

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - GENERAL SESSION

- Dates:** January 21, 22, & 23, 2016
- 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
Beverly L. Stevens, COMSA
- Staff Present:** Mrs. Susan M. Combs, Executive Secretary
Mr. Evan Dewey, Administrative Assistant (1/22)
- Board Counsel:** Betty A. Pullin, Assistant Attorney General
- Guests:** Anthony T. Borgia, DDS, Dean, WVU School of Dentistry
Robert Wanker, DDS, Assistant Dean of Student & Alumni Affairs
Alison Wilson, MD, WVU Department of Surgery
Members of the 18 Delta Medical Sergeants Program Team

January 21, 2016

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

The Investigator Committee met to review resumes received for an Investigator position and interview applicant Walter R. Williams, Jr. Recommendations to be made to the Board during general session.

January 22, 2016

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, Dr. Smith & 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. Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the minutes were approved as distributed.

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

- Dental Assisting National Board
- Federation of Associations of Regulatory Boards
- Health Care Highlights
- Oregon Board of Dentistry
- West Virginia Dental Association

The next order of business was a letter from the American Board of Dental Examiners (ADEX) concerning a number of bylaws changes, including changes to the conflict of interest section. Due to this particular change Dr. Stanley W. Kaczkowski will no longer continue on the Dental Exam Committee of the Southern Regional Testing Agency (SRTA), but will continue his position on the Dental Exam Committee of ADEX. Dr. Charles L. Smith will be appointed to the Dental Exam Committee of SRTA.

The next order of business was a general discussion, for information purposes, concerning the ADEX exam now being given internationally and allegations by Southern Regional Testing Agency concerning the American Board of Dental Examiners.

The next order of business were the financial report for the second quarter of fiscal year 2016, PCard report for the period of October 2015 through December 2015. These reports were accepted as distributed by motion by Mrs. Beverly L. Stevens, seconded by Dr. Charles L. Smith and unanimously passing with all board members having the opportunity to review the PCard log, documentation and receipts at this time.

The next order of business was an update by Evan Dewey concerning the progress of the new licensing software with GL Solutions. There were some issues with the interpretation of the contract as far as what the Board expected to get out of the licensing software and website and what GL interpreted they were to provide for us. This had caused the progress of the program to come to a stop. With much discussion and compromise, the Board can move forward getting the majority of what is expected or scrap the program and start over. An amendment to the contract was presented to the Board for consideration. The Board staff recommends approval of the amendment and tp

proceed with the project, pending a final review by Board Counsel. Upon motion by Dr. George D. Conard, Jr., and properly seconded by Dr. Stanley W. Kaczowski, and unanimously passing, the Board conditionally approved the amendment pending final review by Board Counsel.

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 conduct a law exam and interview of an applicant for a dental license.

Upon motion by Dr. Stanley W. Kaczowski, and properly seconded by Mrs. Mary Beth Shea, 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. L. Edward Eckley, and unanimously passing.

The next order of business was the appearance of Dr. Anthony “Tom” Borgia, Dean of the West Virginia University, School of Dentistry and Dr. Robert Wanker, Assistant Dean of Student and Alumni Affairs. Dr. Borgia reported on the financial status, including the budget and costs of the Commission on Dental Accreditation (CODA) site visit coming up. The School of Dentistry will not be pursuing a new building. A loan is being procured in order to change the infrastructure and reallocate space in the Health Science Center, as well as a possible grant for the dental school. Dr. Borgia spoke about a trip to visit Kuwait and Saudi Arabian Dental Schools. He would like to see a residents license for dentists trained in Kuwait and Saudi Arabia to allow them to practice at the WVU School of Dentistry and WVU Hospital. After graduation the resident would go back to Kuwait or Saudi Arabia. WVU is collaborating with Marshall University for a General Practice Residency Program at Marshall. Dr. Raj Khanna is the program Director. This program has been approved by CODA and is expected to be up and running July 1, 2017. In regards to the Advanced Education in General Dentistry program Valley Health is trying to create, in collaboration with NYU Lutheran Medical Center, the WVU School of Dentistry does not endorse this program. Issues with regional clinical boards were discussed including the separation of ADEX and SRTA and the effect it has on students and live patient vs simulated patient exams. Dr. Wanker thanked the Board for their time and discussed his installment as President of the West Virginia Dental Association this weekend.

The next order of business was a letter from David Felton, former Dean of WVU School of Dentistry, concerning the inactivation of his WV license and his appointment as Dean of the University of Mississippi Medical Center, School of Dentistry, which was distributed for information purposes only.

The next order of business was a mailing to the Board, stating, to paraphrase, the Board is the secret police and always watching the dentists of West Virginia. The Board requested the staff to turn the mailing over to the State Police as a possible threat.

The next order of business was a withdrawal from Dr. Thomas Layne of his resume

submitted for an investigator position and a report from the Investigative Committee. While the committee would like to continue the search for qualified investigators to work for the Board, the committee recommends Mr. Walter R. Williams, Jr. be hired as an investigator on an as needed basis at \$30 per hour with usual and customary travel reimbursements. Upon motion by Mr. William E. Ford, and properly seconded by Dr. Byron H. Black, and unanimously passed, Mr. Williams will be offered a position as an investigator.

The next order of business was a request from Board Investigator, Dina A. Vaughan, to become a member of The Organization for Safety, Asepsis and Prevention (OSAP) for research purposes for Board cases. The Board reviewed the pricing for an individual membership and an associate membership. An individual membership is \$125 per year. An associate membership is \$250 per year with access for up to 25 members. Upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. Mary Beth Shea, and unanimously passed to purchase an associate membership.

The next order of business were the rules that have been modified and are going through the legislative process and general legislative discussion. Series 11 (Continuing Education) and 13 (Expanded Duties). A request has been made by Delegate Howell's office to meet with representatives of the Board on January 26, 2016 concerning the composition of the Board. Drs. Gerber and Kaczkowski will attend along with Mrs. Beverly L. Stevens, and the Board's Executive Secretary, Susan Combs.

At this time, the Board met with Dr. Allison Wilson with the WVU School of Medicine, Department of Surgery and members of the 18 Delta Medical Sergeants Program team for a presentation concerning dental training they would like to take place for the medical sergeants at WVU and WVU Hospitals. After the presentation, the Board discussed the matter. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passing, the Board will send a letter to Dr. Wilson stating the statute doesn't permit this type of training and to seek legislative relief.

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 and investigations.

Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Mrs. Mary Beth Shea, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board came back into a general session upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passing.

The next order of business was a proposed Consent Decree and Order between the Board and Dr. John Brock (Case number 2014-DB-0020D). Mrs. Beverly L. Stevens made a motion to reduce the fine to \$10,000.00, Mrs. Mary Beth Shea seconded the motion, the motion passed unanimously. As recommended by the Complaint Committee, Dr. Charles L. Smith made a motion the Board

approve the proposed action. Dr. Stanley W. Kaczkowski, seconded the motion, the motion passed unanimously.

The next order of business was a proposed Consent Decree and Order between the Board and Ms. Brooke Barmore (Case number 2015-DB-0008H). As recommended by the Complaint Committee, Dr. Byron H. Black made a motion the Board approve the proposed action. Mrs. Mary Beth Shea seconded the motion, the motion passed unanimously.

The next order of business was a proposed Consent Decree and Order between the Board and Dr. Melissa Warnick (Case number 2015-DB-0040D). As recommended by the Complaint Committee, Mrs. Mary Beth Shea made a motion the Board approve the proposed action. Dr. Stanley W. Kaczkowski seconded the motion, the motion passed unanimously.

The next order of business was a proposed Consent Decree and Order between the Board and Dr. John Maroulis (Case number 2015-DB-0043D). As recommended by the Complaint Committee, Dr. Byron H. Black made a motion the Board approve the proposed action. Dr. L. Edward Eckley seconded the motion, the motion passed unanimously.

The next order of business was a proposed Consent Decree and Order between the Board and Dr. William Mason (Case number 2015-DB-0047D). As recommended by the Complaint Committee, Mrs. Mary Beth Shea made a motion the Board approve the proposed action. Dr. L. Edward Eckley seconded the motion, the motion passed unanimously.

The next order of business was a proposed Consent Decree and Order between the Board and Ms. Christy Wheeler (Case number 2015-DB-0048H). As recommended by the Complaint Committee, Dr. Byron H. Black made a motion the Board approve the proposed action. Dr. L. Edward Eckley seconded the motion, the motion passed unanimously.

The next order of business was consideration of all other recommendations by the complaint committees of the Board. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the Board approved all other recommendations.

The next order of business was consideration of an application by Dr. Payam Afzali. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, Dr. Afzali, having a completed application, was approved for licensure as a dentist in West Virginia.

The next order of business were future meetings as follows:

Anesthesia Committee Meeting - TBD
Southern Conference of Dental Deans & Examiners - January 29-31, 2016
American Association of Dental Boards - April 10-11, 2016
WV Board of Dentistry - April 15-16, 2016

WV Board of Dentistry - July 20-21, 2016

The Board will settle on a date for the fall meeting during the April meeting.

The next order of business was a letter from the American Association of Dental Boards concerning the resignation of James Tarrent and a search committee for a new Executive Director, which was distributed for information purposes only.

The next order of business was a discussion concerning the Board's office lease, which is due to be renewed this year. At this time the Board is interested in renewing the lease for the current location for as long as possible.

The next order of business was a review and discussion concerning the requirements for a hygienist to obtain a local anesthesia permit. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passing, the Board will leave the requirements in their current form.

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. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the Board went into executive session and recessed until morning.

January 23, 2016

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 Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the Board went into General Session.

The next order of business was the approval of all applicants appearing today for licensure. Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the board approved all applicants for licensure pending completion of their applications.

At this time the meeting was adjourned with the next regularly scheduled meeting scheduled for April 15 & 16, 2016 at the Blennerhassett Hotel, Parkersburg, West Virginia.