

Minutes of the South Carolina Board of Dentistry  
Business Meeting and Disciplinary Issues  
October 12, 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  
Walter J. Machowski, Jr., DMD  
Philip M. Prickett, DMD was not present  
Donald L. Marler, DMD  
Jessica M. Keisler, RDH  
Samuel M. Hazel, DMD  
Elaine A. Murphy, RDH  
Charles G. Bumgardner, DMD was not present

Staff and others present were:

Rita Melton, DMD, BSN, RN, Administrator  
Emily Farr, Esq, Director of S.C. Labor, Licensing and Regulation  
Lisa Hawsey, Administrative Assistant  
Lorie Graham, OIE Investigator  
Mark Sanders, OIE Chief Investigator  
Adam Russell, Esq. LLR Advice Counsel  
Prentiss Shealey, Esquire, LLR Litigation Attorney ODC  
Heather R. Landry, Court Reporter  
Taylor Bell, Esq., The Jeffcoat Firm  
Matt Castele, Ambulatory Anesthesia  
Julius McKay, Esq.  
Ellen Locklear, RDH  
Michael R., Pacific Dental Services (last name illegible)  
Adam Hahn, DMD  
Rachel Peavy, Esq., McKay Law Firm  
Shweta Poddar, DDS  
Annette Flint, RDH  
Brian Kirkland, MUSC Dental Student  
Haiwer Zhau, MUSC  
Lois Bell, DANB  
Phil Latham, S.C. Dental Association  
Desa Ballard, Esq., Ballard & Watson  
James Mercer, DDS  
JoLee Gudmundsen, S.C. Assoc. of Nurse Anesthetists

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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. Martin, Board President, called the meeting to order at 9:00 a.m. A quorum was noted as present. Dr. Charles G. Bumgardner and Dr. Philip M. Prickett were not present. Adam Russell, Esq. served as the Board's Advice Attorney. The Board members introduced themselves. Dr. Martin introduced the two oncoming board members, Dr. Ansari, who will represent District Six and Dr. Stewart, who will represent District Four. They will begin serving on the Board in 2019.

### APPROVAL OF THE AGENDA

Dr. Hazel made a motion to approve the agenda. Dr. Marler seconded it. The motion carried.

### LLR'S DIRECTOR—INTRODUCTION TO BOARD

Dr. Martin introduced Emily Farr, Director of LLR. Ms. Farr wanted to introduce herself to the Board and to also hand her business card to each member. She stated the agency has a quarterly newsletter that she hopes they find it helpful. She thanked them for their service on the Board as well.

Dr. Coombs made a motion to excuse Dr. Bumgardner's attendance of today's board meeting. Dr. Marler seconded it. The motion carried.

Dr. Coombs made a motion to accept the letters of caution as submitted. Dr. Prickett seconded it. The motion carried.

### DISCIPLINARY ISSUES REPORTS

#### IRC Report

Mark Sanders, OIE Chief Investigator, stated there are 15 dismissals submitted for the Board's approval. After a brief discussion on one of the cases, Dr. Machowski made a motion that the Board reject the dismissal of Case No. 2018-34 and approve the remaining dismissals. Ms. Keisler seconded the motion. The motion carried.

Mark Sanders presented to the Board two formal complaints for approval. Dr. Coombs made a motion to accept the two formal complaints. Dr. Marler seconded it. The motion carried.

Mark Sanders presented one letter of caution for approval. Dr. Coombs made a motion to accept the letter of caution. Ms. Murphy seconded it. The motion carried.

#### Statistical Report

Mark Sanders stated his office received 22 cases ending for the second quarter, which ended on June 30<sup>th</sup>. He stated his office closed 28 cases for that same time period. Currently, his office has 28 active cases. Dr. Martin stated the Board would accept this as a report.



#### APPROVAL OF MINUTES

Dr. Marler made a motion to accept the minutes from the July 13, 2018. Dr. Martin then stated that he would like to make some revisions to the minutes. Dr. Marler made a motion to approve the minutes as amended. Dr. Coombs seconded it. The motion carried.

#### DISCIPLINARY ISSUES REPORTS

Prentiss Shealey, Esq. gave the statistical report for information only. She stated her office, which is the Office of Disciplinary Counsel, currently has 28 open cases. There are 20 respondents. They have seven pending consent agreements, six pending memorandum of agreements, 12 pending panel hearings, two pending board hearings and two pending orders. Her office has closed 24 cases in the past year. She stated her office will try to have more panel hearings to get the numbers down, as they have hired another attorney.

Ms. Shealey presented a second report, which is an ODC advertising case report. She recommends that case be dismissed. Dr. Coombs made a motion to dismiss the case. Dr. Marler seconded it. The motion carried.

#### Disciplinary Hearings

Dr. Coombs made a motion to go into closed session for the disciplinary hearing. Dr. Machowski seconded it. The motion carried.

#### RE: Case No.2013-100

A closed hearing was held for the Respondent. Adam Russell, Esq. advised the Board. Julius W. McKay, II, Esq. represented the Respondent. The state was represented by Prentiss Shealey, Esq.

After the case was presented by both attorneys and the Respondent, Dr. Machowski made a motion to go into executive session to seek legal advice. Dr. Brown seconded it. The motion carried.

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

The Board engaged in a brief discussion with the Respondent. Dr. Coombs made a motion to go into executive session to seek legal advice. Dr. Machowski seconded it. The motion carried.

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

Dr. Coombs made a motion that the Board would like to issue a letter of caution to him in this matter. Dr. Marler seconded it. The motion carried.

#### RE: July 13, 2018 Minutes

Dr. Martin made one more amendment to the July 13<sup>th</sup> minutes. On page five of the minutes, he would like to strike the word "was" so that it just says she (Tammi Byrd) asked to speak on the topic as well. Dr. Marler made a motion to approve this amendment. Ms. Murphy seconded it. The motion carried.

#### Application Hearings

##### Initial Application with "Gap" in Practice Time

Annette Flint is seeking a dental hygiene license. She was licensed in California. She currently is licensed in Georgia. She was required to meet with the Board because she has not practiced dental hygiene since August 2015 due to mitigating circumstances. Ms. Flint was not represented by an attorney. Adam Russell, Esq. advised the Board. After a brief discussion with Ms. Flint, Dr. Brown made a motion to go into executive session. Ms. Keisler seconded it. The motion carried.

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

Ms. Murphy made a motion to grant Mr. Flint a dental hygiene license. Ms. Keisler seconded it. The motion carried.

**Application with “Board Waiver” Request**

Shweta Poddar, DDS is a foreign trained dentist. She is seeking permission from the board to take the clinical dental hygiene examination. She has passed the national board for dental hygiene. Taylor Bell, Esq. represented Dr. Poddar. Adam Russell, Esq. advised the Board. After a discussion with Dr. Poddar, Ms. Keisler made a motion to go into executive session to seek legal advice. Ms. Murphy seconded it. The motion carried. Ms. Murphy made a motion to come out of executive session. Dr. Hazel seconded it. The motion carried. Dr. Coombs made a motion to deny her request to become licensed as a dental hygienist. Dr. Machowski seconded it. The motion carried.

**Reinstatement Application for Lapsed License**

Ellen Locklear is seeking reinstatement of her dental hygiene license. Ms. Locklear was not represented by an attorney. Adam Russell, Esq. advised the Board. Ms. Locklear’s license expired on March 1, 2005. Ms. Locklear was required to meet with the Board to reinstate her dental hygiene license because according to the statute and regulations, she must meet with the Board to explain her competency and why she did not renew her license on time. After a brief discussion with the Board, Dr. Marler made a motion to reinstate her dental hygiene license. Dr. Machowski seconded it. The motion carried.

**Legislative Update**

Rebecca Leach, LLR’s Government Relations Director spoke to the Board pertaining to some legislation that would impact the board. It pertains to the Joint Underwriters Association (JUA). The JUA has incurred a large debt. There is proposed legislation which would require licensees in most health professions to remit an additional fee to apply towards this debt. She stated for dentistry, the additional fee would be \$50.00 per every two years, when licenses are renewed. The Board engaged in a discussion and all was received for information.

REVIEW BOARD POLICIES

**Discuss State Licensing Examinations and Testing Agencies**

The Board held a detailed discussion regarding the various testing options. In concluding the discussion, Dr. Coombs made a motion to table this issue and come back to the board with a proposal from a committee. Dr. Hazel seconded it. The motion carried. Dr. Coombs asked Dr. Marler to Chair the committee with Dr. Machowski, Elaine Murphy and Jessica Keisler serving on the committee as well. Dr. Coombs stated for them to get a report to the Board in January.

RE: CITA

Dr. Coombs made a motion to the Board to join CITA. Dr. Machowski seconded it. After some discussion, the motion carried.

PUBLIC COMMENTS

None



OLD BUSINESS

Dr. Melton stated she is waiting on the edits to be completed by the Communications area before sending the e-blast letting the licensees know to look at the website for the newsletter.

**Discuss Removal of Letter of Reference Requirements for First Time Licensees**

A discussion took place pertaining to removing reference requirements for first-time licensees. Dr. Marler made a motion to remove the requirement for reference letters for first-time licensees. Ms. Murphy seconded it. The motion carried.

**Discuss Proposed CPR Changes**

A motion was made by Dr. Marler that we update the CPR policy to information listed in our file in addition to the fact that we include the reference in ACLS and PALS along with the fact we designate it to be three hours of continuing education. Ms. Murphy seconded it. The motion did not carry. The Board engaged in further discussion and it was decided to table the issue until the next meeting. Ms. Murphy made a motion to table this until the next meeting. Dr. Brown seconded it. The motion carried.

**Discuss Board Appearance for Reinstatement Applicants**

Dr. Martin recommended that the Board does not have to have everyone who desires to be reinstated come before the Board. He stated if the person reinstating hasn't had any incidents on their record, they could be sent to the president for review and have the board administrator bring them back as opposed to having them come before the Board. Dr. Martin stated he still recommends that licensees with a lapsed license continue to meet with the board when they apply. After a brief discussion on this topic, Dr. Martin stated he would like to leave this as something to think about. He stated this matter does not necessarily need to be voted on.

NEW BUSINESS

**Request to Amend Refresher Course Requirements for Syleste Small, RDH**

Ms. Small made an appearance before the Board earlier this year because she was applying to become licensed as a dental hygienist in this state. She had passed CITA, but was not successful in taking the National Boards. The Board instructed her to take a full year remediation course. There are not any full year programs available. Therefore, she would like for the board to look at her taking a similar course at Midlands Tech. Dr. Melton stated the course is four or five weeks and the board has already approved it. Dr. Machowski made a motion for her to take the refresher course at Midlands Tech. Ms. Murphy seconded it. The motion carried.

**Retention of Special Cases**

Dr. Martin stated that the Board Administrator should be retaining cases that are rare and unusual. He stated there should be references to go to.

**Retention of Clinical Agreements**

Dr. Martin stated that Dr. Hosier, the Dean at MUSC, has contacted him about appearing before the Board. Dr. Martin stated that the best time for him to meet would be at the January board meeting. Dr. Martin asked Dr. Melton to contact Dr. Hosier's secretary to set him up to meet with with the board.



REPORT/INFORMATION

**Sedation/Inspection Dental Committee Report**

Dr. Melton gave the report. She stated to date we have received 175 sedation applications. Currently we have 112 active licenses, 23 are waiting on inspection. Six individuals have withdrawn their application either because they applied and determined that they did not need a permit or they were going to have an outside agency to administer it. Dr. Melton stated that the Office of Inspections at LLR schedules the inspections. Their office has conducted 114 inspections and 16 are pending. Dr. Melton stated the inspectors have asked for some guidance on what is considered a failed inspection. She stated that the committee with sedation and inspections could try to look at that topic to determine a proposal to bring before the board.

**AADB Annual Conference Report (Chicago)**

Dr. Coombs gave the report. He stated he gave everyone a copy of his report. He stated the entire meeting centered around the topic of licensing and examination for licensing. He stated the midyear meeting is going to be the weekend of March 9 and 10, 2019 at the ADA in Chicago. Dr. Coombs stated he would like to see as many board members that can, attend the meeting in March.

Dr. Melton stated she gave a written report to the Board members regarding the AADB Conference.

**ADEX Report**

Dr. Machowski gave the report. He stated that meeting was also held in Chicago.

He gave a brief report, which included some changes in the ADEX exam and that each district elected a President, who will sit on the board of directors.

**Administrative Information**

Dr. Melton stated we are in renewals, which started on September 25. They will go through December 31<sup>st</sup>. The fees are the same as the last renewal. On January 1, 2019, the fees will double for anyone who has not renewed by December 31, 2018. On February 1, 2019 the fee is doubled plus \$5.00 a day. She gave a brief explanation of the renewal process.

She also stated the financial report is included in the board meeting materials.

**Legal Comments**

Adam Russell, Esq., the Board Advice Attorney, stated he didn't have anything to report except the regulations have been submitted.

**Presentation of Board Service Plaques**

Dr. Melton stated she has four individuals who will receive service plaques. She stated they will still serve until their replacement is appointed by the Governor.

Dr. Melton gave the first plaque to Elaine Murphy, RDH. Dr. Melton stated Ms. Murphy has been very helpful to her when she needed to discuss something with her and that she and Jessica (Ms. Keisler) have been very helpful in providing dental hygiene information as she needed it. Ms. Murphy has served on a couple of committees as well. Her service is recognized from 2012 to 2018.

Dr. Melton presented Dr. Hazel with his plaque. Dr. Melton stated Dr. Hazel has always been helpful with various questions pertaining to history or regulations. His service is recognized from 2013 to 2018.

Dr. Melton presented Dr. Brown with her plaque. Dr. Melton stated Dr. Brown has served on the National level as well. She has served on a few committees as well as an examiner. Dr. Brown always provides thorough information. She has helped with counting ballots for elections. Her service is recognized from 2012 to 2018.

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Dr. Melton presented Dr. Martin, the current President of the Board, with his plaque. Dr. Melton stated Dr. Martin has given sacrificial service out in the community as well as an examiner. He has also served on several committees. Dr. Melton stated she has learned a great deal from Dr. Martin and she appreciates his service. Dr. Martin served from 2012 to 2018.

**Vote on Board Officers for Next Calendar Year**

Dr. Marler made a motion for Dr. Coombs to be President, Dr. Brown as Vice-President and Dr. Machowski as Secretary. Ms. Murphy seconded the motion. The motion carried.

Dr. Coombs asked if the Board was going to approve an excused absence for Dr. Prickett. Dr. Martin stated to proceed with a motion. Dr. Coombs made a motion to excuse Dr. Prickett's absence from today's board meeting. Ms. Murphy seconded it. The motion carried.

Dr. Martin asked if anyone would like to be the delegate to CRDTS. A discussion ensued. No vote was taken pertaining to this matter.

**Adjournment**

Dr. Coombs made a motion to adjourn the meeting. Ms. Murphy seconded. The motion carried. The meeting adjourned at 1:27 p.m.

Respectfully submitted,

Lisa W. Hawsey  
Admin. Asst.