

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - GENERAL SESSION

Dates: November 2 & 3, 2018

Location: Hilton Garden Inn
150 Suncrest Towne Centre Drive
Morgantown, WV 26505

Members Present: C. Richard Gerber, DDS, President
Samuel V. Veltri, DDS, Secretary
Byron H. Black, DDS
John E. Bogers, DDS
Mr. William E. Ford, III
Stanley W. Kaczkowski, DDS
Mary Beth Shea, RDH
Charles L. Smith, DDS

Members Absent: Beverly L. Stevens, COMSA

Staff Present: Ms. Betty J. Adkins, Board Counsel
Mrs. Susan M. Combs, Executive Secretary
Mr. Evan M. Dewey, Administrative Assistant
Mr. Walt Williams, Investigator

Guests Present: Lora D. Graves, DDS

November 2, 2018

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

The Personnel Committee met to discuss, consider, and make recommendations concerning the process of replacing a retiring employee. No decisions or votes were made.

The Budget Committee met to review and oversee the Board's finances, including but not limited to expenses and revenue. No decisions or votes were made.

Thereafter, 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. Veltri, Dr. Black, Dr. Bogers, Mr. Ford, Dr. Kaczkowski, Mrs. Shea, and Dr. Smith. Therefore, the meeting of

the West Virginia Board of Dentistry was called to order.

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

The next order of business were the minutes from the July meeting. Upon motion by Dr. Stan W. Kaczkowski, and properly seconded by Dr. Charles L. Smith, and unanimously passed, the minutes were approved as distributed.

The President of the Board announced the privilege of the Chair to rearrange the order of items on the Board's topic list to accommodate an invited guest, Dr. Lora Graves, concerning Regional Exams. Dr. Graves spoke briefly concerning, calibrations, written exams and continuing mock boards by the Southern Regional Testing Service.

The next order of business was written notification from Governor Justice reappointing Dr. Stanley W. Kaczkowski to a second term on the Board, which was taken for information purposes.

The next order of business was a verbal report concerning the recent annual meeting of the American Association of Dental Boards. The report contained topics addressed during the annual meeting, including but not limited to occupational licensure, Federal Trade Commission Perspectives and scope of practice advocacy, and corporate dentistry, which was taken for information purposes at this time.

The next order of business were general legislative discussions, legislative calendar, regulatory review reporting, specialty review committee reporting and recommendations, specialists volunteering and charitable practice, regional exam committee reporting and recommendations, advanced education general dentistry for internationally trained dentists, teledentistry, and 5CSR5 complaint procedures.

The Exam review committee made a recommendation to the Board to request legislative action by inserting into statute the following:

In §30-4-8(4) Has successfully passed a National Board examination as given by the Joint Commission on National Dental Examinations and a clinical examination administered by one or more of the following CDCA, CRDTS, CITA, SRTA, WREB, or successor agency, which demonstrates competency in;

- a. Endodontics, including access opening of a posterior tooth and access, canal instrumentation and obturation of an anterior tooth;
- b. Fixed Prosthodontics, including an anterior crown preparation and two posterior crown preparations involving a fixed partial denture factor;
- c. Periodontics, including scaling and root planning in a patient based clinical setting;
- d. Restorative, including a class II amalgam or composite preparation and restoration and a class III composite preparation and restoration in a patient based clinical setting.
- e. Pass each individual component with no compensatory scoring.

In §30-4-10(4) include the following language:

Satisfactorily passing a board approved patient based exam designed to determine the applicant's level of clinical skills.

Dr. Byron H. Black made a motion to accept the recommendations of the Exam Committee and seek legislative action concerning the same. Dr. John E. Bogers seconded the motion, which passed unanimously.

The Specialty Review Committee made a recommendation to the Board to request legislative action by inserting into statute in an appropriate section the following:

1. The Board of Dentistry may issue a dental specialty license authorizing a dentist to represent himself or herself to the public as a specialist, and to practice as a specialist, in a dental specialty.

2. No dentist shall represent himself or herself to the public as a specialist, nor practice as a specialist, unless the individual:

a. has successfully completed a Board recognized dental specialty/advanced education program accredited by the Commission on Dental Accreditation.

b. holds a general dental license in this state, and

c. has completed any additional requirements set forth in state law or rules and has been issued a dental specialty license by the Board.

3. Specialties recognized by the Board shall include:

a. Dental public health, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of one full-time academic year of at least eight calendar months each of graduate or post-graduate education, internship or residency.

b. Endodontics, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

c. Oral and maxillofacial surgery, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of three full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

d. Oral and maxillofacial radiology, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

e. Orthodontics and dentofacial orthopedics, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency. In addition, any applicant for an orthodontic and dentofacial orthopedic specialty certificate commencing on July 1, 2014, shall submit verification of successful completion of the American Board of Orthodontics written examination.

f. Pediatric dentistry, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

g. Periodontics, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

h. Prosthodontics, in order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

i. Oral pathology. In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

3. The licensee shall limit his or her practice of dentistry only to the specialty in which he or she is licensed and in which he or she holds himself or herself out to the public as a specialist.

a. The licensee shall limit his or her listing in the telephone directory to the specialties in which he or she has an office or offices.

4. The limitation of practice is removed for purposes of volunteering services in organized health clinics and at charitable events.

Also, along with legislative collaboration, determine if updated definitions should be inserted into the statute or updated in the rule.

Dr. Byron H. Black made a motion to accept the recommendation of the Specialty Review Committee and seek legislative actions concerning the same. Dr. John E. Bogers seconded the motion, which unanimously passed.

Upon motion of Dr. Byron H. Black, properly seconded by Dr. John E. Bogers, and unanimously passing, the following items were tabled until the next regular meeting:

Advanced Education General Dentistry for Internationally Trained Dentists, Teledentistry, and 5CSR5 complaint procedures.

The next order of business was a discussion of Silver Diamine Fluoride benefits and adverse effects. The Board made no recommendations for changes to the rules, but stressing informed consent.

The next order of business was information from the Office of Drug Control Policy concerning the reporting of suspected, reported or confirmed overdoses by various professionals, including health care providers. The Board directed the staff make this information available to dentists by adding it to their renewal application packages.

The next order of business was the Executive Director's Reports of the American Association of Dental Boards for the month of July, 2018. The report was taken for information purposes.

The next order of business was a sample report from the American Association of Oral and Maxillofacial Surgeons, Dental Anesthesia Incident Reporting System, which was taken for information purposes.

The next order of business was a notice from the Joint Committee on National Dental Examinations regarding the implementation of the Integrated National Board Dental Examination, which will begin August, 2020. This notification was taken for information purposes.

The next order of business was a notice from the Commission on Dental Accreditation concerning their progress with the elimination of specialty terminology and their summer accreditation and major actions, which were taken for information purposes at this time.

The next order of business were regional board reports which were taken for information purposes.

The next order of business was a letter of thanks from Dr. Jeff Hartsog, concerning his attendance at the Board's meeting in July, which was taken for information purposes.

The next order of business was a letter from the American Academy of Dental Sleep Medicine concerning their position on the role of a dentist in treating obstructive sleep apnea and the American Dental Association's policy statement on the role of dentistry in the treatment of sleep related breathing disorders, which were both taken for information purposes at this time.

The next order of business was a letter from Leslie S. T. Fang, MD, PhD, concerning his course regarding the American Dental Association's policy on opioid prescriptions, which was taken for information purposes.

The next order of business was information from Case Western Reserve University concerning their courses on controlled substance prescribing and medial, ethics, boundaries and professionalism, which were taken for information purposes at this time.

The next order of business was a letter from the American Academy of Dental Hygiene requesting the Board include them as a continuing education provider. The Board requested MaryBeth Shea look at this request closer and revisit it at the next meeting.

The next order of business were the Board of Risk and Insurance Management related safety requirements. The following were reviewed: Driver safety; drug & alcohol free workplace; workplace harassment; IT and information policy; protecting personally identifiable information; safety committee appointment document; safety inspection checklist; safety policy; and workplace security.

The next order of business was an update by Evan Dewey concerning the licensing software with GL Solutions, and upcoming discussions of a new warranty contract, which was taken for information purposes at this time.

The next order of business was a Budget Committee report concerning the Board's finances, which appear to be adequate to conduct the legislatively mandated business of the Board. The committee will continue to be engaged with the staff in the review of financial and administrative processes. Also, the Board reviewed the financial reports, as well as the PCard report from June through October 2018, which includes the Ghost Travel report, with all board members having the opportunity to review the PCard logs, documentation and receipts at this time. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, the Board accepted the reports as distributed.

The next order of business was a report from the Personnel Committee concerning the desired process of replacing retiring employee, Carolyn A. Brewer. The committee recommended the Board give the staff authority to move forward with the hiring process to replace Carolyn, including conducting a search and interviews for an appropriate candidate to fill the position. Upon motion by Dr. Stan W. Kaczkowski, and properly seconded by Dr. Charles L. Smith, and unanimously passing, the Board accepted the committee's recommendation.

The next order of business were future meetings, which were taken for information and included:

- WV Auditor's Office Seminar for Boards - November 27, 2018
- American Association of Dental Administrators - March 2019
- American Association of Dental Boards - March 2019
- CITA Annual Meeting - January 2019
- CDCA Annual Meeting - January 2019
- WV Dental Association - January 2019
- WV Board of Dentistry Calendar

Drs. Bogers and Veltri have expressed interest in attending the WV Auditor's Office Seminar for Boards in the fall of 2019. Mrs. Shea expressed interest in attending the American Association of Dental Board's meeting in March, 2019. Board members will attend the Counsel of Interstate Testing Agencies and Commission on Dental Competency Assessments annual meetings.

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

Commission on Dental Accreditation
Central Regional Dental Testing Service, Inc.
Dental Assisting National Board, Inc.
The Organization for Safety, Asepsis and Prevention (OSAP)
WV Board of Dentistry
WV Dental Association

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 Dr. Stan W. Kaczowski, and properly seconded by Dr. Charles L. Smith, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board came back into a general session upon motion by Dr. Jack E. Bogers, and properly seconded by Dr. Stan W. Kaczowski, and unanimously passing.

The next order of business was the consideration of disciplinary actions in Case 2017-DB-0037D. The complaint committee in this case made a recommendation to accept the signed Consent Decree and Order, wherein the license would be required to pay monetary fines and costs, and take continuing education concerning the Health Insurance Portability and Accountability Act and the appropriate use of the West Virginia Board of Pharmacy Controlled Substance Monitoring Program and personal profile information. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Jack E. Bogers, and unanimously passing, the Board accepted the Consent Decree and Order.

The next order of business was the consideration of disciplinary actions in Case 2018-DB-0022D. The complaint committee in this case made a recommendation to accept the signed Consent Decree and Order, wherein the license would receive a reprimand, be required to pay monetary fines and costs, and take continuing education concerning oral surgery/tooth extractions and recognizing oral surgery emergencies and proper treatment modalities of such. Upon motion by Dr. Samuel V. Veltri, and properly seconded by Dr. Byron H. Black, and unanimously passing, the Board accepted the Consent Decree and Order.

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

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. Samuel V. Veltri,

and unanimously passed, the Board went into executive session and recessed until morning.

November 3, 2018

The morning started with an Executive Session for the purposes of giving the law examination and interviewing applicants for licensure. Thereafter, Dr. Byron H. Black, made a motion to go into general session, which was seconded by Dr. Stan W. Kaczowski and unanimously passed.

The next order of business was a Memorandum of Understanding (MOU) concerning dental application number 2018-051 for an assessment/evaluation of the applicant's professional skills and knowledge and resulting procedures as the applicant has not practiced since graduation in 2013. Dr. Byron H. Black made a motion to approve the MOU, Mr. William E. Ford properly seconded the motion, which unanimously passed.

The next order of business was the approval of all other applicants appearing today and other reinstatements for licensure. Upon motion by Dr. Stan W. Kaczowski, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the board approved all other applicants for licensure pending completion of their applications as determined by the Board.

At this time the meeting was adjourned upon motion of Dr. Stan W. Kaczowski, properly seconded by Mrs. MaryBeth Shea, and unanimously passing, with the next regularly scheduled meeting scheduled for February 1 and 2, 2019, at the Charleston Town Center Marriott, Charleston, West Virginia.