

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Singleton	12-18-06

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER 000405	<input type="checkbox"/> I Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR cc: Bowling, Wells	<input type="checkbox"/> I Prepare reply for appropriate signature DATE DUE _____
	<input type="checkbox"/> I FOIA DATE DUE _____
	<input checked="" type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			



South Carolina Department of Labor, Licensing and Regulation

South Carolina Board of Dentistry

Mark Sanford
Governor
Adrienne Riggin Youmans
Director

110 Centerview Drive
Post Office Box 11329
Columbia, SC 29211-1329
Phone: (803) 896-4599
FAX: (803) 896-4596
www.llr.state.sc.us

RECEIVED

DEC 15 2006

Department of Health & Human Services
OFFICE OF THE DIRECTOR

TO: INTERESTED PARTIES
FROM: SOUTH CAROLINA STATE BOARD OF DENTISTRY
RE: HARRIS, Roger Marvin, III, D.M.D.
HUCH, Stephen D., D.M.D.
PELLETIER, Mark G., D.D.S.
DATE: DECEMBER 12, 2006

Enclosed please find a copy of the public orders of the South Carolina State Board of Dentistry in the above referenced matter.

HRA/saj

Enclosures

*Parvada,
Please log each
separately -
Log-Parvada
" Mrs. Astin "
CC: Bowling
Wells*

BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY

In the Matter of:

Stephen D. Huch, D.M.D.,

License No. 2656,

OGC# 06-0008

OIE# 2005-34

FINAL ORDER

Respondent.

This matter came before the Board of Dentistry (the Board) for hearing on October 28, 2006, as a result of the Formal Accusation and Notice of Hearing dated February 21, 2006 and February 27, 2006, which was served upon the Respondent and filed with the Board, and the report of the panel appointed to hear this matter. A quorum of the Board was present. The hearing was held pursuant to S.C. Code Ann. §§40-15-180 and 200, as amended, S.C. Code Ann. §40-1-70(6), and the provisions of the Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, et seq.(1976), as amended. The State was represented by Marvin G. Frierson, Esquire. The Respondent appeared without counsel.

The Respondent was charged with violation of S.C. Code Ann. §§40-15-190(A) (4).

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is currently licensed as a dentist in South Carolina, and was so licensed at all times relevant to the issues in this matter.
2. During the process of interviewing for new hygienists, the Respondent spoke with two hygienists during the week of May 10, 2005. They agreed to a working interview on the 17th and 18th of May 2005. The Respondent was told that both had recently completed their education, had passed their boards and the jurisprudence test. They lacked the actual license from the Board. The Respondent mistakenly thought that they could practice at this point. They each worked full days as a working

interview without incident. In conducting more interviews subsequently, the Respondent learned that hygienists could not work until they actually received their licenses. No patients were endangered during these events.

3. The Respondent did not ask the hygienists for any documentation regarding their qualifications. He should have ascertained whether the hygienists had received actual possession of their licenses.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this case, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-15-190, has the authority, pursuant to S.C. Code Ann. §40-15-200, to revoke or suspend a license or registration certificate, publicly or privately reprimand a licensee, or take any other reasonable action short of revocation or suspension, such as probation or the imposition of a civil penalty of up to ten thousand dollars, or requiring the person to undertake additional professional training subject to the direction and approval of the Board, psychiatric evaluations, controlled substances restrictions, institutional practice under supervision, and any other actions considered appropriate by the Board. Upon finding that grounds for discipline exist, S.C. Code Ann. §40-1-120 provides that the Board has the authority to: issue a public reprimand; impose a fine not to exceed five hundred dollars; place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs; permanently revoke a license; and impose the reasonable costs of the investigation and prosecution of a case.

2. The Respondent has violated S.C. Code Ann. §40-15-190(A) (4) in that he employed or permitted unlicensed persons to practice dental hygiene, as evidenced by his allowing unlicensed hygienists to perform working interviews in May 2005, as described above.

3. The sanction imposed is consistent with the purpose of

these proceedings and has been made after weighing the public interest and the need for the continued services of qualified dentists against the countervailing concern that society be protected from professional ineptitude and misconduct.

4. The sanction imposed is designed not to punish the Respondent, but to protect the welfare of the public at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Respondent be, and he hereby is, publicly reprimanded.

2. The Respondent shall pay administrative costs within thirty days in this matter as shall be determined by the Board Administrator. These costs shall not be deemed paid until received by the Board. Failure to pay the costs shall result in immediate temporary suspension of the Respondent's license until such time as the costs are paid, or until further hearing and order by the Board.

3. The order shall become effective upon its service upon the Respondent.

AND IT IS SO ORDERED.

THE BOARD OF DENTISTRY

Dr. Michelle D. Bedell

Dr. Michelle D. Bedell
President of the Board

November 13, 2006.

BEFORE THE SOUTH CAROLINA STATE BOARD OF DENTISTRY

In the Matter of:

Stephen D. Huch, D.M.D.,

License No. 2656,

OGC# 06-0008

OIE# 2005-34

FINAL ORDER

Respondent.

This matter came before the Board of Dentistry (the Board) for hearing on October 28, 2006, as a result of the Formal Accusation and Notice of Hearing dated February 21, 2006 and February 27, 2006, which was served upon the Respondent and filed with the Board, and the report of the panel appointed to hear this matter. A quorum of the Board was present. The hearing was held pursuant to S.C. Code Ann. §§40-15-180 and 200, as amended, S.C. Code Ann. §40-1-70(6), and the provisions of the Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, et seq.(1976), as amended. The State was represented by Marvin G. Frierson, Esquire. The Respondent appeared without counsel.

The Respondent was charged with violation of S.C. Code Ann. §§40-15-190(A) (4).

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is currently licensed as a dentist in South Carolina, and was so licensed at all times relevant to the issues in this matter.
2. During the process of interviewing for new hygienists, the Respondent spoke with two hygienists during the week of May 10, 2005. They agreed to a working interview on the 17th and 18th of May 2005. The Respondent was told that both had recently completed their education, had passed their boards and the jurisprudence test. They lacked the actual license from the Board. The Respondent mistakenly thought that they could practice at this point. They each worked full days as a working

interview without incident. In conducting more interviews subsequently, the Respondent learned that hygienists could not work until they actually received their licenses. No patients were endangered during these events.

3. The Respondent did not ask the hygienists for any documentation regarding their qualifications. He should have ascertained whether the hygienists had received actual possession of their licenses.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this case, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §40-15-190, has the authority, pursuant to S.C. Code Ann. §40-15-200, to revoke or suspend a license or registration certificate, publicly or privately reprimand a licensee, or take any other reasonable action short of revocation or suspension, such as probation or the imposition of a civil penalty of up to ten thousand dollars, or requiring the person to undertake additional professional training subject to the direction and approval of the Board, psychiatric evaluations, controlled substances restrictions, institutional practice under supervision, and any other actions considered appropriate by the Board. Upon finding that grounds for discipline exist, S.C. Code Ann. §40-1-120 provides that the Board has the authority to: issue a public reprimand; impose a fine not to exceed five hundred dollars; place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs; permanently revoke a license; and impose the reasonable costs of the investigation and prosecution of a case.

2. The Respondent has violated S.C. Code Ann. §40-15-190(A)(4) in that he employed or permitted unlicensed persons to practice dental hygiene, as evidenced by his allowing unlicensed hygienists to perform working interviews in May 2005, as described above.

3. The sanction imposed is consistent with the purpose of

these proceedings and has been made after weighing the public interest and the need for the continued services of qualified dentists against the countervailing concern that society be protected from professional ineptitude and misconduct.

4. The sanction imposed is designed not to punish the Respondent, but to protect the welfare of the public at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The Respondent be, and he hereby is, publicly reprimanded.

2. The Respondent shall pay administrative costs within thirty days in this matter as shall be determined by the Board Administrator. These costs shall not be deemed paid until received by the Board. Failure to pay the costs shall result in immediate temporary suspension of the Respondent's license until such time as the costs are paid, or until further hearing and order by the Board.

3. The order shall become effective upon its service upon the Respondent.

AND IT IS SO ORDERED.

THE BOARD OF DENTISTRY

Dr. Michelle D. Bedell

Dr. Michelle D. Bedell
President of the Board

November 13, 2006.