

## MINUTES

South Carolina Board of Dentistry

Board Meeting

February 7-8, 2003

Courtyard by Marriott, Lockwood Drive, Charleston, SC

Medical University of South Carolina

College of Dental Medicine - Basic Science Building

Charleston, SC

On Friday, February 7, 2003, at 8:30 a.m., Dr. Dale F. Finkbine, President, called the meeting to order. Other members participating during the meeting included: Dr. Dennis W. Newton, Jr., Vice President; Dr. Amon A. Martin, Jr., Secretary; Dr. William H. Bragdon; Dr. Michelle D. Bedell, Dr. William D. Cranford, Jr., Dr. John D. Snowden; Tanya S. Riffe, R.D.H., and Ms. Genie M. Duncan.

Staff members participating included: Rion Alvey, Administrator, Jay Evans, Investigator, Melissa Slagle, Investigator, Velma Stork, Administrative Assistant, and Terri Zeman, Administrative Assistant. Wendy Cartledge, LLR General Counsel, Louis Rosen, LLR Hearing Advice Attorney, and Randall Bryant, Assistant Deputy Director, were also present.

Public notice of the meeting was properly posted at the Medical University of South Carolina, College of Dental Medicine, Charleston, South Carolina, and the Board of Dentistry office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.

Motion: Dr. Bragdon moved that the agenda be approved as presented with a proviso that the President may reorder agenda items as necessary to facilitate the meeting. The motion received a second by Dr. Newton. The motion carried.

Motion: Dr. Newton moved that the Board go into Executive Session for disciplinary matters and to review the investigative report. The motion received a second by Dr. Bedell. The motion carried.

Following the investigative report, Dr. Finkbine declared the meeting in public session and the Board voted in the following matters:

Motion: Dr. Newton moved that in the matter of 02-42, the Board not accept the proposed Consent Order. It was noted that the Respondent in this matter failed to appear as scheduled. The motion received a second by Dr. Bedell. The motion carried.

Motion: Dr. Martin moved that in the matters of 00-35 and 01-56, the Board accept the proposed Consent Order with proviso to accept a payment plan in resolution of this

matter. The motion received a second by Dr. Bedell. The motion carried.

Motion: Dr. Cranford moved that in the matters of 02-51 and 02-52, the Board accept the proposed Consent Order. The motion received a second by Dr. Newton. The motion carried.

Motion: Dr. Newton moved that the Board dismiss the following cases due to insufficient evidence to warrant a formal accusation and hearing:

02-41 02-79 02-81 02-90 02-94

The motion received a second by Dr. Cranford. The motion carried.

Randall Bryant briefed the Board on the recent appointment of Adrienne Youmans as the new Director of LLR. He noted that Ms. Youmans is very experienced with the Agency as she served at LLR previously as Deputy Director of the POL (Professional, Occupational and Licensing) Boards. The Board members and staff look forward to working with Ms. Youmans.

The meeting recessed for lunch and reconvened at 12:30 p.m.

Motion: Dr. Newton moved that the Board go into Executive Session to conduct the examination calibration session for SRTA examiners. The motion received a second by Dr. Cranford. The motion carried.

At 5:30 p.m., Dr. Finkbine declared the meeting returned to public session and adjourned for the day.

On Saturday, February 8, 2003, at 8:30 a.m., Dr. Finkbine called the meeting to order.

Motion: Dr. Finkbine moved that the Board go into Executive Session to conduct its State Board Volunteer Dental Examination and State Board Dental Hygiene Infiltration Anesthesia Examination. The motion received a second by Dr. Cranford. The motion carried. All Board members were present and participated with the examinations. Staff members assisting with the examinations included Mr. Alvey, Mr. Evans, Mrs. Slagle, Mrs. Stork and Mrs. Zeman. Following examinations, the meeting was recessed for lunch to be reconvened at 1:00 p.m.

At 1:00 p.m., Dr. Finkbine called the meeting back to order. All Board members were present. Members of the staff included Mr. Alvey, Mr. Evans, Mrs. Slagle, Mrs. Stork and Mrs. Zeman. Wendy Cartledge, General Counsel, Richard Wilson, Deputy General Counsel, and Mr. Randall Bryant, Assistant Deputy Director, POL Office of Business and Related Services, were also present. Members of the public present included: Dr. Raymond Lala, Dr. James Mercer, and Mr. James Morton, C.D.T.

Board members reviewed the minutes of the December 7-8, 2002 meeting.

Motion: Dr. Bedell moved that the Board minutes be approved as presented. The motion received a second by Dr. Martin. The motion carried.

Motion: Dr. Martin moved that the Board ratify its previous decision to grant licenses to the following individuals:

General Dentists:

Daniel J. McLaughlin Jamie A. Grider

Laura J. McLaughlin Sonia Yong Yi

Dental Hygienists

Karrah N. Dube

The motion received a second by Dr. Bragdon. The motion carried.

Motion: Dr. Martin moved that the Board grant a Certificate to Administer Infiltration Anesthesia to the following dental hygienists based on their successful completion of the exam and meeting all other requirements for certification:

Tabitha A. Baker Tammy R. Belger

Brandy F. Cheek Barbara S. Clayton

Janice H. Edens Elaine S. Gladden

Mitsy L. McKenzie Brenda F. Reid

Anjanetta R. Reihm Tara B. Revels

Damondia Robinson Cheryl L. See

Tonya M. Timmons Jennifer J. White

The motion received a second by Dr. Bedell. The motion carried. It was noted for the record that Vanessa R. Hilley did not appear for the examination as scheduled.

Motion: Dr. Martin moved that the Board grant a Certificate to Administer Infiltration Anesthesia to the following dental hygienists pending successful completion of a retake of the written portion of the anesthesia examination:

Beth A. Addison Marty Anne Evans

Jill J. Ford Leslie D. Heath

Linda L. Murphy Sarah A. Ricks

Allison D. Scoggins Chandra L. Snoddy

The motion received a second by Dr. Bedell. The motion carried.

Motion: Dr. Martin moved that the Board grant a Restricted Volunteer Dental License to

the following based on their successful completion of the examination and meeting all other requirements for licensure:

Dr. Brock T. Carter Dr. James E. Patti

The motion received a second by Dr. Bedell. The motion carried.

Board staff was instructed to ensure that, in the future, dental hygiene anesthesia candidates are informed, in their instructions prior to the exam, that they must record all pertinent information that would normally be entered on a patient's permanent dental record, on the back of their health history form during the clinical portion of their examination.

Motion: Dr. Newton moved that the Board enter executive session to conduct oral licensure examinations. Dr. Cranford seconded the motion, which carried unanimously.

Following oral examinations, Dr. Finkbine declared the meeting returned to public session.

Motion: Dr. Cranford moved that in the matter of Dr. Elizabeth A. Warner, a Consent Order be issued to include a public reprimand and \$1,000 fine. Thereafter, Dr. Warner's license to practice dentistry in South Carolina is to be reinstated with conditions, including, successful completion of a minimum of one year of advanced general dentistry education or general practice residency; successful completion of the SRTA dental examination; successful completion of Part II of the National Board Examination. Before establishing a practice in South Carolina, if ever, Dr. Warner is required to appear before the Board. The motion received a second by Dr. Newton. The motion carried.

Motion: Dr. Martin moved that the Board grant a Restricted Dental Instructor License to the following individual based on her successful completion of the examination and meeting all other requirements for licensure:

Dr. Michele Carter Ravenel

The motion received a second by Dr. Newton. The motion carried.

Motion: Dr. Martin moved that the Board grant a Restricted Dental Instructor License and a Restricted Instructor License to practice the specialty of Oral and Maxillofacial Surgery to the following individual based on his successful completion of the examination and meeting all other requirements for licensure:

Dr. Robert G. Burcal

The motion received a second by Dr. Newton. The motion carried.

Motion: Dr. Martin moved that the following individual be granted a Dental Hygiene License to practice in South Carolina based on her successful completion of the oral examination and meeting all other requirements for licensure:

Valerie Honaker Morris

The motion received a second by Dr. Newton. The motion carried.

Ms. Christina Fiedler appeared before the Board requesting consideration of changing the law on licensure by reciprocity, or making an exception to the current law on reciprocity, for her father in order for him to practice dentistry in South Carolina. She presented credentials in support of her plea, as well as a petition for reciprocity for the Board's review. Dr. Finkbine thanked Ms. Fiedler for appearing and commended her on her efforts to help her father. He explained, however, that the State of South Carolina does not, at this time, reciprocate with other states. Dr. Finkbine informed Ms. Fiedler that the Board would take this matter under advisement.

Motion: Dr. Newton moved that the Board go into Executive Session for the receipt of legal advice from Ms. Cartledge. The motion received a second by Dr. Martin. The motion carried.

Following the receipt of legal advice, Dr. Finkbine declared the meeting returned to public session.

The Board elected officers for fiscal year 2003-2004 as follows.

Motion: Dr. Bedell moved that Dr. Newton be elected Board President. The motion received a second by Dr. Bragdon. The motion carried.

Motion: Dr. Bedell moved that Dr. Martin be elected Board Vice President. The motion received a second by Dr. Bragdon. The motion carried.

Motion: Dr. Newton moved that Dr. Bedell be elected Board Secretary to serve for six months, July 1 - December 31, 2003, and Dr. Bragdon serve as Board Secretary for the remaining six months, January 1 - June 30, 2004. The motion received a second by Dr. Cranford. The motion carried.

Dr. Finkbine asked the members to consider serving on the SRTA Examinations Committee and if anyone is interested in serving to please let him know. This matter will be revisited in June.

Dr. Newton, Chairman of the Legislative Committee, briefed the members on the status of legislation. He reported that a bill had been recently introduced to amend Section 40-15-70 of the Dental Practice Act relating to the definition of the practice of dentistry. Dr.

Newton stated that he had been working with Dr. Louis Costa of the Medical Examiners Board and Dr. Jim Mercer of the Society of Oral and Maxillofacial Surgeons to institute language, similar to that of the State of Virginia, and acceptable to all parties, to be incorporated into the Dental Practice Act with regard to the scope of practice of oral surgeons. It was noted that the Medical Board would like to have some input into the disciplinary process and Dr. Mercer's group states that this would take away the authority of the Dental Board, and they are not in favor of this. Dr. Mercer strongly encouraged the Board to adopt the American Dental Association's (ADA) definition of dentistry. He stated it has already been adopted by thirteen states and is being considered by others at this time. Mr. Wilson advised that Dr. Newton and Dr. Mercer meet again with Dr. Costa to review the proposed language and make sure everyone is in agreement before we proceed.

Dr. Newton reported that the South Carolina Dental Association (SCDA)'s House of Delegates had recently adopted a 2003 Legislative Action list which includes proposed changes to the Dental Practice Act. The Board was provided a copy of the proposal for its review and input. The proposal includes 1) general supervision of dental hygienists in private dental office settings when performing certain functions; 2) amendment to Section 40-15-110 relating to public health dentistry to better define delivery of services, and to allow dental assistants to do oral screenings utilizing DHEC approved screening system in school and public health settings under direction of DHEC public health dental program; 3) addition of Section 40-15-179, Registration of Mobile Dental Facilities and Portable Dental Operations, and 4) amend the Practice Act to "negative" legislation, meaning the auxiliaries would be advised as to what they can not do, thereby empowering the Board to establish protocol for any new duties as a result of technology and art of dentistry changes in coming years.

Dr. Lala explained that DHEC established defined protocol for all aspects of its program in accordance with the current "Guidelines for South Carolina School-Based Dental Prevention Programs" and that all providers are given a copy of the guidelines. He stated that the clinical standards for public health dentistry are identical to the standards in private practice dentistry. Dr. Lala stated that every claim that is filed in connection with services performed has a dentist's medicaid number listed and that the authorizing (or sponsor) dentist is responsible for it. He stated that the providers are responsible for maintaining their records. Mr. Bryant suggested and the Board agreed that the dentist providers need to be alerted to the fact that they are clinically responsible in the case of any clinical wrongdoing. He also recommended that the Board, and not the Dental Association, should introduce legislation. Dr. Lala noted that DHEC, as an agency, has not agreed to the legislation proposed by SCDA at this time. Dr. Newton reported that the Board had received letters from Lynn D. Hammond, Director of South Carolina Healthy Schools, and Denise G. Rysz, RDH, SCDHA President, regarding the Board's latest draft of amendments to the Practice Act regarding the public health dental program. Members were provided copies of the letters. Dr. Newton stated that in light of the proposed legislation by SCDA, the Board's proposed amendments will be placed "on hold" for now.

Mr. Wilson briefed the Board on the implementation of the Homeland Security Act. This

Act (Act 339 of 2002), passed in July 2002, includes the Emergency Health Powers Act (Section 44-4-100, et seq.). Section 44-4-570 of that Act addresses the licensing of out-of-state health care personnel during a declared state of emergency. It provides for the licensing boards, in coordination with DHEC and LLR, to prescribe the duties of out-of-state emergency health care providers and waive any or all licensing requirements and fees so they may provide immediate assistance during a declared state of emergency.

Motion: Dr. Martin moved that the Board approve a limited waiver of all fees and licensing requirements for out-of-state health care providers who are in good standing in their home state and who limit their activities to emergency response duties and responsibilities assigned and directed by DHEC representatives. The motion received a second by Dr. Cranford. The motion carried.

Board members reviewed a list of licensees/registrants who have not yet renewed their license/certificate for 2003. These individuals were mailed a certified letter on January 31, 2003, advising that they were not currently registered and that failure to renew by March 1 will result in the expiration of their license/certificate. Members divided the lists of names of dentists, hygienists and technicians and will attempt to personally call each one to remind them to renew before March 1. Dr. Martin reported that as of 2/5/03, the following numbers of licensees practicing in-state have not renewed: 29 dentists; 3 dental specialists; 53 dental hygienists, and 4 dental technicians.

Mr. Evans reported that with regard to the Anesthesia Credentials Audit, 42 of the 48 dentists audited have submitted their audit forms and credentials, and have been determined to be in compliance with Regulation 39-17, Guidelines for Anesthesia. He will follow up with the other six dentists who have not yet responded to the audit.

Board members reviewed a list of applications for waivers of continuing education and CPR requirements. The Board approved 7 permanent waivers of CE/CPR, and approved 15 temporary waivers.

Board members reviewed a draft of a proposed schedule for the upcoming June 20-21-22, 2003 meeting and examinations. Tentatively, the Board will conduct a hearing(s) on Friday, June 20; State Board Specialty, Infiltration Anesthesia, and Volunteer Dental Examinations on Saturday, June 21, and a Board meeting on Sunday, June 22.

The Board reviewed the text of a legislative proposal to add Regulation 39-4.1 to establish procedures and requirements for re-examination of applicants for licensure who have failed the licensing examination. The text reads as follows:

#### 39-4.1. Re-examination

"In case of failure at any examination, the applicant shall have the privilege of a second or third examination with the payment of the regular fee.

If the applicant has not met the Board's criteria for passing the examination after three takings, applicant shall not be permitted to retake the examination, and any score received after three takings shall not be considered, except by special permission of the Board. It shall be the responsibility of the applicant to petition the Board and to successfully complete at least one year of additional dental or dental hygiene education in an ADA approved dental school or residency, as applicable, or explain in detail any special or compelling factors the applicant wishes the Board to consider.

If an individual is granted special permission to have the results of a fourth taking of the examination considered and still has not passed the examination as required by the Board, no further attempts at or scores from the examination shall be considered by the Board."

Dr. Finkbine noted that the Board had previously approved this language during a conference call meeting and stated that this documentation will be filed this legislative session. It is the policy of SRTA that, after three unsuccessful examination attempts, the candidate must contact the state in which they plan to seek licensure and request a letter of approval/permission for a fourth examination attempt.

Board members reviewed a draft of topics to be included in the Spring 2003 Newsletter. Dr. Martin asked the members to call him or Mrs. Zeman with any additional information they would like included in this upcoming issue.

Mr. Alvey asked Mr. James B. Morton, Sr., CDT, to brief the Board on the South Carolina Dental Laboratory Association's request for consideration for the registration of out-of-state dental laboratory technicians doing business in South Carolina. Mr. Morton stated that he hoped this matter could be accomplished through regulation, and that their goal is to protect the public's health. He stated that the SCDLA would be happy to assist the Board in implementing such a regulation. Mr. Morton noted that the State of Texas has had such a program in force for over seven years with excellent results and success. Dr. Finkbine asked Mr. Alvey to study the Texas regulations and report his findings to the Board at the next meeting.

Motion: Dr. Newton moved that the Board continue to study the proposal by the South Carolina Dental Laboratory Association and to move forward if it is determined that such a proposal is feasible. The motion received a second by Dr. Martin. The motion carried. Mr. Alvey will work with the Association in determining its feasibility.

Board members reviewed a letter from Dr. Walter J. Kucaba requesting continuing education credits for the implant seminars that he gives to dentists and dental hygienists in the Spartanburg area. It was noted that the Board does not approve individual courses but rather approves courses that are developed or sponsored by organizations and agencies such as the ADA, AGD, ADHA, ADAA, NADL, or their local societies and associations, etc. Dr. Bedell offered to call Dr. Kucaba and recommend that he contact his local dental society for endorsement of his course.

Mrs. Stork briefed the Board on its financial status and provided reports for review.

Mrs. Slagle asked the Board to consider termination of Dr. Mir Jameshed Nasim's probationary period. She noted that Dr. Nasim's probationary period was scheduled to be terminated June 23, 2002; however, he had been unable to appear before the Board due to his being out of the country during the Board's last two meetings. Mrs. Slagle noted that Dr. Nasim has complied with all of the terms and conditions of his order. It was the consensus of the Board that Dr. Nasim may be officially released from his probationary period with the Board. He will be written a letter to that effect.

Dr. Finkbine reminded everyone that the next meeting is scheduled June 20-21-22, 2003, in Charleston.

There being no further business, Dr. Finkbine declared the meeting adjourned at 6:50 p. m.

Respectfully submitted,

H. Rion Alvey  
Administrator