carried.

Mr. Faglie reported there are two (2) cases recommended for letters of caution. After a brief discussion, Dr. Bumgardner made a motion to accept the letters of caution. Dr. Machowski seconded the motion. The motion carried.

Mr. Faglie reported his office has 29 active dental cases.

DISCIPLINARY HEARINGS

Prentiss Shealey, Esq. gave the report. She stated the Office of Disciplinary Counsel currently has 27 open cases and there are 19 Respondents. There are eight pending consent agreements, eight pending memorandum of agreements, ten panel hearings, one pending board hearing today. There are no pending orders. Their office closed 20 cases in the past year and there were no appeals.

Ms. Shealey stated that when her office gets multiple cases against a respondent(s), historically they waited on that case to go through investigations, which ages the original case(s). She stated with the Board's permission, she would like to be able to cut that off at some point. After a discussion with the Board on how this process works, Dr. Bumgardner made a motion that they allow Ms. Shealey to bring the cases before them. Dr. Machowski seconded the motion and added that their main purpose is to protect the public. The motion carried by all signifying with aye.

Disciplinary Hearings

The disciplinary hearings were held in closed sessions. No vote was taken.

RE: Case No. 2018-19--MOA

A closed hearing was held for the Respondent. Adam Russell, Esq. and 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. Machowski made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

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

Ms. Keisler made a motion to accept the Memorandum of Agreement (MOA) with the following sanctions: to issue a public reprimand, suspension of Respondent's license for five years with stay conditioned upon payment of a civil penalty of a thousand dollars within 60 days and the RPP enrollment for five years. Dr. Bumgardner seconded it. The motion carried.

RE: Case No. 2013-20

A closed hearing was held for the Respondent. Adam Russell, Esq. and 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. Prickett made a motion that the Respondent be released from RPP. Dr. Ansari seconded it. The motion carried.

Application Hearings

Initial Application with "Yes" Answer

A closed hearing was held for the applicant.

Dr. John Quincy Storie was requested to meet with the Board because he answered "yes" to one of the questions under the personal history information section of the application. Dr. Storie was not represented by an attorney. Adams Russell, Esq. and Bob Horner, Esq. advised the Board.

After discussing this matter with the Board, Dr. Brown made a motion to go into executive session to seek legal advice. Ms. Keisler seconded it. The motion carried.

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

Dr. Machowski made a motion to grant Dr. Storie his license to practice dentistry with the condition that he stay compliant with the RPP program until its completion. Dr. Marler seconded it. The motion carried.

Initial Application With “Yes” Answer

Jamie Rosenkrans is seeking a dental hygiene license. Ms. Rosenkrans was not represented by an attorney. Adam Russell, Esq. and Bob Horner, Esq. advised the Board. Ms. Rosenkrans stated she has current dental hygiene licenses in New York and Pennsylvania. After a discussion with the Board, Dr. Brown made a motion to go into executive session for legal advice. Dr. Bumgardner seconded it. The motion carried.

Dr. Machowski made a motion to come out of executive session. Dr. Bumgardner seconded it. The motion carried. Dr. Prickett made a motion to grant her dental hygiene license in South Carolina. Ms. Keisler seconded it. The motion carried.

Renewal Application with “Yes” Answer

Dr. Charles McNutt is seeking to renew his dental license. He was required to meet with the Board because he answered “yes” to one of the questions on the renewal application. Dr. McNutt was represented by Steve Denton, Esq. Adam Russell, Esq. and Bob Horner, Esq. advised the Board. After a discussion with the Board, Dr. Bumgardner made a motion to go into executive session for legal advice. Dr. Brown seconded it. The motion carried.

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

Dr. Bumgardner made a motion to renew Dr. McNutt’s license to practice dentistry and asked that he notify the Board Administrator the outcome of his DUI case. Dr. Marler seconded it. The motion carried.

Request Waiver to Sit for Dental Hygiene National Boards and Acceptable Dental Hygiene Clinical Exam

Pooja Patel, DH, met with the Board to request to sit for the dental hygiene national boards and dental hygiene clinical exam. Ms. Patel stated she is a licensed dental hygienist from London, UK.

Ms. Patel has not submitted an application, but requested to appear to seek assistance in how to become licensed as a dental hygienist in South Carolina. Adam Russell, Esq., the Board’s Advice Counsel, indicated the laws are quite specific in South Carolina and since she did not complete a CODA approved dental hygiene program, she would not be able to receive a dental hygiene license at this time. The Board agreed. There were no votes taken during or after this discussion.

Board Presentation—Dr. Sarandeep Huja, MUSC Dental School Dean

Dr. Huja met with the Board to give a power point presentation of the dental school at MUSC. Dr. Huja was bringing the Board up to date on the progress the dental school at MUSC is making.

OLD BUSINESS

Discussion of CE Broker and Board Member Feedback

Dr. Bumgardner gave a report on his experience in reviewing CE Broker’s service.

After his brief report, Dr. Bumgardner concluded that he disagrees with the use of this service. He stated he believes this service should go through the same legislative process as any other regulation placed on our licensees.

More discussion ensued with Dr. Melton adding that the use of CE Broker is required per LLR’s requirements. By the next renewal period of 2021-2023, it will be required that all dental licensees utilize this service in ce reporting. It was decided that each board member try to log into the CE Broker website and give his/her feedback at the next board meeting in April.

Dr. Bumgardner stated that they have atraumatic restorative items to deal with. Dr. Bumgardner stated he has asked Dr. Melton to possibly placie that on the agenda for the next meeting on clarification of that.

Dr. Bumgardner brought up discussion on regulation 39-18, Mobile Dental Facilities and Portable Dental Operations, Section K.

As a result of the discussion, Dr. Melton stated she could make an application which would ask for them to list where they are going to be providing their services at.

Dr. Melton stated she can place this topic on the April agenda for further discussion.

NEW BUSINESS

Vote on Dr. Machowski, Dr. Bumgardner, Dr. Brown and Dr. Melton to attend 64th Southern Conference for Deans and Examiners on January 25-27, 2019 in Augusta, GA

Dr. Bumgardner made a motion for the above mentioned to attend the 64th Southern Conference. Dr. Prickett seconded the motion. The motion carried.

Vote on Board Members, Dr. Marler, Dr. Prickett and the Board Administrator to Attend Mid-Winter AADB Conference Meeting, Chicago, IL

Dr. Machowski made a motion for the above mentioned to attend the mid-winter AADB conference. Dr. Brown seconded it. The motion carried. The motion carried.

REPORTS/INFORMATION

CITA Annual Meeting Report

Dr. Machowski gave the report. He stated that that Dr. Coombs and he attended the meeting held in Scottsdale, AZ from January 4th -5th. There will be a merger of CITA and SRTA and they hope it will be complete by August. Further discussion ensued. No votes were taken as a result of the discussion.

Sedation Inspection Update Report

To date, there have been 242 inspection requests sent to Eric Thompson, our Chief Inspector. His office has completed 238 inspections and four are pending. There was a discussion on the inspection process and Dr. Melton asked the board for guidance of what would constitute a failed inspection. Dr. Coombs asked Dr. Prickett to discuss this issue at the next Sedation Committee meeting. Dr. Prickett agreed to do so.

Administrative Information

Dr. Melton stated since the last board meeting, our office has gotten in 33 initial applications. Since we are in renewal season, as of this date, there are 995 individuals who have not renewed. Next week our office will be sending our registered letters to those who have not renewed.

Dr. Melton reminded the board members to complete their Ethics Commission filing. The deadline to file those will be March 30, 2019.

Dr. Melton stated there is an open board position for Elaine Murphy's dental hygiene seat. Our office will be sending letters to the licensed dental hygienists to let them know of this vacancy.

Dr. Melton stated that LLR is redoing all of the websites. She stated she is working in tandem with our legal counsel.

Dr. Melton stated our office gave each board member the board member contact information sheet. It is for in-office and board member use only.

Dr. Melton mentioned if anyone on the board is interested in obtaining a board member license tag, you will need to get with her so she can send the information to the DMV.

Financial Report

Dr. Melton stated she requested for someone to meet with the Board from our Finance area to explain allocations of the budget. However, the new director in the Finance area has just been hired and is still trying to get up to speed. Therefore, she will ask him to appear at the April meeting.

LEGAL COMMENTS

Discussion on CITA Agreement

Dr. Machowski made a motion to go into executive session to discuss legal contracts. Dr. Brown seconded it. The motion carried.

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

Dr. Coombs stated he would like to form a committee for the Board of Dentistry to review the requirements for licensure just to make sure that the board's approvals are consistent with the Dental Practice Act. Dr. Coombs has asked Dr. Marler to head the committee. Members of the committee will be Ms. Keisler, Dr. Bumgardner, and Dr. Ansari.

PUBLIC COMMENTS

Dr. James Mercer spoke to the Board concerning anesthesia. He stated that you don't need a rule—communities of interest worked hard on the minimum standard for anesthesia in the state. So if someone doesn't have every one of them, they should not get a permit. It's a pass/fail. Dr. Mercer stated that there is no compensatory scoring on the sedation examination or inspection. In his opinion, if applicant does not meet the minimum standard, they should not get a sedation permit.

Dr. Mercer also commented on behalf of the SCDA. They are disappointed to see that the botox did not go forward. He stated he hopes the board will stand up for the dentists and the public to be able to access this in the future because there are dentists that are trained and well qualified to do it.

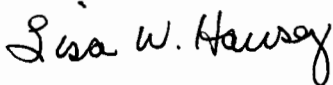
Announcements

Dr. Coombs stated the next board meeting will be on April 5, 2019.

Adjournment

Dr. Machowski made a motion to adjourn. Dr. Marler seconded it. The motion carried.
The meeting adjourned at 2:41 p.m.

Respectfully submitted,



Lisa W. Hawsey
Admin. Asst.