

Minutes of the South Carolina Board of Dentistry
Business Meeting, Reinstatement and Application Hearings, Disciplinary Hearings
October 11, 2013
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC 29210

Board members present were:

Charles F. Wade, D.M.D., President
John M. Whittington, D.M.D., Vice President
Douglas J. Alterman, D.M.D., Secretary
Sherie Williams-Barbare, R.D.H.
Arthur L. Bruce, D.M.D.
Felicia L. Goins, D.D.S.
Dennis A. Martin, D.M.D.
Z. Vance Morgan, IV, D.M.D.
Elaine A. Murphy, R.D.H.
Eric C. Schweitzer, Esquire

Staff and others present were:

Gregory W. Bettone, DMD
Brad Y. Bryan, DDS
Stacy M. Bunner, RDH
Ann Bynam, DMD
Donald C. Cooper, DDS
Kate K. Cox, LLR Administrator
Richmond Davis, Kool Smiles
Amy Hammett, RDH
Michael A. Harrison, DMD
Suzanne Hawkins, LLR Litigation Attorney, Office of General Counsel (OGC)
Lisa Hawsey, LLR Administrative Assistant
Heather A. Johnson, DDS
David Love, OIE
Sara McCartha, LLR Advice Attorney
James E. Mercer, DMD, SCDA
Sean K. Nelson, DDS
Rocky L. Napier, DMD, SCDA
John Pertoris, Esq.
Michael J. Pfister, DDS
Holly G. Pisarik, LLR Director
Karen P. Robinson, DDS
Thea Samonson, Thompson Court Reporter
Antarpreet Singh, DMD
Donna Waltz, RDH

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. Wade, President, called the meeting to order at 9:10 a.m. All votes referenced herein were unanimous unless otherwise noted.

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APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Motion: A motion was made by Dr. Goins to approve the Minutes of the July 12, 2013 Board meeting. Dr. Morgan seconded the motion. The motion carried.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given by Mrs. Cox to include the LLR staffing list; to note the Board has 10,758 credentialed licensees and registrants on file; to review building security; to report hearing panel members have been appointed and trained to serve; to note District Five (5) Election was announced and ballots with three candidates have been sent out and Governor's appointment for Dr. Samuel Hazel to the Board for District 6 is still pending; and to note the Application Review Committee is now comprised of Dr. Wade, Dr. Goins, and Dr. Whittington. Approval to attend AADA and AADB meetings in New Orleans October 30 - 31, 2013 was reported again for the representatives to be Dr. Wade and Dr. Whittington. The Winter Board Newsletter was discussed and it was reported information is needed for the newsletter and status of the proposed Sedation Legislation.

Financial Report:

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

FEE PRESENTATION:

Director Pisarik reviewed the Board's budget item by item for revenue and expenditures with explanations of all items. She made a fee proposal in accordance with S.C. Code Ann. Section 40-1-50(D) for fees to be sufficient, but not excessive, to cover expenses, and proposed therefore to lower renewal fees by \$40.00 for the categories of dentists, dental specialists, dental hygienists, dental hygienists with infiltration anesthesia certifications, and dental/orthodontic technicians. Discussion followed.

Motion: A motion was made by Dr. Alterman and seconded by Ms. Williams-Barbare to lower the renewal fees by \$40.00 for the groups discussed. The motion passed.

Dr. Wade signed a letter of agreement for this proposal for Director Pisarik.

DISCIPLINARY ISSUES REPORTS:

Investigative Review Committee (IRC) Report:

The IRC report was presented by Mr. Love.

Motion: A motion was made by Dr. Morgan to approve the IRC report authorizing ten (10) Dismissals. Dr. Goins seconded the motion. The motion carried.

Motion: A motion was made by Dr. Bruce to approve the IRC report authorizing one (1) Dismissal with Cease and Desist Order. Dr. Goins seconded the motion. The motion carried.

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Motion: A motion was made by Dr. Goins to approve the IRC report authorizing four (4) Authorizations for Formal Complaints. Dr. Alterman seconded the motion. The motion carried.

Motion: A motion was made by Dr. Alterman to approve the IRC report authorizing the issuance of nine (9) Letters of Caution. Dr. Morgan seconded the motion. The motion carried.

OIE and OGC Management Reports:

The OIE Management Reports and OGC Management Reports were presented. All were accepted as information.

DISCIPLINARY CONSENT AGREEMENT HEARINGS:

Edward Randolph Strauss, D.M.D.

A Consent Agreement was presented for case # 2012-93 for Edward Randolph Strauss, D.M.D. by Ms. Baldwin. Ms. McCarthy advised the Board. Dr. Strauss was not present and waived his right to counsel being present. A court reporter was present.

Motion: Mr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Motion: Dr. Alterman made a motion to accept the Consent Agreement as written. Dr. Goins seconded the motion. The motion carried.

Aaron Partha Sarathy, D.M.D.

A Consent Agreement was presented for case # 2012-94 for Aaron Partha Sarathy, D.M.D. by Ms. Baldwin. Ms. McCarthy advised the Board. Dr. Sarathy was not present and waived his right to counsel being present. A court reporter was present.

Motion: Mr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Motion: Dr. Alterman made a motion to accept the Consent Agreement as written. Mr. Schweitzer seconded the motion. The motion carried.

Discussion followed that the Board might prefer that respondents attend and fines should be paid within 120 days. No motions were made.

PRESENTATION OF AGREEMENT OF RELINQUISHMENT OF LICENSE:

John Newton Cagle, III, D.M.D.

An Agreement of Relinquishment of License was presented as information by for John Newton Cagle, III, D.M.D. by Ms. Baldwin. Ms. McCarthy advised the Board. Dr. Cagle was not present and waived his right to counsel being present. A court reporter was present. No motion was needed for the signed Relinquishment.

APPLICATION HEARINGS:

Application Hearings Cases 1-4 will be heard before going into Executive Session.

Antarpreet Singh, D.M.D.:

An application hearing was held for Dr. Singh. Ms. McCarthy advised the Board. Dr. Singh was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Brad Y. Bryan, D.D.S.:

An application hearing was held for Dr. Bryan. Ms. McCarthy advised the Board. Dr. Bryan was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Sean K. Nelson, D.D.S.:

An application hearing was held for Dr. Nelson. Ms. McCarthy advised the Board. Dr. Nelson was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Karen P. Robinson, D.D.S.:

An application hearing was held for Dr. Robinson. Ms. McCarthy advised the Board. Dr. Robinson was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Motion: Mr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Cases 1-4 Application Hearing Motions

Motion: Dr. Bruce made a motion to deny licensure by credentials for Dr. Singh for dentistry. Dr. Goins seconded the motion. The motion carried.

Motion: Dr. Bruce made a motion to deny licensure by credentials for Dr. Bryan for dentistry. Dr. Goins seconded the motion. The motion carried.

Motion: Dr. Alterman made a motion to approve the application for licensure for Dr. Nelson for dentistry. Dr. Morgan seconded the motion. The motion carried.

Motion: Dr. Alterman made a motion to approve the application for licensure for Dr. Robinson for dentistry. Dr. Morgan seconded the motion. The motion carried.

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REINSTATEMENT APPLICATION HEARINGS:

Reinstatement Hearings Cases 1-6 will be heard before going into Executive Session.

Gregory W. Bettone, D.M.D.:

A reinstatement application hearing was held for Dr. Bettone. Ms. McCarthy advised the Board. Dr. Bettone was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Donald C. Cooper, D.D.S.:

A reinstatement application hearing was held for Dr. Cooper. Ms. McCarthy advised the Board. Dr. Cooper was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Michael A. Harrison, D.M.D.:

A reinstatement application hearing was held for Dr. Harrison. Ms. McCarthy advised the Board. Dr. Harrison was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Heather A. Johnson, D.D.S.:

A reinstatement application hearing was held for Dr. Johnson. Ms. McCarthy advised the Board. Dr. Johnson was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Michael J. Pfister, D.D.S.:

A reinstatement application hearing was held for Dr. Pfister. Ms. McCarthy advised the Board. Dr. Pfister was present but waived his right to counsel. A court reporter was present. The hearing commenced.

Stacy Bunner, R.D.H.:

A reinstatement application hearing was held for Ms. Bunner. Ms. McCarthy advised the Board. Ms. Bunner was present but waived her right to counsel. A court reporter was present. The hearing commenced.

Motion: Mr. Schweitzer made a motion to go into Executive Session. Dr. Goins seconded the motion. The motion carried.

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

Cases 1-6 Reinstatement Application Hearing Motions

Motion: Dr. Morgan made a motion to approve the reinstatement application for licensure for Dr. Bettone for dental licensure. Dr. Alterman seconded the motion. The motion carried.

Motion: Dr. Morgan made a motion to approve the reinstatement application for licensure for Dr. Cooper for dental licensure. Dr. Alterman seconded the motion. The motion carried.

Motion: Dr. Morgan made a motion to approve the reinstatement application for licensure for Dr. Harrison for dental licensure. Dr. Alterman seconded the motion. The motion carried.

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Motion: Dr. Morgan made a motion to approve the reinstatement application for licensure for Dr. Johnson for dental licensure. Dr. Alterman seconded the motion. The motion carried.

Motion: Dr. Morgan made a motion to approve the reinstatement application for licensure for Dr. Pfister for dental licensure. Dr. Alterman seconded the motion. The motion carried.

Motion: Ms. Williams-Barbare made a motion to approve the reinstatement application for licensure for Ms. Bunner for dental hygiene licensure. Dr. Goins seconded the motion. The motion carried.

UNFINISHED BUSINESS:

Sedation Committee Update Report:

Dr. Wade reported on the Committee's progress and noted the Committee will continue to meet with all stakeholders and welcomes comments. He noted the Board's Newsletter has mentioned the Sedation issue and will comment again on proposed legislation in the next newsletter.

NEW BUSINESS:

Use of Fillers and Botox Injections:

Dr. Ann Bynam appeared before the Board to discuss Botox and fillers and the Injection and Fillers policy. Discussion followed. The Board stated that the policy remained the same as printed on the Board's website.

Licensure Examinations Accepted by South Carolina:

Licensure exams accepted by the Board were discussed by Ms. Williams-Barbare. It was decided Ms. Williams-Barbare and Dr. Morgan will write-up an explanation of what exams are accepted so a comprehensive listing can be placed on the Board's web site with exact names of exams. They will present it at the January 10, 2014 meeting.

Question on Dental Hygienists and Dental Assistants Duties:

The Board read an email from Tammi Byrd, RDH to question a few items on the chart of delineated duties published in the Board's 2013 Summer Newsletter. The Board stated the chart of delineated duties appears correct to them; however, they will ask for legal advice to review the chart before the next meeting.

Question on Dentures/Partial Adjustments:

The Board addressed a question on allowing dental assistants to do denture/partial adjustments. The Board stated dental assistants cannot do adjustments; only dentists do dental/partial adjustments.

Question on Intra-oral Cameras:

A question was addressed regarding intra-oral cameras. It was noted dental assistants can use intra-oral cameras only in assisting with diagnosis, not scan for final impressions.

Select New ADEX Member:

The Board selected Dr. Z. Vance Morgan to be the Representative to the House of Representatives on ADEX again this year.

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Appearance before the Board:

Donna Waltz, RDH and Amy Hammett, RDH appeared before the Board with a business plan for home dental hygiene services. The Board complimented them on wanting to help the elderly population and community with hygiene at the home health level; however, it was noted that dental hygienists must work under the supervision of a dentist when they are doing dental hygiene. They would also need to bill under a dentist. It was noted that this plan would not fit the scope of practice of dental hygiene licensure in South Carolina as presented.

Ratification of Licenses and Registrations:

Newly issued licenses and registrations were presented to the Board for ratification for dates through October 1, 2013.

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

Election of Board Officers for 2014 and Presentation:

The Board elected Dr. John Whittington as President, Dr. Doug Alteman as Vice President, and Dr. Z. Vance Morgan as secretary.

Dr. Whittington, new Board President, thanked Dr. Wade, outgoing President, for his leadership, integrity, and dedication to the Board; and he presented Dr. Wade with a plaque of appreciation.

LEGAL:

There was no legal business.

DISCUSSION TOPICS:

There were no discussion topics.

PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS and ADJOURNMENT:

It was announced the meetings for 2014 are scheduled to be on January 10, April 14, July 11, and October 10. There being no further business or announcements Dr. Whittington adjourned the meeting.

Respectfully submitted,

Kate K. Cox
Administrator