

Minutes of the South Carolina Board of Dentistry
Business Meeting and Disciplinary Issues
January 15, 2016
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Z. Vance Morgan, IV, D.M.D., President
Arthur L. Bruce, D.M.D., Vice President
Dennis A. Martin, D.M.D., Secretary
Carolyn L. Brown, D.M.D.
Paul S. Coombs, D.M.D.
Samuel M. Hazel, D.M.D.
Jessica M. Keisler, R.D.H.
Walter J. Machowski, Jr., D.M.D.
Elaine A. Murphy, R.D.H.
Eric C. Schweitzer, Esquire

Board member with excused absence:

Douglas J. Alterman, D.M.D.

Staff and others present were:

Jordon Berry, MUSC Student
Dr. Patrick Braatz, Past President of ADEX
Gloria A. Carbone, RDH
Lewis J. Cauthen, III, DMD
Chris Conzett, MUSC Student
Jason Corrico, Sexton Dental Clinic
Kate K. Cox, LLR Administrator
Lorie Graham, OIE Investigator
Christopher T. Griffin, DMD, SCDA President
Jolee Gudmudson, SC Association of Nurse Anesthetists
Lisa Hawsey, LLR Administrative Assistant
Donnell James, Esq., LLR Attorney
Salvatore Livreri, DMD
David Love, OIE Chief Investigator
Jim Mercer, DMD, SCDA
Lori Paschall, CDA, SCDA
Adrian Rivera, OIE Investigator
Adam Russell, LLR Advice Attorney
MUSC Dean John J. Sanders, DDS
Robert W. Scott, DMD, Sexton Dental Clinic
Brianna L. Schraw, DMD
Prentiss C. Shealey, LLR Litigation Attorney ODC
Todd Smith, Esq.
Jennifer Thompson, Thompson Court Reporter
M.W. Wester, DMD, NC Dental Board and Treasurer of CITA
Annie Wilson, Esq., SCDA
Joshlyn J. Wilson, MUSC Student,

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 202-02, in Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE STATE NEWSPAPER AND ASSOCIATED

BOARD MEETING MINUTES

January 15, 2016

Page 2

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. Morgan, Board President, called the meeting to order at 9:05 a.m. All votes referenced herein were unanimous unless otherwise noted. Excused absence was noted for Dr. Alterman.

APPROVAL OF THE AGENDA:

Motion: A motion was made by Dr. Hazel to approve the Agenda. Dr. Coombs seconded the motion. The motion carried.

APPROVAL OF THE MINUTES:

Motion: A motion was made by Dr. Bruce to approve the Minutes of the last meeting on November 13, 2015. Dr. Martin seconded the motion. The motion carried.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Reports:

The IRC report was presented by Mr. Love. The report was from the IRC held on December 3, 2015.

Motion: A motion was made by Mr. Schweitzer approve the IRC Report as presented for 13 Dismissals, 2 Formal Complaints, and 5 Letters of Caution. Dr. Bruce seconded the motion. The motion carried.

Discussion was held on the IRC process and trusting the process.

OIE and ODC Management Reports:

The OIE Management Reports and ODC Management Reports were presented. Both were accepted as information.

DISCIPLINARY ISSUES: Disciplinary hearings are closed for the Board of Dentistry.

Motion: Dr. Hazel made a motion to go into private session for the disciplinary hearings. Mr. Schweitzer seconded the motion. The motion carried.

Panel Hearing Recommendation Hearing - Case 2010-14

A Panel Hearing Recommendation Hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss C. Shealey, Esq. The Respondent was present and was represented by Todd Smythe, Esq. A court reporter was present. The closed hearing commenced.

Motion: Dr. Hazel made a motion to go into Executive Session for legal advice. Mr. Schweitzer seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion to return to Open Session. Dr. Bruce seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion to accept the Panel Recommendation with wording changes made to the document to reflect the issue; accept the discipline but clarify 1.C.; and the Board approves a record keeping course to be done within six months for an ADA approved course. Dr. Hazel seconded the motion. The motion carried.

Panel Hearing Recommendation Hearing - Case 2012-89

A Panel Hearing Recommendation Hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss C. Shealey, Esq. The Respondent was present and represented himself/herself with waiver of counsel. A court reporter was present. The closed hearing commenced.

Motion: Dr. Hazel made a motion to go into Executive Session for legal advice. Mr. Schweitzer seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion to return to Open Session. Dr. Machowski seconded the motion. The motion carried.

Motion: Dr. Machowski made a motion to accept the Panel Recommendation with changes to issue a public reprimand; to require a twelve hour course in crown and bridge work; to require a twelve hour course in CAD CAM if the dentist ever goes back to using CAD CAM; and to require a fine of \$5,000. Dr. Bruce seconded the motion. The motion carried.

MOA Hearing for Case # 2010-19 and 2012-89:

A MOA Hearing was held for the Respondent. Mr. Russell advised the Board. The State was represented by Prentiss C. Shealey, Esq. Dr. Coombs was recused and left the room. The Respondent was present and represented himself/herself with waiver of counsel. A court reporter was present. The closed hearing commenced.

Motion: Mr. Schweitzer made a motion to go into Executive Session for legal advice. Dr. Hazel seconded the motion. The motion carried.

Motion: Dr. Machowski made a motion to return to Open Session. Dr. Bruce seconded the motion. The motion carried.

Motion: Dr. Bruce made a motion to accept the MOA and require five items of a public reprimand; to require a fine of \$10,000.00 due in 60 days of the signing of the Order; and to require 32 hours of Board approved continuing education to be taken over 24 months with 8 hours taken per six month period in note keeping, in level of standard of care in radiographs, in improvement of communication with patients, and in dental ethics; to be placed on four years of probations; and finally warned to be very cautious of any future violations. Mr. Schweitzer seconded the motion. The motion carried.

Motion: Dr. Hazel made a motion to return to open session now that hearings were completed. Mr. Schweitzer seconded the motion. The motion carried.

UNFINISHED BUSINESS:

MUSC- Dean John J. Sanders:

Dean Sanders of the MUSC Dental School appeared before the Board with three dental students from MUSC to make an appeal regarding acceptance of the clinical examinations by the Board. He requested that in his opinion all the clinical exams are acceptable and hoped the Board would not limit acceptance to only two exams. He requested if the Board would not agree to acceptance all the clinical examinations or at least the ones on the Board's website, that the Board would postpone any action through 2016. Discussion followed on portability of examinations, costs of exams, and planning schedules at MUSC to give examinations.

BOARD MEETING MINUTES

January 15, 2016

Page 4

Acceptance of Clinical Examinations:

Dr. Morgan reviewed his letter to the Board and all materials he had provided to the Committee for studying Clinical Examinations on December 18, 2015 and to the full Board prior to the Board meeting. He reviewed the history of the use of regional clinical examinations and dates involved. He reviewed SRTA membership by the Board for 20 years and CRDTS membership for a shorter period. He reviewed CDCA (NERB), CITA, WREB and ADEX. He reviewed testing criteria, grading points, failure types, and who is on the testing groups. Discussion was held on various points of testing, locations, grading, participation, costs, liability, and different testing groups.

Motion: Dr. Bruce made a motion to go into Executive Session for legal advice. Dr. Machowski seconded the motion. The motion carried.

Motion: Dr. Bruce made a motion to come out of Executive Session. Dr. Coombs seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion that with all the information presented to the Board, that the Board not take any actions at this meeting and leave the testing requirements as they are. With this important issue that it be placed again on the April 15, 2016 agenda. Dr. Coombs seconded the motion. All in favor was asked by Dr. Morgan and all were ayes. Dr. Morgan asked for discussion.

Motion: Dr. Machowski asked to amend the motion to encourage CITA to certify as many South Carolina Board members as possible. Dr. Morgan asked for discussion. Dr. Coombs asked to strike the amendment. Advice Attorney Russell asked for a second on the amendment as the appropriate next step. Dr. Bruce seconded the amendment. Attorney Russell advised that now a vote needs to be taken on the amendment. The amendment passed with three nays from Mr. Schweitzer, Dr. Coombs and Ms. Murphy.

Return to the original motion: The original motion was by Mr. Schweitzer. It was seconded. The motion carried.

(The Board has a transcript of these motions and amendments.)

Sedation Regulation:

Dr. Griffin of SCDA addressed the Board regarding the Sedation regulations that support Article 3 in the Practice Act on Sedation. He voiced the concerns of how inspectors would be trained, what type of inspection lists would be used, how licensees would be given notice, how educational programs will be vetted to support the level of permitting for education/requirements, and general permitting concerns. Mrs. Cox noted that the Board will have its Sedation Committee develop the inspection checklist by using the sedation statute and sedation regulations and will select appropriate professionals to train the inspectors. She noted LLR has already provided staffing for the inspectors to the Inspections Department of LLR under Robbie Boland. She stated Mr. Boland and she have discussed the staffing over the past year; she stated she has gotten information on tablets that will be used to collect the inspection information and has already ordered three tablets; and she said she has discussed the writing of a program to be used on the tablets which will gather information that will be electronically downloaded to the licensee's records. She detailed the noticing of licensees through mail outs, e-blasts, Board Newsletter, Board web site news notices, assistance from SCDA, and hopefully help from study clubs and other dental groups throughout the state.

Dr. Morgan named the Committee members who will continue to work on this development of permitting. He named Dr. Wade and Dr. Goins to continue to serve. He named Dr. Brown to continue and added Dr. Philip Prickett, upcoming Board member.

Governor's Taskforce on Domestic Violence:

Mr. Russell reviewed the Taskforce's work for Alex Imgrund and LLR Director Richele Taylor who could not attend. He reviewed an e-blast that will be sent out to all licensees to educate them on domestic violence and what professionals can do. He asked for authorization for this e-blast to be sent out. Dr. Machowski suggested that a list of speakers be developed by the Taskforce which can be called upon by different interested groups.

Motion: Mr. Schweitzer made a motion to authorize the e-blast to be sent out to the licensees of the Board. Dr. Hazel seconded the motion. The motion carried.

Infection Control:

Dr. Coombs discussed what CE hours would be accepted by the Board for infection control hours. Discussion followed. It was noted that courses approved by ADA, AGD, and Pace can be used for CE hours.

Motion: Mr. Schweitzer made a motion to authorize the ADA, AGD, and PACE courses. Ms. Murphy seconded the motion. The motion carried.

Dr. Coombs discussed testing for infection control knowledge and that dentists are going to be made responsible for auxiliary staff knowing infection control procedures. Lori Paschall, CDA, who was in attendance at the meeting was asked some questions by the Board. She noted that DANB has an infection control examination (ICE) that can be used. The Board accepted this as information for the future.

NEW BUSINESS:

Appointment of Deputy Examiners for CRDTS - Gloria A. Carbone, RDH:

Ms. Carbone addressed the Board and noted many letters have been sent to the Board supporting her appointment to be a deputy examiner for CRDTS. Discussion followed.

Motion: Dr. Bruce made a motion to go into Executive Session for legal advice. Mr. Schweitzer seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion to return to Open Session. Dr. Machowski seconded the motion. The motion carried.

Motion: Dr. Hazel made a motion to appoint Ms. Carbone as a Deputy Examiners for CRDTS. Mr. Schweitzer seconded the motion. The motion carried.

Letter Regarding Teledentistry:

Salvatore Livreri, DMD made a presentation to the Board regarding teledentistry and had sent a letter to the Board. Discussion followed.

Motion: Mr. Schweitzer made a motion to go into Executive Session for legal advice. Dr. Machowski seconded the motion. The motion carried.

Motion: Mr. Schweitzer made a motion to return to Open Session. Dr. Machowski seconded the motion. The motion carried.

The Board made no motion regarding the matter and thanked Dr. Livreri. They noted they will take note of the matter and look into it in the future.

List of Expert Reviewers:

The IRC members presented a new list of dentists who could be asked to be expert reviewers when the need might arise. This would be a more current list and asked the Board to review it for corrections and additions.

Motion: Dr. Bruce made a motion to accept the list of expert reviewers with the additional four names added. Mr. Schweitzer seconded the motion. The motion carried.

Ratification of Licenses:

The list of persons licensed since the last Board meeting on November 13, 2015 was presented.

Motion: Dr. Combs made a motion to ratify the lists of licensed dentists, licensed dental hygienists, and registered dental technicians. Dr. Bruce seconded the motion. The motion carried.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with the staffing chart. Mrs. Cox reported that the panel hearings are being held as scheduled. Board meeting dates and panel hearing dates were noted for 2016. She reported on LLR's search for a vendor who can provide for a LLR approved electronic CE record for licensees to be able to use and an electronic audit. LLR is exploring the vendor CE Broker and the programs it can design per board.

LLR has investigated the need to find a provider that can assure the needs for security required by the Agency. CE Broker was found to meet these requirements. LLR will continue to explore this provider and make a presentation in April to the Board. The Board was reminded again to file the State Ethics Act form by the March 30, 2016 deadline..

Financial Report:

Financial Report of the Board was given as information by Mrs. Cox.

LEGAL:

There was no legal discussion.

DISCUSSION TOPICS:

There were no discussion topics.

PUBLIC COMMENT:

There was none.

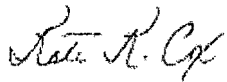
ANNOUNCEMENTS and ADJOURNMENT:

It was announced the Board meeting dates for 2016 are April 15, July 8, and October 14, 2016.

Motion: Mr. Schweitzer made a motion to adjourn. Dr. Machowski seconded he motion. The motion passed.

Dr. Morgan adjourned the meeting at 3:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kate K. Cox".

Kate K. Cox
Administrator