

MINUTES

South Carolina Board of Dentistry
Board Meeting
August 24, 2002
Synergy Business Park, Kingstree Building
Columbia, South Carolina

On Saturday, August 24, 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. Charles B. Maxwell, Past President; Dr. William H. Bragdon; Dr. Michelle D. Bedell; Tanya S. Riffe, R. D.H., and Ms. Genie M. Duncan. It was noted for the record that Dr. William D. Cranford, Jr., 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. Sharon Dantzler, Office of General Counsel, was 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. 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.

Dr. Finkbine presented Dr. Maxwell with a plaque of appreciation for his outstanding and distinguished service on the Board of Dentistry.

Board members reviewed the minutes of the June 21-23, 2002 Board meeting. Dr. Maxwell requested an addition to the minutes be made to reflect that at the close of the June Board meeting, he had commended the Board staff for their outstanding work and commitment to the Board and its mission. A correction to the minutes was noted on page five to correct Dr. Newton's title from "Mr." to "Dr." Motion: Dr. Newton moved that the Board minutes, with corrections noted above, be approved as presented. The motion received a second by Dr. Martin. The motion carried.

Dr. Finkbine noted for the record that Dr. John D. Snowden, newly-elected and appointed Board member, was present and had been deputized to sit with the Board at its meetings.

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

the following individuals:

General Dentists:

Dr. Garrison Z. Gerald-Banks Dr. Tonni L. Faber
Dr. Isabel Ghowanlu Dr. Elize A. Howell
Dr. Chrislyn E. Lawhon Dr. Craig S. Modzelewski
Dr. Robert H. Nieders Dr. Cuyler R. Brown
Dr. Roy R. Bryant, Jr. Dr. Lenora G. Covington
Dr. Julie E. Olson Dr. James H. Thomas, III
Dr. Penelope H. Cralle Dr. Jason D. Lewis
Dr. Ruges F. Stockton Dr. Steven W. Binkley
Dr. Dorothy B. Higuchi Dr. Gregory A. Millwood
Dr. Leslie L. Pitner Dr. Amanda N. Seay
Dr. Brian C. Low Dr. Thomas E. Porch
Dr. BriAnna L. Schraw Dr. Meredith E. Lucius
Dr. Scott A. Mouzon Dr. Steven A. Taylor
Dr. Allison L. Workman Dr. Marc D. Workman

Dental Hygienists

Brandi T. Arnold Leslie A. Bailey
Tabitha A. Brunson Stacie N. Ekre
Jennifer S. Hyatt Beth A. Lynce
Ashlee N. Osborne L. Rebekah Robinson
Leighette P. Rogers Allison D. Scoggins
Rhonda K. Seals Chandra L. Snoddy
Traci N. Whitfield August B. Boatwright
Kelly B. Comer Leslie D. Heath
Tara B. Revels Erica M. Knight
Tambra D. LaBorde Keri S. Rogers
Tamla L. Blount Andrea S. Coxton
Holly A. Kimbrell Heather M. Busha
April L. DeArmond Daphne M. Ellison
Vanessa R. Hilley Emily J. Reece
Cheryl A. Vice Mary B. Whitcomb
Atesha a. Yates Michelle S. Ball
Paula McBrayer Holly E. Howard
Greta L. Threatt

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

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. Maxwell 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:

Dawn E. Copeland Audrey R. Freier
Ursula L. Grantham Betzi J. Tarter
Sharon P. Toti

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

Motion: Dr. Martin moved that the following individuals be granted reinstatement of their license pending receipt by the Board office of any outstanding documents:

Cynthia K. Ford Charles T. Blalock
*Dr. Penny C. Moore **Dr. William T. Davis

[*Dr. Moore will be required to appear before the Board via teleconference call at the next scheduled Board meeting.]

[**Dr. Davis' reinstated license to be placed on probation, with conditions.]

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

Dr. Finkbine noted for the record that Dr. James B. Ranger appeared before the Board as requested. Dr. Ranger's license to practice dentistry was reinstated at the last Board meeting.

The following individuals appeared before the Board for a probationary status report: Dr. Robert B. Culp, III, and Dr. Wendell S. Johnson.

Motion: Dr. Bragdon moved that the Board go into Executive Session to receive legal advice and to review the investigative report. The motion received a second by Dr. Bedell. The motion carried. Following the investigative report, Dr. Maxwell declared the meeting back in public session.

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

01-48 01-54* 01-59* 01-63* 01-88 02-07 02-10
02-16 02-26 02-34 02-36 02-43 02-45* 02-46
02-54* 02-59
[*dismiss with letter of caution.]

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

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

cases:

01-82 02-42 02-56 02-58

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

Dr. Finkbine noted for the record that during the review of the investigative report, Dr. Bragdon, Investigative Review Committee (IRC) Chairman, did not participate in the deliberation and vote on these matters.

Dr. Newton reported on the Legislative Committee meeting held on August 23, 2002. He noted that four of the five Committee members present at that meeting were present today. Dr. Newton stated that the Committee meetings (July 19 and August 23) had been well represented by a number of groups. The main topics discussed at each of these meetings were: 1) public health dentistry; 2) scope of practice of oral surgery, and 3) the Dental Practice Act of South Carolina.

The Committee recommended the following definitions be included in the Dental Practice Act as an amendment to Section 40-15-85(B):

"Authorization" - the act by a dentist of giving permission or approval to the dental auxiliary to perform legally allowable functions, in accordance with the dentist's oral diagnosis and treatment plan for each patient.

"Oral diagnosis" - the determination by a dentist of the oral health condition of an individual patient, achieved through the evaluation of data gathered by means of history taking, direct examination, patient conference, and such clinical aids and tests as may be necessary in the judgment of the dentist.

Dr. Newton stated that the Committee feels it reasonable to put these definitions in the law, and that most states with "general" supervision have a dentist examine the patient and develop a treatment plan and then the dentist does not have to be present when the dental hygienist performs approved procedures. He noted that representatives from the South Carolina Hygienists' Association and Hygiene Educators Association have a problem with the definition of "authorization" as proposed. Dr. Newton stated that Rick Wilson, Deputy General Counsel, is to assist the Board in drafting legislation after receipt of feedback from all groups.

Dr. Newton also reported that Mr. Wilson is to draft proposed legislation to include oral surgery regulations for the Board's review. He stated that LLR administration has recommended the Board incorporate language from the Engine legislation into its Practice Act.

Ms. Dantzler gave an overview of the IRC process and membership. She stated that the

IRC has four points of view represented: 1) the administrator has knowledge of the history of the practitioner and the Board; 2) the investigator has knowledge of the strengths and weaknesses of potential witnesses and of reliable documents; 3) the litigation attorney has knowledge of the statutes and rules of evidence, and 4) the professional has knowledge of the standards of practice of dentistry. Ms. Dantzler recommended that the "professional" member of the IRC not be a current Board member. She stated that it has been recommended to have a fifth point of view represented on the IRC, in the form of a consumer member, to offer assurance to the public that someone on the Committee is not protecting the profession when looking at the facts of a case. Ms. Dantzler further stated that the Board may want to consider reviewing its investigative report in open session, using case numbers, so as to reassure the public that the Board is not receiving additional information on a case during executive session. It was noted that the Dental Practice Act requires disciplinary hearings to be conducted in executive session. Dr. Finkbine thanked Ms. Dantzler for her input on this matter.

Randy Bryant, Assistant Deputy Director, informed the Board members that the Director had approved the request for travel for several members to attend the annual American Association of Dental Examiners (AADE) meeting in October. He strongly encouraged the Board to change its IRC composition to not include a current Board member. Mr. Bryant stated that if the Board does not change its composition, it runs a very high risk of having cases appealed. He asked the Board to go on record with a decision regarding this matter. Mr. Bryant encouraged the Board to have its Practice Act reformatted with the Engine language incorporated so as to make it more readable to consumers, legislators, etc. He stated that the "Engine" does not take away any power from the Board. Motion: Dr. Maxwell moved that the State Board of Dentistry continue with its IRC process as currently utilized to include one current Board member, as its Chairman, who is to be excluded from participating in and voting at disciplinary hearings, the administrator, investigator and litigating attorney. The motion received a second by Dr. Bedell. Dr. Maxwell stated that he understands the concerns expressed today regarding the IRC composition; however, noted that there have been no major problems to date and there is no guarantee that if the Board were to change that it would work. The motion carried unanimously.

Dr. Newton asked the Board for its input regarding the Legislative Committee's proposed definition of "authorization." Motion: Dr. Maxwell moved that the Board adopt the Legislative Committee's proposed definitions of "authorization" and "oral diagnosis" for the purpose of inclusion in the Practice Act. The motion received a second by Dr. Martin. Ms. Riffe expressed concern that with the current definition of "general supervision," which includes the word "authorize" in its definition, the proposed definition of "authorization" would totally negate what "general supervision" is intended to be. She suggested the Board change the word "authorize" within the definition of general supervision to "approved" or "reviewed." The Board voted on the motion and it carried.

Motion: Ms. Riffe made a motion that the Board amend Section 40-15-85(B) to change the word "authorized" to "approved," so that the definition of "general supervision" is as

follows: "The term 'general supervision' means that a licensed dentist or the South Carolina Department of Health and Environmental Control's public health dentist has approved the procedures to be performed but does not require that a dentist be present when the procedures are performed. General supervision is not applicable to the practice of dental hygiene in a private dental office." The motion received a second by Dr. Maxwell. The motion carried unanimously.

In accordance with Regulation 39-17, Guidelines for Anesthesia," the Board will conduct a random audit of licensees that reported on their 2002 Dental License Reregistration form that they administer or direct the administration of general anesthesia, sedation and/or nitrous oxide inhalation conscious sedation.

The Board reviewed a draft of an amendment to its current policy on "Patient Dental Records" so that patient dental records must include, at a minimum, documentation of:

1. Personal information;
2. Concise medical history;
3. All patient office visits and other consultations obtained;
4. All prescriptions written including date, type(s) of medications, and number (quantity) prescribed;
5. All therapeutic and diagnostic procedures performed;
6. All written patient instructions and written agreements;
7. Most recent dental charting and periodontal examination, if applicable;
8. Most recent full mouth radiographic survey or panograph, or detailed written report on radiographic finding in lieu of physical radiographs, if applicable;
9. Most recent bitewing radiographs, or a detailed written report on radiographic findings in lieu of physical radiographs, if applicable;
10. All pathology or medical laboratory reports, if applicable;
11. Anesthesia records, if applicable;
12. All initial orthodontic diagnostic records, including pretreatment study models, photographs, cephalometric radiographs and cephalometric analysis, if applicable, or a detailed written report in lieu of the physical records;
13. Correspondence with consultants or specialists, if applicable;
14. Treatment plan and progress notes.

Motion: Dr. Finkbine moved that the Board approve proposed amended policy with regard to dental patient records. The motion received a second from Dr. Bragdon. Motion carried.

Board members reviewed a draft of the October 2002 Newsletter. Dr. Martin, Editor, asked the members to contact him or Mrs. Zeman with any additions or corrections. The newsletter is scheduled to be mailed out on October 15 along with the 2003 reregistration forms.

2003 reregistration application forms are in the process of being printed at this time and are scheduled to be mailed out on October 15, 2002.

Dr. Bragdon reported that revisions to the Dental Technician Examination and study guide are in progress.

The Board reviewed a letter from Dr. Hannah M. Kirschenfeld written to Senator Phil Leventis. Mr. Alvey noted that Dr. Kirschenfeld is interested in obtaining a South Carolina dental license by credentials. It was noted that at this time, the Board does not grant dental licensure based on credentials. Dental licensure is granted only upon an applicant's satisfactory completion of an examination and meeting all other requirements. Mr. Alvey will respond to this letter.

The Board reviewed a request from Dr. John W. Crowder to receive a South Carolina specialty license without first obtained a general dentistry license. It was noted that current law requires that an applicant for a specialty license must first obtain a general dentistry license. Mr. Alvey will respond to this request.

The Board reviewed a letter from Dr. James W. Curtis requesting Board approval to develop an exchange program with the University of Witwatersrand in Johannesburg, South Africa. In this exchange, one of Curtis' residents would go to Johannesburg for one to two months and one of the residents from their program would come to Columbia for a similar period. Dr. Curtis requested the Board allow the residents rotating in the program to treat patients under supervision within the context of the Department of Dental Education. Dr. Finkbine will respond to Dr. Curtis advising that the Board is in agreement as long as the students follow the same supervision that his current residents do, direct supervision, and operate under his guidance.

The Board reviewed a letter from Dr. Joseph E. Carlisle at The Center for Oral and Maxillofacial Surgery, P.A. regarding licensure of an individual wishing to join their practice. The individual has a dental degree and a medical degree, and is a Diplomate of the American Board of Oral and Maxillofacial Surgery. Dr. Carlisle asked if the Board would grant this individual a dental license, based upon his training and background, without having to take the dental examination. It was noted that in order for an individual to receive a South Carolina dental license, that individual must successfully complete the Southern Regional Testing Agency, Inc. (SRTA) dental examination and meet all other requirements for licensure. However, by virtue of his South Carolina Medical License, that individual would be able to perform oral surgical procedures as long as he does not promote himself to the public as a dentist. Mr. Alvey will respond to Dr. Carlisle's letter.

The Board reviewed a letter from Dr. Charles Pike regarding the grading policies of SRTA. It was noted that the Board does not have any authority over the grading policies of SRTA. Dr. Finkbine, who serves on the Examination Committee at SRTA, will respond to Dr. Pike's letter and address his concerns regarding the validity of the SRTA dental examination.

The Board reviewed a letter from Dr. John C. Cosby, Jr. regarding requirements for

membership to the Board of Dentistry and requirements for examiner licensure and practice status. The Board accepted Dr. Cosby's letter as information. Dr. Finkbine noted that after further review, the Board may want to discuss it further at the next meeting.

The Board reviewed a request from Dr. Tom A. Siachos requesting to return to active practice. It was noted that Dr. Siachos had signed an Agreement with the Board that waived his continuing education and CPR requirements for license renewal due to his retirement from active practice. He now wishes to practice, part-time, and has complied with the terms of the Agreement by fulfilling the continuing education and CPR requirements owed during his retirement. Motion: Dr. Newton moved that the Board void the Agreement and allow Dr. Siachos to return to active practice. The motion received a second by Dr. Bedell. The motion carried.

The Board reviewed a proposed amendment to its requirements for dental hygiene licensure based on SRTA examination. The proposed amendment was the addition of the following statement on the list of requirements: "8. Any charges, violations or convictions, or previous exam failures brought to the attention of the Board in the processing of an application may disqualify applicant for licensure." Motion: Dr. Newton moved that the Board amend the requirements for dental hygiene licensure based on SRTA examination by adding the proposed statement #8 above. The motion received a second by Dr. Bedell. The motion carried.

Mrs. Stork gave a brief financial report to the Board. She stated that Mr. Alvey, Ms. Duncan and Dr. Maxwell will not be going to the AADE meeting in October, and that as Mr. Bryant had reported, the Director had approved seven Board members to attend. With regard to 2003 reregistration fees, it was recommended that the fees remain the same as last year's. Motion: Dr. Bragdon moved that the 2003 reregistration fees remain the same as last year's. The motion received a second by Dr. Newton. The motion carried.

The Board tentatively scheduled its next meeting November 9, 2002.

There being no further business, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

H. Rion Alvey
Administrator