

## MINUTES

S.C. Board of Dentistry  
Board Meeting  
August 13, 2004  
Synergy Business Park  
Kingstree Building, Conference Room 107  
Columbia, SC

Dr. Amon A. Martin, Jr., President, called the meeting to order at 9:05 a.m. Other members participating during the meeting included: Dr. C. Timothy Assey, Dr. Michelle D. Bedell, Dr. William H. Bragdon, Dr. William D. Cranford, Jr., Ms. Genie M. Duncan, Dr. Dennis W. Newton, Jr., Tanya S. Riffe, R.D.H. and Dr. J. Douglas Snowden.

Staff members participating included: Rion Alvey, Administrator, Jay Evans, Investigator, Annie Heyward, Administrative Specialist; Sheliah Jones, Administrative Specialist; and Velma Stork, Administrative Assistant. LLR employees participating during the meeting included: Sandra Dickert, Administrative Assistant, Larry Atkins, Investigator, Louis Rosen and Rick Wilson, LLR Attorneys.

Members of the public included: Keith Ferguson and Jolee Gudmundson.

Public notice of this meeting was properly posted at the Synergy Business Park, Kingstree Building and by notice mailed to The State newspaper, Associated Press, and all other requesting persons, organizations or news media in accordance with section 30-4-80 of the S.C. Freedom of Information Act.

Motion: Dr. Bedell 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. Snowden. The motion carried.

Board members reviewed minutes of the June 18-19, 2004 meeting. Dr. Assey noted that he was not listed as attending the meeting. Motion: A motion was made by Dr. Bedell and seconded by Dr. Bragdon to approve the minutes with the noted correction. The motion carried.

Motion: Dr. Bedell moved that the Board ratify its previous decision to grant licensure to the following individuals to practice dentistry in South Carolina based on results of their SRTA examination, the Dental Practice Act Examination, and meeting all other requirements for licensure:

### General Dentists

Justin M. Dammann  
Amanda M. Merritt  
Deepali Verma  
Cassandra L. Smith  
Brandon K. O'Neal  
Maylene Chu  
John D. Turner

Kjersti S. Damsker Jeffrey C. Kotz  
Joseph E. Dupree, III Jonathan L. Mims  
Amy Beth B. Carrico Frederick W. Broadhead  
Daniel W. Miller, III Rourk B. Freeman  
Katherine R. Bray Khalil J. Orsborn  
Margaret H. Lunn Jacqueline B. Sonceau

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

Motion: Dr. Bragdon made a motion that the Board ratify its previous decision to grant licensure to the following individuals to practice dental hygiene in South Carolina based on results of their SRTA examination:

Dental Hygienists

Jessica L. Reece Erica D. Lyles  
Kathleen M. Rudnicki Kaci D. McClellan  
Tara Leigh Smith Nicole D. Mitch  
Rosile M. Ayyad Amy E. Shields  
Melissa C. Benfield Cristy Ol. Farmer  
Shelbie N. Hubbard Jana E. Moore  
Tiffany R. Martin Lori E. Murphy  
Rachel D. Lowe Sonya R. Nayfeh  
Amy M. Volker Heather W. Rogers  
Natalie M. Wilson Sabrina M. Sudduth  
Melissa L. Lambert Jessie L. Walker  
Shandi R. Lesley Heather D. Cleary  
Scarlett H. Beason Kimberly A. Gainey  
Yvette D. Fletcher Naomi L. Wydra  
Stephanie L. Hadden Delia A. Bele  
Patricia D. Haun Tammy S. McKenzie  
Shannon W. Howell Kathryn A. Rigdon  
Teri K. Hurst Shannon R. Walters  
Sabrina J. Jones Marcy D. Gates  
Mary E. Ledbetter

Ms. Riffe seconded the motion. The motion carried.

Motion: Dr. Snowden made a motion the Board grant licensure to the following individuals to practice dental hygiene in South Carolina based on the results of their SRTA examination:

Dental Hygienists

Kellie M. Davenport Lacey D. Edmunds

The motion was seconded by Ms. Riffe. The motion carried.

Motion: Dr. Cranford moved the Board enter executive session to conduct oral licensing examinations. The motion received a motion from Dr. Bragdon. The motion carried.

Following Executive Session, Dr. Martin declared the meeting back in public session.

Dr. Dennis Newton arrived at the meeting at this time.

Motion: Dr. Cranford moved that the following individuals be granted a license to practice dental hygiene based on results of their oral examination and meeting all other requirements for licensure:

Lorraine M. Flax Nichole M. Sheehan

Ms. Riffe seconded the motion. The motion carried.

Motion: Dr. Cranford made a motion that the Board grant/reinstate the license of Leon Y. Kau. Dr. Bragdon seconded the motion. The motion carried.

At this time, Dr. Martin presented Dr. Newton with a plaque of appreciation.

Mr. Alvey stated that the Offices of OSHA and Labor, which were located at 3600 Forest Drive, are now located within the Kingstree Building. He noted that the agency's investigators have been consolidated into one unit, the Office of Investigations and Enforcement (OIE). Mr. Alvey stated that the IRC process would remain the same as it has been. The consolidation of investigators will create an opportunity for the investigators to receive promotions. He introduced Larry Atkins and Don Hayden, who are with the OIE.

Mr. Alvey stated that Mr. Dwight Hayes, an attorney with the agency who has been an administrator of the Cemetery and Funeral Boards, has been moved into OIE to assist with the investigators. He went on to say he was offered the opportunity to become the administrator for the Funeral and Cemetery Boards, which he has taken. He went on to say both of the Boards are relatively small and would not affect his duties with the Dentistry Board.

The Board reviewed a policy previously discussed by the Board in April 1996. The decision regarding the SRTA examination results being valid for five years appears in the minutes of the April 19, 1996 meeting; however, it was never officially adopted and published as a Board policy. At the time this policy was written, SRTA's requirement was that the exam would be good for five years and that applicants should obtain licensure prior to the end of the five years. It was also noted that individuals who have passed SRTA do not have to appear before the Board. Staff notifies the president if an individual has not been practicing or if there are any questions regarding an application. Motion: Dr. Newton moved the Board accept the SRTA exam results for five years except under

exceptional circumstances.

Motion: Dr. Newton made a motion the Board enter executive session to consider consent orders. Dr. Assey seconded the motion. The motion carried.

Following Executive Session, Dr. Martin declared the meeting back in public session.

Motion: Dr. Newton made a motion that in the matter of David M. Eibling, D.D.S., the Board accept the consent order as presented. Dr. Bedell seconded the motion. The motion carried. Dr. Bragdon recused himself from voting in this matter as he served on the IRC during the time the matter was presented.

Motion: Dr. Newton moved that in the matter of Daniel A. Nickles, Sr., D.M.D., the Board accept the Consent Order as presented. Dr. Assey seconded the motion. The motion carried. Dr. Bragdon recused himself from voting in this matter as he served on the IRC during the time the matter was presented.

Dr. Eibling and Dr. Nickles appeared before the Board as a condition of compliance with Consent Orders issued by the Board.

Motion: Dr. Newton made a motion the Board enter executive session to review the IRC recommendations. Dr. Assey seconded the motion. The motion carried.

Following Executive Session, Dr. Martin declared the meeting back in public session.

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

02-27\* 02-74\* 02-82\* 02-100 03-02 03-61 03-97\*  
03-99\* 03-100\* 03-101 03-108 \* 03-110 \* 04-03 04-07\*  
04-11 04-15 04-17 04-20 04-22 04-23\* 04-26  
04-27 04-28 04-29 04-30 04-31 04-32 04-41  
04-43 04-44

The motion received a second from Dr. Assey. The motion carried. [\*Letters of caution to accompany the dismissal letters.]

Motion: Dr. Cranford moved the following cases be drafted for formal accusations.

03-20 04-35 04-46 04-49 04-52

Dr. Assey seconded the motion. The motion carried.

Jolee Gudmundson and Keith Ferguson of the SC Association of Nurse Anesthetists

discussed the Board's proposed legislation on conscious sedation. It was noted during the discussion that the title of the document should be an amendment to the dental regulations, not the practice act. She indicated that the references made to the ADA (October 2002) and AAPD guidelines included in the draft are outdated. The current version of the ADA guidelines was dated October 2003. She went on to say the guideline title was from the 1996 AAPD and the current version is dated 1998 version and is titled "Clinical Guideline on Elective Use of Conscious Sedation, Deep Sedation and General Anesthesia in Pediatric Dental Patients." She noted that if the date is inserted and is date specific, the Board would be required to repeal the regulations following each change. Mr. Wilson suggested generic language be used that does not require titles. She questioned the Board if their intent was to allow the dentist to determine which guidelines would be followed. Dr. Newton stated it was the intent to allow each dentist to use his/her discretion as to which guidelines would be followed since each dentist would know his/her qualifications. She offered the Board draft language regarding the use of certified/registered nurse anesthetists in dental offices. Dr. Assey commended Dr. Newton and Dr. Snowden in the drafting of the language for anesthesia. Mr. Ferguson and Ms. Gudmundson discussed the required training for registered nurse anesthetists.

Dr. Newton noted one change should be made to the Policy/Procedure for Oral and Maxillofacial Surgery. He indicated that under Procedure, provision #1 should end with the word 'or' instead of 'and'. Motion: Dr. Newton moved the Board change the word 'and' at the end of paragraph one to 'or". Dr. Assey seconded the motion. The motion carried.

Mr. Wilson stated the removal of the 15-year requirement of successful passage of the National Board (Joint Commission on National Dental Examinations) would be an amendment to the regulations. He indicated the documents being discussed would be properly formatted prior to going to the legislature. The Board discussed removing 39-4.1 (C), which would not allow an applicant further attempts at or scores from the examination to be considered by the Board if the applicant fails to successfully pass the examination on the fourth attempt. He stated the Board may wish the exam could be offered after a fourth time, however, the Board would not have that opportunity if paragraph C remains in place. The Board would continue to have the discretion to accept or deny the petition for special permission to take the exam after the third attempt. Mr. Wilson stated the applicant must have a compelling argument, in writing, for the Board to grant special permission and that the argument, discussion and decision should be reflected in the minutes. He indicated reasons for the petition would include the death of a family member, additional certification in a specialty, or completion of a fellowship. Dr. Bragdon questioned Mr. Wilson if the decision would hold up in court. Mr. Wilson stated it would as long as it is documented in the meeting minutes. Motion: Dr. Cranford made a motion that 39-4.1 paragraph C be deleted from the proposed regulation. Dr. Assey seconded the motion. Dr. Bragdon questioned if further language is needed in paragraph B to strengthen the Board's authority in its discretion on special permission. Mr. Wilson replied he has seen Boards submit qualifying language, however, he prefers a broader approach to deal with the flexibility to deal with any situation that may occur and, with admonishment the Board ensures it clearly articulated why the Board made its decision.

The motion carried.

Motion: Dr. Newton made a motion the Board promulgate both regulations as amended. Dr. Cranford seconded the motion. The motion carried.

The Board reviewed the language adding carbon monoxide detection devices to the proposed language to Section 40-15-179(8) regarding mobile vans. Discussion ensued regarding written or electronic records being available to staff regarding where the mobile vans are working. Motion: Dr. Newton moved the Board move ahead with Section 40-15-179 registration of dental facilities and portable dental operations to place it in the practice act. Dr. Snowden seconded the motion. The motion carried.

The Board reviewed a letter from Dr. John Howard, Dental Director, of the Coastal Center of the SC Department of Disabilities and Special Needs. Dr. Howard indicates in the letter he is asking for guidance and support from the Board regarding a judgment that the Center is not in compliance with ICFMR Standard W227 in the treatment of a patient. The Center provides dental treatment to patients with developmental disabilities such as mental retardation, seizure disorders, cerebral palsy and autism. At times it is necessary to manage maladaptive dental behaviors during treatment procedures. Mr. Wilson stated he is not sure the Board has the authority to step in on a problem with mental retardation. Dr. Martin stated he discussed this matter with Dr. Howard and learned that the Department of Health and Environmental Control (DHEC) auditor feels the Center is using the papoose board too often. Motion: Dr. Cranford made a motion the Board receive the letter as information and the administrator respond with a letter to Dr. Howard informing him the Board has received the letter as information. Dr. Assey seconded the motion. The motion carried.

The Board then reviewed a letter from Dr. Christopher C. Jernigan regarding the regulation limiting a licensee's practice to his/her specialty. He holds a general dentist license as well as an orthodontic license. He would like to practice general dentistry in one part of the state and orthodontics in another part of the state. Motion: Dr. Newton moved the Board send a letter to Dr. Jernigan indicating the Board's practice act does not allow him to practice both general dentistry and orthodontics. Dr. Assey seconded the motion. The motion carried. Dr. Cranford questioned the Board if it were possible in South Carolina for a licensee to practice as a specialist for 20 years, retire from that specialty, relinquish that specialty license move to another part of the state and practice general dentistry in that location. The Board answered affirmatively.

The Board briefly reviewed the advertising policy discussed at the previous meeting. Dr. Cranford asked the members if there were additional changes to the policy. He further stated the policy has been in the newsletter. He asked if the Board is comfortable with the regulations and practice act regarding this matter. The Board was comfortable with the policy and left the policy as is. The Board discussed the use of the phrase "Voted the Best by". Mr. Wilson stated the Board might not win such a case if the Board took the matter to a hearing. Dr. Cranford stated the Board may not wish to address this issue at this stage of the game, however, the Board may have to address it in the future.

Mr. Alvey stated in the current IRC process Mr. Evans and the current Board member serving on the IRC ask the Board to authorize a formal accusation. The Board does not have any information on the case. He is recommending the Board allow the IRC chairman to authorize the formal accusations in an effort to streamline the process. He indicated this would allow the process to move forward instead of having to wait for Board approval. Motion: Dr. Assey moved the Board allow the IRC chairman to authorize the progression of the formal accusations and that the signature block on the formal accusations be delegated to the IRC Board member and the prosecuting attorney. Dr. Bragdon seconded the motion. The motion carried.

The Board reviewed drafts of the 2005 reregistration forms. The forms were presented to the members for their information. The agency is working toward on-line renewals for the Board prior to the reregistration period.

The Board then reviewed topics for the October 2004 newsletter. Mr. Alvey asked the members to contact staff regarding any additional topics.

The Board reviewed a letter from Dr. John C. Cosby, Jr. regarding the American Association of Dental Examiners' (AADE) efforts to create a uniform national exam process. Dr. Newton stated there is a national movement by the American Dental Association, the American Student Dental Association and the educators' organization to have a National Board Part III, which would be a nationally sanctioned clinical examination. This exam could possibly be done in a curriculum approved format meaning it could be administered during the student's senior year and would be acceptable by a majority of the states within the United States assuming that State Boards would accept the exam. Dr. Cosby and the AADE jumped on this matter quickly out of concern the ADA had already begun the process, would ramrod the exam through and then go to the legislators behind their backs and say the ADA has accepted it. This is the mandate the AADE has used in attempting to develop an exam before the ADA. The exam would be put forth on a national level by third party independent examiners. The other initiative moving forward is that SRTA, Western Regional and Central Regional Testing Agencies have agreed to share information and attempt to develop a national exam and Northeast Regional is discussing the matter. Dr. Cosby indicated the AADE will have a potential exam to present to the Board by some time in September 2004 and that they have a couple of schools willing to use the exam as a pilot exam. MUSC is one of the schools that has agreed to use the exam as a pilot. Dr. Cosby asked the Board if this is an acceptable exam, if the Board would be willing to grant licensure to those senior dental students who took and passed this pilot exam before the end of the year. Dr. Cosby has had several states send letters of support of the concept of a national exam and asked the Board members if they would support the concept of a national exam. Dr. Cosby is also asking for representation to the AADE. Dr. Newton noted that if the Board agrees to use this pilot exam and would license from it, it would be in addition to the SRTA exam. Motion: Dr. Newton moved the SC Board of Dentistry support the concept of a National Board Part III exam and looks forward to continued input from the American Association of Dental Examiners and other bodies regarding this examination. Dr. Bedell seconded the

motion. The motion carried. Motion: Dr. Newton moved the SC Board of Dentistry expresses interest in the curriculum integrated format discussed by the American Association of Dental Examiners and would like to find out more information to determine if this examination could be used for licensure in the State of South Carolina. Dr. Bragdon seconded the motion. The motion carried. Dr. Assey volunteered to serve on the committee.

The Board scheduled its next meeting for November 5-6, 2004. The Board also scheduled a meeting for July 15-16, 2005 to be held in Charleston for the purpose of conducting exams.

There were no public comments made.

Ms. Riffe stated she has received the Distinguished Service Award in honor of outstanding service in her profession and going above and beyond the clinical requirements. There were seven individuals from across the nation honored.

Mr. Alvey introduced Mr. Ken Woodington who is serving as the Board's attorney during Mr. Hanks' military tour of duty.

Dr. Snowden questioned staff if the Board should make a statement on Mr. Evans' behalf to the investigative unit as a result of Dr. Nickles' earlier remarks. Mr. Alvey stated the Board could submit a written statement to him, which he would forward to the investigative unit.

Dr. Martin stated Mr. Alvey attempted to have all of the Board members attend the AADE meeting, however, only two Board members were authorized to attend.

Ms. Riffe stated she attended the International Head and Neck Cancer Conference in Washington, DC where she received excellent information. She further stated the University of Pittsburgh has produced an 11-minute video on oral cancer screening for the health care professional. The videos are free and can be obtained by phone, by faxing a form, or by email. Two hours of continuing education can be obtained from reviewing the video.

There being no further business, the August 13, 2004 meeting adjourned at 1:20 p.m.

Respectfully submitted,

H. Rion Alvey  
Administrator