

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - GENERAL SESSION

- Dates:** January 15, 16 & 17, 2015
- Location:** Charleston Marriott
200 Lee Street East
Charleston, WV 25301
- Members Present:** C. Richard Gerber, DDS, President
George D. Conard, Jr., DDS , Secretary
Byron H. Black, DDS
L. Edward Eckley, DDS
Mr. William E. Ford, III
Stanley W. Kaczkowski, DDS
Mary Beth Shea, RDH
Charles L. Smith, DDS (1/17)
Beverly L. Stevens, COMSA
- Staff Present:** Mrs. Susan M. Combs, Executive Secretary
John C. Dixon, DDS, Investigator (1/16)
- Board Counsel:** Mr. James M. Casey, Assistant Attorney General

January 15, 2015

The Complaint Committees met to review complaints and disciplinary matters with no decisions or votes being made.

January 16, 2015

The Board's President, Dr. Gerber, determined this meeting was properly noticed with the Secretary of State's office and a sufficient number of Board members were in attendance to constitute a quorum. The quorum was determined by the presence of Dr. Gerber, Dr. Black, Dr. Conard, Dr. Eckley, Mr. Ford, Dr. Kaczkowski, Mrs. Shea & Mrs. Stevens. Therefore, the meeting of the West Virginia Board of Dentistry was called to order.

The first order of business was the meeting notice to the Secretary of State which was distributed for information purposes only.

The next order of business were the minutes from the October meeting and the minutes of

the Personnel Committee from November. Upon motion by Dr. Stanley W. Kaczowski, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the minutes were approved as distributed.

At this time the President announced the need for an Executive Session to consider matters under provisions contained in Chapter 6, Article 9A, Section 4, not limited to, but primarily for those contained in Subsections (4) and (6). Specifically to review complaints, investigations and a request for restoration to full licensure privileges.

Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczowski, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board came back into a general session upon motion by Dr. Byron H. Black, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing.

The next order of business was a discussion and vote concerning a request from Dr. Tracy Zang to fully restore her license and remove the limitation to teaching only that had previously been ordered as a result of certain medical conditions. Upon motion by Dr. Stanley W. Kaczowski, and properly seconded by Dr. Byron H. Black, and unanimously passing, the Board requests a letter from Dr. Zang's physician verifying her recovery and physical ability to practice once again, and a certificate of completion of the Virginia Commonwealth University Benchmark Program. Once these items are received the restrictions on her license will be removed and full licensure restored.

The next order of business was a report by Dr. John C. Dixon concerning board exams and the differences between them. There is some concern about the quality of the exams, difference of clinical dental subjects, and live patient exams.

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Upon motion by Dr. Byron H. Black, and properly seconded by Dr. L. Edward Eckley, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board came back into a general session upon motion by Dr. Stanley W. Kaczowski, and properly seconded by Dr. Byron H. Black, and unanimously passing.

Upon motion by Dr. Stanley W. Kaczowski, and properly seconded by Dr. L. Edward Eckley, and unanimously passing, the Board approved all recommendations during executive session.

The next order of business was a Legislative Update including all of the Board's rules currently going through the legislative rule making process and other changes needed in the law and/or rules.

- Series 1 Rules for the Board, propose to delete prohibition of trade names/amend language to allow for some trade names. Modified rules were filed.
- Series 2 Authorization of PLLC, propose to allow for some trade names.
- Series 6 Authorization of Corporations; Practice Ownership, propose to allow for some trade names.
- Series 15 Rules for Dental Recovery Networks. Modified rules were filed.
- Series 9 Application Procedures, proposal to update the application procedures, with one comment from the comment period.

After discussion of the proposed procedural rule, Series 9, a motion was made by Dr. Stanley W. Kaczkowski to add the content of the comments received and final file the rule. Mrs. MaryBeth Shea seconded with a unanimous vote in favor of the motion.

§30-4-19 Review Disciplinary Language

After discussion of the current disciplinary language in the dental practice act, a motion was made by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passing the Board will seek legislation to insert proper and effective language concerning the violation of the standard of care in §30-4-19.

The next order of business was a review of possible rule making in the future. Procedural rules need to be updated due to the name change of the Board, including Series 4, 5 & 7. A request from Dr. Richard D. Smith was received for a review of the rules concerning continuing education, specifically categories of instruction. At this time the President of the Board assigned a committee to review the rules concerning continuing education for a report and suggestions at the next Board meeting. The committee appointed is Dr. George D. Conard, Jr., Dr. Stanley W. Kaczkowski, and Mrs. MaryBeth Shea.

The next order of business was an update on the progress of the licensing management software product awarded to GL Solutions. The staff informed the Board the project had been delayed until February so the new Administrative Assistant could be familiarized with current Board processes and the goal is to have the online renewals and new website up by November.

The next order of business was a request from Herzig University concerning the approval of online post-licensure dental hygiene programs. The Board does not review and approve post-licensure programs such as a Bachelor of Science Program. Faculty teaching such online programs are not required to have a West Virginia license to provide instructions to our licensees.

The next order of business was information from the American Dental Association and the American Association of Orthodontists concerning an at home teeth straightening services with an invisible aligner system. This was taken for information purposes at this time.

The next order of business were the minutes of the West Virginia Association of Licensing Boards' December meeting which were taken for information purposes.

The next order of business were the Purchasing Card and quarterly financial report which were accepted as distributed.

The next order of business were future meetings of the American Association of Dental Boards, Federation of Associations of Regulatory Board (FARB), Southern Conference of Dental Deans and Examiners, and WV Board of Dentistry. The Executive Secretary will be attending the FARB meeting, Drs. Kaczkowski, Smith & Conard will attend the Southern Conference of Dental Deans and Examiners meeting. The Board's fall meeting will be at the Board office with lodging at the Courtyard in Beckley.

The next order of business were newsletters, which were taken for information purposes, from the following:

- American Association of Dental Boards
- Central Regional Dental Testing Services
- Dental Assisting National Board
- Federation of Associations of Regulatory Boards
- Health Care Highlights
- National Practitioner Data Bank

The next order of business was a call for nominations of public members to the Commission on Dental Accreditation Review Committee. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Dr. L. Edward Eckley, and unanimously passing, the Board voted to nominate William Ford for a position with the Review Committee.

The next order of business were regional board issues, including highlights from the American Board of Dental Examiners meeting in November and the name change from the North East Regional Board to the Commission on Dental Competency Assessments. These issues were taken for informational purposes.

At this time the President announced the need for an Executive Session to consider matters under provisions contained in Chapter 6, Article 9A, Section 4, not limited to, but primarily for those contained in Subsections (4) and (6). Specifically to give law exams and interview the applicants in the morning. Upon motion by Dr. George D. Conard, Jr., and properly seconded by Dr. Byron H. Black, and unanimously passed, the Board went into executive session and recessed until morning.

January 17, 2015

The morning started with an Executive Session for the purposes of giving the law examination and interviewing applicants for licensure. Thereafter, and upon motion by Stanley W.

Kaczkowski, and properly seconded by Mr. William E. Ford, and unanimously passed, the Board went into General Session.

The next order of business was the approval of all applicants for licensure, with the exception of application number 2014-130. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the board approved all other applicants, having appeared today, for licensure pending completion of their applications. Application number 2014-130 awaits further documentation to satisfy Board requirements, a license will be issued once satisfied.

At this time the meeting was adjourned the meeting to commence a training session upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passing, with the next regularly scheduled meeting scheduled for March 26, 27 & 28, 2015 at the Blennerhassett Hotel, Parkersburg, West Virginia.