

MINUTES

South Carolina Board of Dentistry
Board Meeting
December 7-8, 2002
Synergy Business Park, Kingstree Building
Columbia, South Carolina

On Saturday, December 7, 2002, at 9:00 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.; Tanya S. Riffe, R.D.H., and Ms. Genie M. Duncan. It was noted for the record that Dr. Charles Maxwell was excused from the meeting.

Staff members participating included: Rion Alvey, Administrator, Jay Evans, Investigator, Melissa Slagle, Investigator, Velma Stork, Administrative Assistant, and Terri Zeman, Administrative Assistant. Richard Wilson, Advice Attorney, and Louis Rosen, Hearing Officer, were also present.

Public notice of the meeting was properly posted at 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. Newton 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. Martin. The motion carried.

Dr. Finkbine, on behalf of the Board, presented Mrs. Zeman with a plaque of appreciation for her outstanding and distinguished service with the Board of Dentistry for the past fifteen years. He noted that she officially retires from State Government on December 16, 2002. Mrs. Zeman thanked everyone and remarked that she is happy to have the opportunity to continue working with the Board on a contractual basis.

Board members reviewed the minutes of the August 24, 2002 Board meeting. Motion: Dr. Martin moved that the Board minutes be approved as presented. The motion received a second by Dr. Newton. The motion carried.

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

General Dentists:

Joseph C. Gillespie James B. Wisner
Jori R. Cohen LaCanas N. Herring
John T. Poole, III Louis G. Spelios
Matthew S. Lawson Anthony S. Thomas
Wolanda P. Hardy Donald K. Hogan
Christin C. Mayfield

Dental Hygienists
Johnnie C. Brigman Carlynn N. Eisner
Kristie L. Cabe Elizabeth R. Slack
Robin M. Boykin Marty A. Evans
Christy M. Polidoro Donna L. Kautz
Amy J. Esposito

Dental Technician
James A. Cole

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

Dr. Roger I. Voltin appeared before the Board to report on the status of his probation. It was noted that Dr. Voltin's probationary period will officially end December 8, 2002.

Motion: Dr. Martin moved that the Board enter executive session to conduct oral examinations. Dr. Bedell seconded the motion, which carried unanimously. Following examinations, Dr. Finkbine declared the meeting returned to public session.

Motion: Dr. Martin moved that the following individuals be granted dental hygiene licensure based on successful completion of the oral examination and meeting all other requirements for licensure:

Lisa B. Bissett Susan E. Boyles
Robin L. Bruce Carla R. Cribb
Althea F. Holland Sara D. Hunter
Julie A. Johnson Amber N. Mounts
Halie M. Porter Ashley P. Rumbough
Alicia R. Smith Jan E. Tabay
Michelle A. Vick

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

Motion: Dr. Martin moved that the following individual be granted reinstatement of his certificate to perform dental technological work:

Christopher Henderson

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

It was noted that Dr. Penny C. Moore appeared before the Board, via teleconference, to fulfill the requirements for the reinstatement of her dental license. Dr. Moore's license was reinstated at the last Board meeting with the condition that she appear, via teleconference, at its next meeting.

Dr. Brian Miller Benson, III appeared before the Board upon application for a dental license. Motion: Dr. Bragdon moved that Dr. Benson be granted a license to practice dentistry in South Carolina. The motion received a second from Dr. Bedell. The motion carried.

Motion: Dr. Bragdon moved that the Board go into Executive Session to receive legal advice, consider proposed Consent Orders and review the investigative report. The motion received a second by Dr. Bedell. The motion carried.

Following the investigative report, Dr. Finkbine declared the meeting back in public session.

Motion: Dr. Newton moved that the Consent Orders in the following matters be accepted:

00-41 01-82 02-21 00-103 01-50 02-58 02-23

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

Motion: Dr. Bragdon moved that the following cases be dismissed due to insufficient evidence to warrant a formal accusation and hearing:

00-65 01-21 01-81 02-08 02-19 02-24 02-25 02-30 02-35* 02-39* 02-40* 02-44
02-48 02-49 02-50 02-55* 02-64* 02-65* 02-66* 02-69 02-70 02-71 02-72* 02-75*
02-76* 02-80* 02-83 02-84 02-85 02-86* 02-91*

[*dismiss with letter of caution.]

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

Motion: Dr. Bragdon moved that the Board authorize a Formal Accusation in the following cases:

01-22 01-80 02-29 02-31 02-47 02-51 02-52 02-61 02-67 02-73 02-95

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

Dr. David Watson of Spartanburg appeared before the Board to comment on the requirements for specialty licensure in South Carolina. It appeared that Dr. Watson may have information of a complaint nature and, therefore, was excused from the meeting and advised to send the information in writing to the Board office.

The Board recessed for lunch at 1:00 p.m., and reconvened at 1:45 p.m.

Mr. Evans reported that 56 dentists had been recently audited to ensure compliance with the anesthesia guidelines. At this time, 35 had responded to the audit and were all found to be in compliance. The deadline for receipt of the anesthesia credentials review form is December 31, 2002.

Dr. Martin reported that the Board office had received eight requests for waivers of CE/CPR requirements. After a review of the requests, and Board policy regarding waivers, the Board approved seven of the waivers and denied one request for CPR waiver.

Mr. Alvey reported that the Board office was in receipt of information from Mr. Thomas Hughes, Executive Director of the South Carolina Dental Laboratory Association, requesting the Board consider the registration of out-of-state dental laboratory technicians. Mr. Alvey noted that Dr. Maxwell was to have briefed the Board on this matter today; however, he was not present due to an illness in his family. This matter will be taken up at the next meeting.

Dr. Bragdon and Dr. Bedell presented a draft of a "Study Guide for the Dental Technician Examination" and a draft of a revised Dental Technician Examination for the Board's review and consideration. The Study Guide is a summary of information from Volume I of the Dental Laboratory Technology Basic Sciences, U.S. Department of the Air Force, a foundation text for the U.S. Air Force Dental Laboratory Specialist Course. Mrs. Zeman explained that once an application for the dental technician examination is received by the Board office, the applicant will be mailed a copy of the study guide to assist him/her in preparation for the exam. The applicant will then schedule a date and time to take the exam at the Board office.

Motion: Dr. Bragdon moved that the Board accept the Study Guide for the Dental Technician Examination and the revised Dental Technician Examination. The motion received a second from Dr. Bedell. The motion carried.

Board members reviewed a letter from Dr. Louis A. Drucker questioning whether or not an expanded duty dental assistant can record periodontal pocket depth in the mouth utilizing a periodontal probe. After a review of this matter, it was the consensus of the Board that the recording of periodontal pocket depth by an expanded duty dental assistant utilizing a periodontal probe is not an approved procedure in accordance with the South Carolina Dental Practice Act. Mr. Alvey will respond to Dr. Drucker's letter and advise him of the Board's decision.

Dr. Marshall Lynn Wallace and Dr. James Mercer appeared before the Board to present recommendations to the Board regarding the regulation of oral medications to achieve sedation which is currently unregulated in South Carolina. Dr. Wallace, Chairman of the SCDA Task Force on Sedation, Deep Sedation and General Anesthesia, explained the need for the Board to implement regulations in order to ensure that practitioners who administer oral medications for the purpose of sedation have the proper training and emergency equipment available in the event of an emergency. He noted that in October 2000, the ADA House of Delegates adopted the American Dental Association Guidelines for the Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists which addresses the training and equipment necessary for each level of sedation. The Task Force is requesting that the Board adopt these Guidelines and re-implement some form of office inspections for dentist providing sedation. Board members were provided a copy of the ADA's Guidelines. Dr. Mercer noted that all forms of anesthesia are under-regulated in South Carolina.

Motion: Dr. Newton moved that the Board accept, in principle, the general context of the ADA Guidelines [for the Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists] with further study to address the concern of oral sedation and how to include this in the regulations without restricting pediatric dentists. The motion received a second from Dr. Cranford. The motion carried.

Dr. Newton reported that the final language on the proposed legislation regarding public health dentistry, Sections 40-15-85 and 40-15-110, is currently being drafted by Mr. Wilson. He noted that at the last Board meeting, the Board had entertained and approved a motion by Mrs. Riffe to amend Section 40-15-85(B) to change the word "authorized" to "approved." Dr. Newton stated that after further review, he was of the opinion that this change in the wording may have created more confusion and further clouded the issue. He recommended that the definition of "general supervision" not be amended at this time. Dr. Newton stated that the term "authorization" needs to be defined to address situations where the dentist is involved in the process and, too, a safe-haven needs to be created whereby dental hygienists can work under a Memorandum of Agreement with the South Carolina Department of Health and Environmental Control (DHEC). He noted that the Board needs to introduce legislation by March 1, 2003. Mr. Wilson reported that he had been in touch with DHEC regarding changes to Section 40-15-85 and 40-15-110 as originally proposed by the South Carolina Dental Association (SCDA). He distributed copies of the proposed language. Tammi Byrd, RDH, commented that neither the South Carolina Dental Hygienists Association nor the South Carolina Dental Hygiene Educators Association had seen the draft. It was noted that following the last Legislative Committee Meeting, individuals participating in the discussion were to have submitted written comments to the Board office. If comments were not submitted, there was no way to factor them into the draft. Dr. Newton recommended this matter be tabled for now. A copy of the final draft of legislation will be provided to the Committee within the next few weeks and a conference call may be scheduled following the review.

Dr. Newton reported that legislation regarding the scope of practice of oral surgery is also being drafted at this time by Mr. Wilson. As soon as a working draft is finalized, a copy

will be forwarded to Dr. James Mercer and Dr. Louis Costa for their review and input. Mr. Wilson stated that, hopefully, a draft will be ready within the next week.

Mrs. Stork briefed the Board on its financial status as of October 31, 2002 and distributed copies of financial reports prepared by LLR's Finance Division.

The next meeting of the Board of Dentistry is scheduled February 7-8-9, 2003, in Charleston.

There being no further business, the meeting was adjourned at 4:00 p.m.

On Sunday, December 8, 2002, at 8:30 a.m., Dr. Finkbine called the meeting to order. All Board members were present with the exception of Dr. Maxwell who was excused from the meeting. Staff members present included Mr. Alvey, Mr. Evans, Mrs. Slagle and Mrs. Zeman. Mr. Louis Rosen, Hearing Officer for the Board, was present. Also, Paul DeHolczer, Esquire, was present and represented the State in its disciplinary matters.

Motion: Dr. Newton made a motion that the Board go into Executive Session to conduct disciplinary hearings in the matters of 02-03 & 00-69 / 00-93. The motion received a second from Dr. Bedell. Motion carried.

Following the hearings, Dr. Finkbine announced the meeting returned to public session. There being no further business, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

H. Rion Alvey
Administrator