

Minutes of the South Carolina Board of Dentistry  
Business Meeting and Disciplinary Issues  
April 10, 2015  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Douglas J. Alterman, D.M.D., President  
Z. Vance Morgan, IV, D.M.D., Vice President  
Arthur L. Bruce, D.M.D., Secretary  
Paul S. Coombs, D.M.D.  
Samuel M. Hazel, D.M.D.  
Walter J. Machowski, Jr., D.M.D.  
Dennis A. Martin, D.M.D.  
Elaine A. Murphy, R.D.H.  
Sherie Williams-Barbare, R.D.H.  
Eric C. Schweitzer, Esquire

Board member with excused absences was:

Carolyn L. Brown, D.M.D.

Staff and others present were:

Kate K. Cox, LLR Administrator  
William W. Gilliam, D.M.D.  
Lorie Graham, OIE Investigator  
Lisa Hawsey, LLR Administrative Assistant  
Alexander S. Imgrund, Esq., LLR Advice Attorney  
David Love, OIE Chief Investigator  
Christopher McCoy, RPP  
Kathleen W. Monn, D.M.D.  
Rocky Napier, D.M.D.  
Adrian Rivera, OIE Investigator  
Prentiss C. Shealey, LLR Litigation Attorney ODC  
Jennifer Thompson, Thompson Court Reporter  
Richard Wilson, RPP

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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. Alterman, President, called the meeting to order at 9:01 a.m. All votes referenced herein were unanimous unless otherwise noted. Excused absence noted for new member Dr. Carolyn L. Brown.

APPROVAL OF THE AGENDA AND THE MINUTES:

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

**Motion:** A motion was made by Dr. Morgan to approve the Minutes of the last meeting January 16, 2015. Dr. Bruce seconded the motion. The motion carried.

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RECOGNITION OF BOARD SERVICE - FELICIA L. GOINS, D.D.S.

The Board thanked Dr. Goins for her long and dedicated service to the Board and presented her with a plaque. Dr. Goins stated she would continue to serve the Board in any way they needed for Committee work and Specialty Examinations.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Reports:

The IRC report was presented by Mr. Love. The report was from March 19, 2015. Discussion followed.

**Motion:** A motion was made by Mr. Schweitzer made a motion to approve the IRC Report as presented for 14 Dismissals, 5 Letters of Caution, and 4 Formal Complaints. Dr. Coombs seconded the motion. The motion carried.

OIE and ODC Management Reports:

The OIE Management Reports and ODC Management Reports were presented. Both were accepted as information. The Panel Hearing process was reviewed and the needs of ODC in successfully planning these hearings. ODC and the staff reported on the difficulty in getting the Panels set. Panels hear cases, bringing a recommendation to the Board for the resolution of the case, and a full transcript is presented to the Board for a Board ruling for their resolution of the hearing. It was suggested to set panel dates through the end of the year and it was discussed as to how many panel members should be used. Discussion followed.

**Motion:** Dr. Coombs made a motion to set the Panel Hearing dates monthly through the end of the year and try the proposal of allowing one Hearing Panel Member to serve as the panel, if necessary, until the end of the year. The motion was seconded by Ms. Williams-Barbare. The motion passed with three nays being Dr. Bruce, Dr. Hazel, and Dr. Machowski.

DISPLINARY ISSUES:

Consent Agreement Request for Case # 2009-68:

A Consent Agreement Request hearing was held for Kathleen W. Monn, DMD. Mr. Imgrund advised the Board. The state was represented by Prentiss C. Shealey, Esq. Dr. Monn was present and represented herself. A court reporter was present. The closed hearing commenced.

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

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

**Motion:** Mr. Schweitzer made a motion to remove all restrictions on Dr. Monn from her signed April 24, 2010 Consent Agreement as she has been in compliance. Dr. Coombs seconded the motion. The motion carried.

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MOA Hearing for Case # 2010-70:

A MOA Hearing was held for the Respondent. Mr. Imgrund advised the Board. The state was represented by Prentiss C. Shealey, Esq. The Respondent was present and represented himself. A court reporter was present. The closed hearing commenced.

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

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

**Motion:** Dr. Machowski made a motion to accept the MOA; to order that a Public Reprimand be issued to Dr. William W. Gilliam; to require a fine of \$2500.00 be paid by him within 30 days of the Order being served; to order the suspension of his license and stay that suspension for 5 years of probation; and to order that he reappear before any changes will be made to this Order. Dr. Bruce seconded the motion. The motion carried.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with the staffing chart listed. Mrs. Cox mentioned that the biennial renewal has been completed. Fee waivers were discussed. Mrs. Cox stated the Board has not waived any fee requests for late fee and the dentistry law states fees "must" double in the late period and in the February late period the fees not only double but an additional \$5.00 a day is added. A letter from Dr. Anthony Mollica was presented requesting a late fee waive.

**Motion:** Mr. Schweitzer made a motion to deny the request. Dr. Hazel seconded the motion. The motion passed.

It was stated that the Board has 11,271 credentials that they work and numbers change daily. It was announced that on-line applications are being placed on the website for use. It was announced that the Board of Dentistry is participating on Governor's Taskforce on Domestic Violence by being asked to send a representative to the meetings for community outreach through professionals. Mr. Imgrund is on this Taskforce as well. Dr. Teresa Gonzales was suggested to represent dentistry and Mr. Imgrund stated he will contact her with the Board's permission. It was granted.

**Motion:** Dr. Bruce made a motion to allow an excused absence for new member Dr. Carolyn L. Brown. Mr. Schweitzer seconded the motion. The motion passed.

Financial Report:

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

UNFINISHED BUSINESS:

Sterilization and Infection Control Regulation Committee:

Dr. Coombs reviewed the Committee work in planning for promulgation of regulations regarding sterilization and infection control. It was announced that the Committee has been gathering information from the states, ADA and

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CDC. It was noted that the Committee is looking for simple, clear language for guidelines that are enforceable. It was discussed to dedicate some of the existing CE hours to sterilization and infection control. Dr. Coombs announced the next Committee meeting is on Friday, April 24. He said an update will be given to the Board after that meeting.

### NEW BUSINESS:

#### Letter Regarding Nerve Blocks:

A letter was presented to the board from Dr. Dianna L. Lenick she would like to use to use nerve blocks for diagnostic and therapeutic purposed for TMJ and pain issues. She listed auriculo-temporal, greater auricular, and greater occipital nerve blocks. She wants to know if this is within the scope of the South Carolina laws. Discussion followed. It was stated that there is nothing in the practice act that would preclude her from doing this and that she would be held to same standard of care as an oral surgeon doing this. A response will be sent.

#### Ratification of Licenses and Registrations:

Newly issued licenses and registrations were presented to the Board for ratification for dates through April 8, 2015.

**Motion:** Mr. Schweitzer made a motion to ratify the lists of licensed dentists, licensed dental hygienists, and registered dental technicians. Dr. Morgan seconded the motion. The motion carried.

### LEGAL:

Mr. Imgrund reported on the FTC v North Carolina Board of Dentistry - US Supreme Court ruling. North Carolina approached the issue in a protectionist nature of the profession and not in a public protection nature. North Carolina's board is structured very differently than South Carolina's Board. He stated SC has legal advice and oversight in an umbrella organization that is most helpful. Discussion followed and the Board accepted this as information. If tooth whitening is going to be discussed it was suggested to place it on an Agenda in the future. Indemnity protection was also discussed and Mr. Imgrund can advise in the future on it.

### DISCUSSION TOPICS:

#### CPR Courses:

CPR courses on-line was discussed. It was stated that the Board does not accept CRP on-line courses for CRP CE requirements. The Board has a list of approved courses and they must be attended in person - hands on. There was no additional discussion.

#### Fees and Budgets:

The Board's budget and fees were discussed. It was stated the Agency has oversight of fees, and Boards are to be self-supporting and are not to build up large amounts of monies. It was reported that the Boards under LLR had a fee review two years ago - some boards' fees remained the same; some boards' fees were increased so the board would be self-supporting; and some boards were asked to reduce fees. The Board of Dentistry agreed to reduce some fees at that time. Boards under LLR each work and expend from a budget that is filed every year by LLR. Boards are charged proportionately or directly for all services at LLR for the Director's office, management, human resources, IT, paper usage, investigations and enforcement, legal advice, litigation services, rent, salaries needed for staff, phones, and travel support costs. All needs of the boards are covered. Planning is already in place for any legislative needs like requiring inspections and all legislation states if there is a cost associated with its passage. National meeting attendance for furtherance of the Board was discussed. The Board requested that more members

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of the Board be approved for travel which allows for better representation for South Carolina and more education of members on all issues for dentistry. Mrs. Cox stated she will ask if more than two members can attend a meeting and will address with explanations to the Agency.

Fee Splitting:

Fees for dental procedures for one patient by multiple professionals should not be paid by one check to one professional to distribute other fee payments. Checks should be written by the payor/patient to each individual professional; therefore, that is two bills and two checks. The lab payment can be sent by one of the professionals. It was noted that dental technicians cannot do impressions. They might be in the surgical suite to advise the dentist that they have the device in correctly, but it is the dentist who is working in the mouth. Mr. Imgrund and Mrs. Cox noted questions can be submitted in writing if necessary for advice and Board input; or a complaint can be made so the true facts of an event can be investigated.

PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS and ADJOURNMENT:

It was announced that the next Board meeting is scheduled to be July 10, 2015. There being no further business or announcements Dr. Alterman adjourned the meeting at 12:11 p.m.

Respectfully submitted,

Kate K. Cox  
Administrator