

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - GENERAL SESSION

- Dates:** April 15 & 16, 2016
- Location:** Blennerhassett Hotel
320 Market Street
Parkersburg, WV 26105
- Members Present:** C. Richard Gerber, DDS, President
George D. Conard, Jr., DDS, Secretary
Byron H. Black, DDS
L. Edward Eckley, DDS (4/15)
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 (4/15)
- Board Counsel:** Betty A. Pullin, Assistant Attorney General
- Guests:** Parvati "Paru" Gopalan
Volunteer in Service to America (VISTA) AmeriCorps assigned to
Mid Ohio Valley Health Dept. through the WV Oral Health Coalition

April 15, 2016

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

The Budget Committee met to review the Fiscal Year 2017 budget and current financial statements. Recommendations to be made to the Board during general session.

The Personnel Committee met to review the employee performance and their salaries. Recommendations to be made to the Board during general session.

The Investigator Committee met to review resumes received for an Investigator position with recommendations to be made to the Board during general session.

April 16, 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 January & February, 2016 meetings. Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the minutes from the January meeting were approved as distributed. Upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the minutes from the February meeting were approved as distributed.

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

- American Association of Dental Boards
- Commission on Dental Competency Assessments
- Federation of Associations of Regulatory Boards
- Health Care Highlights (9 issues)
- National Practitioner Data Bank (3 issues)
- The Organization for Safety, Asepsis and Prevention (OSAP)
- West Virginia Dental Association

The next order of business was an update of the Expert Review Assessment program by the American Association of Dental Boards, which was taken for information purposes.

The next order of business were the winter actions of the Commission on Dental Accreditations. A 12 month Advanced Education in General Practice Residency at Cabell Huntington Hospital in Huntington, WV, has been approved with their next site visit to take place in 2017. The Mercer County Technical Education Center's dental assistant program was approved for re-accreditation with reporting requirements with their next site visit scheduled for 2022. West Liberty University's dental hygiene program is scheduled for an accreditation site visit in October, 2017.

The next order of business was a general legislative discussion and possible proposal of rules.

The following bills, signed by the Governor, were discussed:

HB4340 - Requiring a criminal history record check for initial licensure and that all completed disciplinary actions ordered be available to the public via the Board's website. Rules are

required to be file by the Board in order to implement the criminal history record check provisions of this bill. The West Virginia Association of Licensing Boards will be meeting with a representative of the WV State Police in regards to this new requirement and implementation of rules.

SB619 - Requires a sunset date be placed on rules for review every five years and a response to public comments on a proposed rule prior to filing the agency-approved rule to the Secretary of State.

SB627 - Permits physicians to decline prescribing controlled substances in certain circumstances and limits disciplinary action by a licensing board on a provider for declining to prescribe or continue to prescribe controlled substances in certain circumstances.

The following bills, vetoed by the Governor, were discussed:

SB159 - This is a rules bundle, which contained the Board's two proposed rules. Series 11 regarding continuing education and Series 13 regarding expanded duties.

SB658 - Allowed licensed professionals to donate time to the care of indigent and needy in a clinical setting and allowing for some of their donated time to be counted against continuing education hours.

Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczowski, and unanimously passed, the Board directed the Executive Secretary to re-file series 11 and 13 for the 2017 legislative session, should the bundle bill not be taken up and passed during a special session.

Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. Mary Beth Shea, and unanimously passed, the Board directed the Executive Secretary to file series 1 as a proposed rule changing the waiver of fee section for retired dentists to the waiver of fees for active duty military or accompanying spouse who are deployed outside the state.

The next order of business was an update by Evan Dewey concerning the progress of the new licensing software with GL Solutions, which was taken for information purposes at this time. GL Solutions will be providing all renewal processes; Dental, Hygiene, Anesthesia, Qualified Monitor, PLLC, and Corporations and applications for dental and hygiene licenses and CE course approval. While the contract interpretations have been debatable, we have been able to work through issues in house and plan on going live soon, which is an accomplishment. The warranty and maintenance may still be an issue. Evan is willing to get the advanced training to help offset any future maintenance costs, but there will be ongoing costs associated with the new system.

The next order of business was the Budget Committee report concerning the 2017 proposed budget and the financial reports for the third quarter of fiscal year 2016. Also, the PCard report for the period of January 2016 through March 2016. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the proposed budget for fiscal year 2017 was approved as recommended by the Budget Committee. The financial and PCard reports

were accepted as distributed as well, with all board members having the opportunity to review the PCard log, documentation and receipts at this time.

The next order of business was a report of the Investigator Committee. After the review of several more resumes the Committee recommended the Board interview two more candidates for investigator positions. The Board accepted the recommendation. The Committee directed the Executive Secretary to invite Dr. Anne Pallay and Dr. Roger Suter for interviews at the Board meeting in July.

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 discuss personnel matters, including but not limited to staff performance and salary increases of staff members.

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. Mr. Evan Dewey was no longer present at the meeting and Mrs. Susan Combs left the room. Thereafter, the Board came back into a general session upon motion by Mrs. Beverly L. Stevens, and properly seconded by Mrs. Mary Beth Shea, and unanimously passing. Mrs. Susan Combs re-entered the meeting.

At this time Dr. Charles L. Smith made a motion to increase each staff members salary by a total of 5% starting July 1, 2016, whether in conjunction with an across the Board increase or not, the total increase will not exceed 5%, for fiscal year 2017. Dr. Byron H. Black seconded the motion. The motion passed unanimously.

The next order of business was the traditional invitation from the West Virginia Dental Association inviting the Board to present a report to the Executive Council and Board members to attend the Executive Council meeting at 2:00 pm on Thursday, July 21, 2016. The Board President, at that time, will present a report to the Executive Council.

The next order of business were future meetings as follows:

- Anesthesia Committee Meeting - June 10, 2016
- WV Board of Dentistry - July 20-21, 2016
- American Association of Dental Administrators - October 16 & 17, 2016
- American Association of Dental Boards - October 18 & 19, 2016
- WV Board of Dentistry - Tentative Date - October 27-29, 2016

The Board confirmed the tentative dates set for their October meeting to be held in Morgantown or Clarksburg, WV. The Executive Secretary was directed to contact WVU to schedule the lunch and learn with the students on Thursday, October 27th with regular business conducted as usual on Friday and Saturday the 28th & 29th.

Members and staff planning to attend the American Association of Dental Boards annual meeting are Dr. Kaczowski, Dr. Gerber, Mr. Ford, Mrs. Stevens, Mrs. Pullin and Mrs. Combs.

The next order of business was the review of letters in correspondence with Dr. Allison Wilson regarding the 18 Delta Medical Sergeants Program, which were taken for information purposes.

The next order of business were letters concerning licensure mobility and clinical exams from the American Dental Association, Council on Dental Education and Licensure, and the American Dental Education Association. These letters were taken for information purposes at this time.

The next order of business was a report concerning the American Association of Dental Administrators and Dental Boards annual meetings in November 2015. The report was taken for information purposes at this time. However, the Board instructed the Executive Secretary to place some of the infection control components of the report in the Board's annual newsletter.

The next order of business was a question concerning Cone Beam Tomography and who may administer scans, the Board took this question for information purposes at this time.

The next order of business was the election of officers, which was tabled until Saturday's meeting.

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 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. Charles L. Smith, and properly seconded by Dr. Byron H. Black, and unanimously passing.

The next order of business was the consideration of all recommendations by the complaint committees of the Board. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Mrs. Mary Beth Shea, and unanimously passed, the Board approved all recommendations of the committees.

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. Charles L. Smith, and properly seconded by Dr. Byron H. Black, and unanimously passed, the Board went into executive session and recessed until morning.

April 16, 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 Mr. William E. Ford, III, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed, the board approved all applicants for licensure pending completion of their applications.

The next order of business was consideration of an application for licensure from Dr. Khalid Azzouz. After the review of his application and education credentials a motion was made by Charles L. Smith to deny the licensure application at this time as Dr. Azzouz does not currently meet the educational requirements for a license at this time. Dr. Byron H. Black seconded the motion with the motion unanimously passing.

The next order of business was consideration of applications for continuing education waivers from a dentist and two hygienists. A motion was made by Dr. Byron H. Black that the Board require more information from these licensees in order to make a determination for a waiver, including a statement from their physician, concerning their ability to practice and the Board will re-review their applications for a waiver at that time. Also, to recommend the licensees undertake to complete continuing education credits online for the past period, including the drug diversion training and best practice prescribing of controlled substances training (for the dentist), so they will not be too far behind, in case the Board denies their waiver requests. Dr. Charles L. Smith properly seconded the motion, which unanimously passed. The Executive Secretary was directed to correspond with the licensees as outlined in the motion.

The next order of business was the election of officers for the fiscal year 2017.

Dr. George D. Conard, Jr., nominated Dr. Charles L. Smith as Secretary. Dr. George D. Conard, Jr., moved the nominations for Secretary be closed. Dr. Byron H. Black seconded the motion, which unanimously passed. Dr. Charles L. Smith is elected as Secretary effective July 1, 2016.

Dr. George D. Conard, Jr., nominated Dr. Stanley W. Kaczkowski as President. Dr. George D. Conard, Jr., moved the nominations for President be closed. Mr. William E. Ford, III, seconded the motion, which unanimously passed. Dr. Stanley W. Kaczkowski is elected as President effective July 1, 2016.

At this time the meeting was adjourned with the next regularly scheduled meeting scheduled for July 20 & 21, 2016 at the Greenbrier Hotel, White Sulphur Springs, West Virginia.