

MINUTES

SOUTH CAROLINA BOARD OF DENTISTRY LEGISLATIVE COMMITTEE MEETING

March 15, 2002

Synergy Business Park, Kingstree Building, Room 111
110 Centerview Drive, Columbia, SC

On Friday, March 15, 2002, at 2:00 p.m., Dr. Dennis W. Newton, Jr., of West Columbia, Secretary of the Board and Chairman of the Legislative Committee, called the meeting to order. Members of the Committee present were Dr. Michelle D. Bedell, of Blacksburg, and Tanya S. Riffe, R.D.H., of Ravenel. Dr. Newton noted for the record that Dr. William D. Cranford, Jr., of Rock Hill, was excused from the meeting due to illness.

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.

Randall Bryant, Assistant Deputy Director, POL Office of Business and Related Services, Wendy Cartledge and Richard Wilson of the Office of General Counsel, Rion Alvey, Dental Board Administrator, and Terri Zeman, Administrative Assistant, were also in attendance.

Motion: Dr. Bedell moved that the agenda be approved as presented. The motion received a second by Ms. Riffe. The motion carried.

Dr. Newton introduced the members of the Legislative Committee. Mr. Alvey explained the purpose of the Legislative Committee is to work with the Department's (LLR) legislative staff to monitor proposed legislation that affects the practice of dentistry, dental hygiene and dental technological work. The Committee also is to formulate and propose appropriate regulation changes; maintain liaison with dental professional associations with regard to proposed legislation, and to organize Board members for representation at Committee Hearings held by the General Assembly. Mr. Alvey reported that Susan Duncan, of LLR's Legislative Liaison's Office, had previously attended a Board meeting and provided information on how to access legislation through the internet. He stated that Ms. Duncan provides a weekly report on legislative activities in the Statehouse.

Wendy Cartledge and Richard Wilson gave the Committee a brief orientation to the legislative process. Copies of the Administrative Procedures Act (APA) were distributed to the members. Mr. Wilson stated that the APA is the regulation authority and sets forth very strict rules on how to promulgate a regulation. He discussed the filing of documents with the Legislative Council and the publication in the State Register. He noted a State agency has to promulgate a regulation, not an individual. The Agency must give notice of

a drafting period by publication of a notice in the State Register, including the address to which interested persons may submit written comments during the drafting period and a synopsis of what the Agency plans to propose. If requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members, a public hearing is held during which time interested persons present testimony, written materials, and correspondence relating to the proposed regulation, all of which are incorporated into the record of the hearing. The public hearing is held at the Administrative Law Judge (ALJ) Division. The ALJ presides over the public hearing and files a report based upon the statements, testimony, and law. Once the ALJ has issued his report, the Agency must respond in one of three ways: 1) modify the proposed regulation; 2) not modify the proposed regulation, or 3) terminate the promulgation process for the proposed regulation.

Dr. Newton reported that a public hearing was recently held on a proposed Board regulation regarding the authorization of procedures to be performed by dental hygienists under general supervision. In February 2002, the ALJ issued his ruling on the proposed regulation and the Agency must now respond in one of the three ways cited above. Modification is favored by the Board, if possible. Dr. Newton stated that it was the Committee's intention to have Dr. Lala present today to provide input into public health dentistry and the proposed DHEC school-based dental program. Mr. Alvey stated that there needs to be a clear understanding between the Board and DHEC as to the provision and management of dental services in private health programs and in public health dental program. Committee members were provided a copy of DHEC's 2/1/02 draft of "Guidelines for SC School-Based Dental Prevention Programs." Mr. Bryant reported that Dr. Ray Lala, State Dental Coordinator, SC Department of Health and Environmental Control (DHEC), was asked to attend this meeting, however, he responded that he could not attend. Dr. Lala was asked to provide some future dates that he could meet with the Committee.

Dr. Newton reported that it had been brought to his attention that the SCDA is seeking to amend Section 40-15-110 of the Dental Practice Act. Mr. Bryant stated the Board needs to be intimately involved with the legislative process and needs to lead that process. The Association's role in the legislative process should be advisory; it should present ideas to the Board and request the Board's endorsement and initiation of legislation.

Mr. Bryant provided Committee members with a copy of Act 453, known as the "Engine," passed in 1995, which sets parameters as to the boards' responsibilities and the agency's responsibilities. He explained that this legislation is the result of a review of thirty-nine boards' practice acts. Mr. Bryant noted that Section 40-1-50 outlines the authority of LLR, and Section 40-1-70 outlines the powers and duties of the boards. LLR is responsible for the administrative functions of the boards, while the boards' responsibilities include licensure (how a licensee obtains and retains a license), legislative, and disciplinary functions.

Mr. Wilson stated that when the Dental Board rewrites its Practice Act, it will link to sections in the Engine and follow the format of the Engine. Mr. Bryant noted that during

this process, the Board needs to focus on keeping the investigation and adjudication duties separate. Section 40-1-80(A) states, "If the director has reason to believe that a person has violated a provision of this article or a regulation promulgated under this article or the licensing act or regulation of a board or that a licensee has become unfit to practice the profession or occupation or if a person files a written complaint with the board or the director charging a person with the violation of a provision of this article or a regulation promulgated under this article, the director may initiate an investigation." Mr. Bryant reported that he believes only two programs, the Dental and Pharmacy Boards, have a current Board member serving on the Investigative Review Committee (IRC). Mr. Bryant, Mr. Wilson and Ms. Cartledge asked the Committee to look at the Board's IRC membership and encourage a change to have someone other than a current sitting Board member serve on the IRC.

The Committee members Board discussed an overview of public health dentistry issues. Mr. Alvey explained that with public health, the patient is the "community," whereas, with private dentistry, the patient is the "individual." Dental public health is concerned with the dental education of the public. This approach is quite different from the approach required for individual patient care in the private practice of dentistry. Both forms of practice are integral parts of the dental profession. The Board needs to coordinate with DHEC to ensure the standards of care are consistent.

Dr. Newton thanked everyone for attending the meeting. The next step for the Legislative Committee is to schedule a meeting in the very near future with Dr. Ray Lala.

There being no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

H. Rion Alvey
Administrator