

MINUTES

SOUTH CAROLINA BOARD OF DENTISTRY BOARD MEETING

February 8-9-10, 2002

Courtyard by Marriott, 35 Lockwood Dr., Charleston, SC

Medical University of South Carolina, College of Dental Medicine, Charleston, SC

On Friday, February 8, 2002, at 8:30 a.m., Dr. Charles B. Maxwell, of Johnsonville, President of the Board, called the meeting to order. Members of the Board present were: Dr. Dale F. Finkbine, of Summerville, Vice President; Dr. Dennis W. Newton, Jr., of West Columbia; Secretary; Dr. Amon A. Martin, Jr., of Seneca; Dr. William H. Bragdon, of Greenville; Dr. Michelle D. Bedell of Blacksburg; Dr. William D. Cranford, Jr., of Rock Hill; Tanya S. Riffe, R.D.H., of Ravenel, and Ms. Genie M. Duncan, of West Columbia.

Public notice of this meeting was properly posted at the Courtyard by Marriott, the Medical University of South Carolina, College of Dental Medicine, and the South Carolina 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, and Wendy Cartledge, General Counsel for LLR, were in attendance at the meeting.

Staff members present were Mr. H. Rion Alvey, Administrator, Mr. James Evans, Special Investigator, Terri C. Zeman, Administrative Assistant, and Velma R. Stork, Administrative Assistant.

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

Motion: Dr. Finkbine moved that the Board go into executive session to receive confidential legal advice and to discuss disciplinary matters. The motion received a second by Dr. Martin. The motion carried.

Dr. Maxwell declared the meeting returned to public session. He noted for the record that Ms. Riffe recused herself from the meeting during the confidential legal advice provided by Ms. Cartledge.

Motion: Dr. Newton moved that in the matter of 01-45, the Board accept the Consent Order as presented. The motion was seconded by Dr. Martin. The motion carried.

Motion: Dr. Bragdon moved that in the matter of 01-28, the Board accept the Consent Order as presented. The motion received a second by Dr. Bedell. The motion carried.

Motion: Dr. Newton moved that in the matter of 01-30, the Board accept the Consent Order as presented. The motion received a second by Dr. Bedell. The motion carried. Dr. Maxwell noted for the record that Dr. Cranford recused himself from this discussion and vote.

Dr. Maxwell noted for the record that in the matter of 01-11, the Respondent did not appear as scheduled.

The meeting was recessed at 9:50 a.m., to reconvene at 9:55 a.m.

Motion: Dr. Newton moved that the Board go into executive session to discuss the investigative reports. The motion received a second by Dr. Martin. Motion carried.

Dr. Maxwell declared the meeting returned to public session.

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

98-33 00-87 00-92 00-98 01-31* 01-36 01-37 01-39* 01-43 01-47 01-53 01-60 01-61*
01-62 01-65 01-68 01-69 01-70* 01-71 01-72 01-76* 01-77* 01-78 01-79* 01-86

The motion received a second by Dr. Newton. Motion carried. [*letter of caution to be issued.]

Motion: Dr. Bragdon moved that a formal accusation be authorized in the following cases:

00-103 01-17 01-50 01-56 01-59 01-73 01-75

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

At 10:30 a.m., a Board Member Training Session was held. The following individuals appeared on the agenda: Randy Bryant, Wendy Cartledge, Louis Rosen, Rion Alvey, Jay Evans, and Velma Stork.

Mr. Bryant, Assistant Deputy Director, POL Office of Business and Related Services-Dentistry/Pharmacy/Long Term Health Care (OBRS-DPL), explained the relationship between the South Carolina Department of Labor, Licensing and Regulation (LLR) and the licensing boards. He stated that LLR serves as an administrative arm to the boards by providing services in the areas of legal, hearing officer, public information, legislative support, organizational charts, human resources, etc. He briefed the Board on the current budget situation, and concluded his presentation by offering his assistance to the Board

whenever needed.

Mr. Evans, Special Investigator, explained the role of the Investigative Review Committee (IRC). The IRC consists of the IRC Chairman (a current Board member), the attorney, the investigator(s), and the Board Administrator. The function of the IRC is advisory. Its purpose is to assist the Board staff in the conduct of investigations and in the administrative settlement of complaints. Mr. Evans also reviewed the complaint process.

Wendy Cartledge, General Counsel, explained the role of the prosecution attorney in a disciplinary action. The attorney representing the Board assists the investigator with legal aspects of the investigation and advises him on steps to be taken during the course of the investigation. The LLR General Counsel's Office presents the Board's case (witnesses, evidence, etc.) at a hearing.

Louis Rosen, Hearing Advisor, POL, explained the hearing procedures, the Board members' role at the hearing, and his role as the hearing officer. Following the hearing, the Board issues a Final Order which includes the Board's findings of fact and conclusions of law. The hearing officer drafts the Order for the President's approval. In the Final Order, the Board may dismiss an action or find misconduct and recommend the appropriate sanction. In accordance with the Freedom of Information Act, Final Orders of the Board are public information except where the Board issues a Private Reprimand.

Due to time restraints, Dr. Maxwell asked that Mrs. Stork present her part of the training session to the members on Sunday. At 12:00 p.m., the meeting was recessed for lunch. The meeting resumed at 1:00 p.m. at which time the Southern Regional Testing Agency, Inc. (SRTA) examination calibration was conducted. At 5:00 p.m., the meeting was continued until Saturday, February 9, 2002.

On Saturday, February 9, 2002, at 8:15 a.m., Dr. Maxwell called the meeting to order. Members reviewed minutes of the October 27-28, 2001 Board meeting and conference call minutes of November 8, 2001

Motion: Dr. Finkbine moved that the minutes be approved as written. The motion received a second by Dr. Newton. The motion carried.

Motion: Dr. Cranford moved that the Board ratify its decision to grant a dental license to the following individuals based on their successful completion of the SRTA Dental Examination and the Dental Practice Act Examination, and meeting all other requirements for licensure:

John H. Khouri
Kim L. Capehart
Jason C. Spitzer
Charlotte L. Collins

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

Motion: Dr. Cranford moved that the Board ratify its decision to grant a dental hygiene license to the following individuals based on their successful completion of the SRTA Dental Hygiene Examination, the South Carolina Dental Practice Act Examination, and meeting all other requirements for licensure:

Kristjan L. Douglas
Tabitha L. Campbell
Nora Rackley
Stacy N. Terry

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

Motion: Dr. Newton moved that the Board go into executive session to conduct oral licensure examinations. The motion received a second by Dr. Martin. The motion carried.

Dr. Maxwell declared the meeting returned to public session to review candidate results.

Motion: Dr. Newton moved that the following individuals be granted a License to Practice Dental Hygiene based on successful completion of their oral examination, the Dental Practice Act Examination, and meeting all other requirements for licensure:

Stephanie M. Langston
Theresa M. Newby
Maria C. Wallace

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

Motion: Dr. Newton moved that the following individual be granted reinstatement of her dental hygiene license upon payment of the \$300.00 reinstatement fee:

Sharon L. Brock

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

Motion: Dr. Newton moved that the following individual be granted reinstatement of her dental hygiene license pending completion of the following requirements: 1) complete a minimum of sixteen hours of continuing education. Courses are to be pre-approved by the Board, a minimum of eight of these hours must be a hands-on participation course in periodontics scaling and root planing; the remaining hours are to be didactic; 2) submit payment of the \$300.00 reinstatement fee; 3) submit documentation of successful completion of the above courses within six months from the date of the interview before the Board.

Sarah D. Mikell

The motion received a second by Dr. Finkbine. The motion carried. Staff was instructed to advise Ms. Mikell that in lieu of meeting the above requirements for reinstatement, she

may challenge the Southern Regional Testing Agency, Inc. (SRTA) dental hygiene examination and meet the requirements of re-examination.

Mr. Alvey briefed the Board on a situation regarding an applicant for a dental license who is in the processing of completing the requirements for licensure. A question came up regarding the number of times this individual had taken the SRTA dental examination before achieving a passing grade. Motion: Dr. Martin moved that the Board table this discussion until Mr. Alvey and Mr. Wilson are able to review this matter and advise the Board. The motion received a second by Dr. Cranford. The motion carried.

At 10:15 a.m., Dr. John J. Palmer appeared before the Board to request permission to conduct courses in "Chairside Economical Restoration of Esthetic Ceramics" (CEREC) dentistry in which dentists not licensed in South Carolina would use their own patients. He stated that he is an instructor for Patterson Dental Company for CEREC. Dr. Palmer explained that first the damaged tooth is prepared by applying a thin layer of reflective powder directly on the tooth's surface. Then using a special camera, a picture of the tooth is taken. The dentist works from this picture, which is actually a pin-sharp optical impression of the tooth. The equipment allows the dentist to restore damaged teeth in a single visit and, if done correctly and with proper instruction, the result is an excellent restoration. It was noted that Section 40-15-110 allows for a licensed dentist of another state to perform duties in connection with a specific case for which he is called into the State by a dentist licensed in this State; therefore, Dr. Palmer was advised that this course meets with the Board's approval.

Dr. Martin expressed concern with regard to how the Board appoints its Investigative Review Committee (I.R.C.) chairperson. He stated that he felt that he had recently been overlooked for this position, and would have liked to have been presented with the opportunity to serve as IRC chairman, regardless of whether he would have chosen to do so at that time. Dr. Martin suggested that the Board develop a mechanism whereby each Board member can become familiar with the Investigative Review Committee (IRC) process and be given the opportunity to serve on the IRC. He noted the importance of understanding the IRC process when the time comes to serve as Board president. Dr. Martin asked Mr. Alvey to study this matter and see what can be done to help all members become knowledgeable of the IRC process.

At this time, the Board held an election for officers to serve from July 1, 2002 until June 30, 2003.

Motion: Dr. Newton moved that Dr. Finkbine be elected President. The motion was seconded by Ms. Duncan. The motion carried.

Motion: Dr. Finkbine moved that Dr. Newton be elected Vice President. The motion was seconded by Ms. Duncan. The motion carried.

Motion: Dr. Newton moved that Dr. Martin be elected Secretary. The motion was

seconded by Ms. Duncan. The motion carried.

Mrs. Zeman briefed the members on the upcoming election process to elect a member from the Sixth Congressional District. She explained that the election notice would be mailed out March 1 to all licensed dentists residing in the Sixth District and that nominations for the election will be accepted in the Board office until April 5, 2002.

Dr. Newton reviewed a list of topics to be included in the Board's spring 2002 newsletter. He asked the members to contact him or Mrs. Zeman if they have any suggestions or topics they wish to have included in the newsletter.

Dr. Newton reported on the number of individuals that have not yet renewed their license for 2002, noting that March 1 is the expiration date. As of February 6, 2002, the following numbers of individuals had not renewed their license for 2002: Dentists - 29; Dental Specialists - 3; Dental Hygienists - 43; Dental Technicians - 5. As a matter of courtesy, the Board members will call the in-state individuals in their respective districts to remind them of the impending license expiration date of March 1.

Dr. Newton gave an update on the continuing education (C.E.) compliance audit conducted by the Board in the spring of 2001. It was noted that out of approximately 225 individuals randomly selected for the audit, only three remain non-compliant. A second notice was mailed certified on January 31, 2002 to these three individuals advising that failure to comply by March 1, 2002 would result in the expiration of their license.

Dr. Newton informed the Board that Mr. Wilson had recommended that the Board establish a C.E. Review Committee to determine whether licensees qualify for a waiver or extension of C.E./CPR requirements. Dr. Newton suggested that the Board secretary serve as the C.E. Review Committee Chairman, and that two other Board members be appointed to serve on the Committee. Motion: Dr. Maxwell moved that the Board establish a C.E. Review Committee; Dr. Newton, the current secretary of the Board, will serve as Chairman, and Dr. William D. Cranford and Ms. Tanya Riffe are to serve as Committee members. The motion received a second by Dr. Martin. The motion carried.

At this time, the Board reviewed a proposed policy with regard to a "Request for Waiver or Extension of Continuing Education and CPR Requirements" pursuant to Board Regulation 39-5.F.(7). This Regulation authorizes the Board to waive, modify or extend all or any part of the CE / CPR requirements, in individual cases involving extraordinary hardship or extenuating circumstances, disability or illness. The proposed policy allows a licensee who wishes to request a waiver or extension of the CE and/or CPR requirements to request, on the annual license renewal form, an "Application for Waiver of CE and CPR Requirements" from the Board office. The applicant must complete the application and submit it to the Board office. The CE Review Committee, in its discretion, shall determine whether a licensee qualifies for a waiver or extension under the Regulation. Motion: Dr. Finkbine moved that the Board adopt the policy as presented. The motion received a second by Dr. Bragdon. The motion carried.

The Board reviewed a proposed policy with regard to a "Retired Dentist License" pursuant to Board Regulation 39-5.F.(7). The proposed policy allows a licensee who is retired from active practice, but who wishes to maintain an active license, to certify on the annual license renewal form that he/she is retired from active practice in South Carolina and request an "Application for Waiver of CE and CPR Requirements" from the Board office. If such a waiver is granted by the Board, the licensee may not practice at all, not even on a "fill-in" basis. A licensee granted a waiver of CE and CPR is not exempt from all other annual renewal requirements, including the payment of the annual renewal of license fees. A licensee, retired or not, must renew his/her license every year in order to keep the license active. A licensee who is granted a waiver of CE and CPR must sign an Agreement affirming that the licensee will not resume active practice without first fulfilling all CE and other requirements owed during the period of retirement. Motion: Dr. Finkbine moved that the Board adopt the policy as presented. The motion received a second by Dr. Newton. The motion carried.

The Board reviewed a proposed draft of an "Application for Waiver or Extension of Continuing Education and CPR Requirements." Motion: Dr. Finkbine moved that the Board approve the application as presented. The motion received a second by Dr. Newton. The motion carried.

The Board discussed the fact that restricted volunteer licensees are held to the same C.E. and CPR certification requirements as all other licensed individuals in the State. The Board considered whether or not these requirements should continue to be applied to volunteers that work under a fully licensed dentist on the premises. After discussion, it was the consensus of the Board that it does not feel a change in the regulation is warranted, and that volunteer licensees are to be held to the same C.E. and CPR requirements as all other licensed individuals in South Carolina.

The Board reviewed a proposed amendment to its current policy with regard to "Certification for Administration of Infiltration Anesthesia." The proposed amendment would require the renewal of the anesthesia certificate every year as opposed to every three years as is the current policy. This amendment would allow for the renewal of the dental hygiene license and renewal of the anesthesia certificate to run parallel with each other, eliminating confusion on the part of the licensees and staff as to when licensees are due for renewal. The current fee for renewal based on three years is \$20.00; the proposed renewal fee is \$5.00 every year. Motion: Dr. Maxwell made a motion to require the renewal of the anesthesia certificate every year at a recommended fee of \$5.00 per year. The motion received a second by Dr. Bragdon. The motion carried. Mr. Alvey explained that LLR will have to approve the proposed fee.

Mr. Alvey reported that the emergency regulation regarding the authorization of procedures to be performed by dental hygienists under general supervision is still in place. He noted that the Administrative Law Judge (ALJ) has not yet issued his ruling on the proposed permanent regulation following the public hearing on the matter.

Board members reviewed a draft of a schedule of the June 21-22-23, 2002 meeting at the Medical University of South Carolina, College of Dental Medicine. Tentatively, the Board has hearing(s) scheduled on Friday (6/21); Specialty Board / Volunteer Dental / Anesthesia Examinations on Saturday (6/22), and a Board meeting on Sunday (6/23).

Dr. Bedell and Dr. Bragdon reported that they are in the process of reviewing test questions and revising the current Dental Technician Examination and study guide.

At 12:00 p.m., the Board recessed for lunch. The meeting was reconvened at 12:45 p.m. Motion: Dr. Bragdon moved that the Board go into executive session to conduct its State Board Volunteer Dental Examination and the State Board Infiltration Anesthesia Examination. It was noted for the record that Dr. Finkbine had been excused at 12:00 p.m. for the remainder of the meeting due to a prior commitment.

At 5:30 p.m., Dr. Maxwell declared the meeting to be in public session. The meeting was continued until Sunday, February 10, 2002.

On Sunday, February 10, 2002, at 8:30 a.m., Dr. Maxwell called the meeting to order. Mrs. Stork gave a financial report update and discussed per diem and travel reimbursement procedures and requirements. She reviewed the Travel/Training Request/Report Form for out-of-state travel. Dr. Finkbine commented that he would like for several members of the Board to be authorized to attend the American Association of Dental Examiners meeting in October.

Motion: Dr. Newton moved that in the matter of 01-11, the Board accept the Consent Order as presented and the Respondent will be required to appear before the Board at its next meeting. The motion received a second by Dr. Martin. The motion carried.

At 9:30 a.m., Dr. William A. Funderburk, Jr. appeared before the Board to report on the status of his compliance with a Consent Order dated December 3, 2000. It was noted that Dr. Funderburk has complied with all of the terms and conditions of the Board's Order.

Dr. James Edward Miles appeared before the Board to report on the status of his probation. It was noted that Dr. Miles has complied with all of the terms and conditions of the Board's Order and was released from probation as of February 9, 2002.

Dr. Mark F. Yampolsky appeared before the Board to report on the status of his probation. It was noted that Dr. Yampolsky has complied with all of the terms and conditions of the Board's Order and is scheduled to be released from probation on April 9, 2002.

Dr. Jean E. Parrino appeared before the Board to report on the status of her probation. It was noted that Dr. Parrino has complied with all of the terms and conditions of her Order and is scheduled to be released from probation on February 14, 2002.

The Board reviewed the candidate results from the examinations administered on Saturday, February 9, 2002.

Motion: Dr. Newton moved that the following individuals be granted a Restricted Volunteer Dental License based on their successful completion of the examination and meeting all other requirements for licensure. (*pending successful completion of the Practice Act Exam)

Dr. William R. Thomas *Dr. Arthur H. Behrens

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

Motion: Dr. Newton moved that the following individuals be granted a Certificate to Administer Infiltration Anesthesia based on successful completion of the examination and meeting all other requirements for certification:

Rhonda S. Chapman Cynthia L. Coker
Michele C. Cook Debra R. Grubbs
Micha S. Hughes Catherine Jamieson
Amy K. Jefferson Jennifer D. Johnson
Angela R. Kenna Leah O. Langford
Kelly B. Manning Janet M. Marchand
Tonia C. McCoy Barbara H. Pelletier
Alysha C. Richardson Frances L. Thompson
Antoinette S. Trickett Maria C. Wallace
Miley E. White Melissa A. Wooten

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

Motion: Dr. Newton moved that the following individuals be granted a Certificate to Administer Infiltration Anesthesia pending successful completion of a retake of the written portion of the examination:

Michelle K. Borowski Sheila G. Cox
Anne D. Dobson Patricia Erskine
Jamie R. Eubanks Jaime H. Hall
Cathleen J. Johnson Colleen P. Long
Holly L. McAbee Emerald B. Nixon
Katee S. Phillips Regna G. Walker
Melodee Woodmansee

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

At this time, Ms. Riffe addressed the Board with some concerns regarding the Board election process. She noted that as a candidate for the dental hygiene election last year, she had never received notification from the Board office that her petition had been received and that everything was in order. She suggested that the Board office notify a candidate, once their petition has been received, that he/she is a nominee and his/her name will be on the ballot. Motion: Dr. Bragdon moved that the Board office send written confirmation to the nominees upon receipt of a validated petition. The motion received a second by Dr. Newton. The motion carried. Ms. Riffe also suggested that the Board may want to develop some campaign guidelines for future elections.

Ms. Riffe expressed concern that since her official appointment to the Board, she understood that a couple of inquiries had been made to the Governor's Office regarding her eligibility to sit on the Board. Apparently, questions had surfaced regarding her employment/compensation status. Ms. Riffe noted for the record that she is not affiliated with the College of Dentistry at MUSC or with any other dental hygiene program in South Carolina. Her current employer is University Medical Associates (UMA) with Dr. Betsy K. Davis in the Maxillofacial Prosthodontic Clinic. She noted that she previously served on the advisory board for dental services at Trident Technical College; however, resigned that position in December 2001 so as not to jeopardize her eligibility to serve on the Board of Dentistry. Board members were surprised to learn of the inquiries regarding her eligibility to serve on the Board. Ms. Riffe distributed copies of a letter she had written to the Governor's Office, dated February 1, 2002, clarifying her employment status and confirming her commitment to serving the dental hygienists of South Carolina. She noted that she was in receipt of a letter from Legal Counsel at the Governor's Office reconfirming her eligibility and standing by the appointment.

Dr. Maxwell noted that the next Board meeting is scheduled March 2, 2002, at the Board office in Columbia. There being no further business, Dr. Maxwell declared the meeting adjourned at 10:50 a.m.

Respectfully submitted,

H. Rion Alvey
Board Administrator