

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - GENERAL SESSION

Dates: January 20 & 21, 2017

Location: Charleston Marriott
200 Lee Street East
Charleston, WV 25301

Members Present: Stanley W. Kaczowski, DDS, President
Charles L. Smith, DDS, Secretary
Byron H. Black, DDS
John E. Bogers, DDS
Mr. William E. Ford, III
Mary Beth Shea, RDH
Beverly L. Stevens, COMSA
Samuel V. Veltri, DDS

Members Absent: C. Richard Gerber, DDS

Staff Present: Mrs. Susan M. Combs, Executive Secretary
Mr. Evan M. Dewey, Administrative Assistant
Mr. Walt Williams, Investigator

Board Counsel: Ms. Betty A. Pullin, Assistant Attorney General

Guests Present: Dean Anthony T. Borgia, WVU School of Dentistry

January 20, 2017

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

Thereafter, the Board's President, Dr. Kaczowski, 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. Kaczowski, Dr. Black, Dr. Bogers, Mr. Ford, Mrs. Shea, Dr. Smith, Mrs. Stevens and Dr. Veltri. 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 Mrs. Beverly L. Stevens, and properly seconded by Dr. John E. Bogers, and unanimously passed, the minutes were approved as distributed.

The next order of business were future meetings including the April Mid-Year meeting of the American Association of Dental Boards and schedule of meetings of the West Virginia Board of Dentistry.

The next order of business were verbal testing agency meeting reports. Drs. Bogers & Kaczkowski and Mrs. Shea reported on the Council of Interstate Testing Agency and The Commission on Dental Competency Assessments meetings of last week. These reports were accepted for information purposes only.

The next order of business was a letter from the American Association of Orthodontists concerning the SmileDirectClub, Treatment and Business Model, which was taken for information only.

The next order of business was a letter from the American Association of Orthodontists requesting the Board require their clinical exam for specialty licensure in Orthodontics, which was taken for information only.

The next order of business was the consideration of dental hygiene reinstatement requirements. Mrs. Shea was tasked with reviewing the requirements of other states for hygiene reinstatement and come up with a proposal to implement in West Virginia. After discussion, Dr. John E. Bogers made a motion to table the discussion until the next meeting and requested Ms. Shea to speak to the directors of the dental hygiene schools in West Virginia concerning assessments of hygiene reinstatement applicants and the costs. Mrs. Beverly L. Stevens seconded the motion. The motion passed unanimously.

The next order of business was a general legislative discussion, a proposal from Dean Borgia, Dean of the School of Dentistry at WVU and Series 1 of the legislative rules. At this time the Dean appeared to discuss his proposal with the Board. It was determined any part of the Dean's proposal would need to be included in Series 1 of the legislative rules, which are currently going through the legislative process. Should an agreement come about between the Board and the Dean an amendment would be requested for the Board's rule. The discussion was tabled until Saturday so the Board could work on alternative language to the Dean's proposal.

The next order of business was information from the Environmental Protection Agency concerning Dental Effluent Regulations. The Board requested staff include this information in the fall newsletter.

The next order of business was a report for the months of October, November & December 2016, from Richard Hetke, Executive Director of the American Association of Dental Boards, which

was taken for information purposes only.

The next order of business were the financial reports for the second quarter of fiscal year 2017, and the PCard report, which includes the Ghost travel account, for the period of October through December, 2016. The financial and PCard reports were accepted as distributed, with all board members having the opportunity to review the PCard logs, documentation and receipts at this time.

The next order of business was an update by Evan Dewey concerning the progress of the licensing software with GL Solutions, which was taken for information purposes at this time.

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 were newsletters, which were taken for information purposes, from the following:

- Central Regional Dental Testing Service
- Commission on Dental Competency Assessments
- Federation of Association of Regulatory Boards - FARB Focus
- Health Care Highlights
- Oregon Board of Dentistry
- The Organization for Safety, Asepsis and Prevention (OSAP)
- Western Regional Exam Board
- 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. Charles L. Smith, and properly seconded by Dr. John E. Bogers, 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. Samuel V. Veltri, and unanimously passing.

The next order of business was a proposed Consent Decree and Order between the Board and Dr. Christy Kenna Fox (Case number 2015-DB-0055D-001). As recommended by the Complaint Committee, Mrs. MaryBeth Shea made a motion the Board approve the proposed action. Mr. William E. Ford, III, seconded the motion, the motion passed unanimously.

The next order of business was a proposed Consent Decree and Order between the Board and

Dr. David M. Ross (Case number 2015-DB-0045D). As recommended by the Complaint Committee, Dr. Byron H. Black made a motion the Board approve the proposed action. Dr. Samuel V. Veltri, seconded the motion, the motion passed unanimously.

The next order of business was a request by the Complaint Committee to amend the statement of charges in case number 2015-DB-0057D to include medicaid billing charges. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the Board voted to amend the statement of charges.

The next order of business was a proposed Consent Decree and Order between the Board and Dr. Arthur Yacenda (Case number 2016-DB-0035D). As recommended by the Complaint Committee, Dr. Charles L. Smith made a motion the Board approve the proposed action. Dr. Byron H. Black, 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 Mrs. MaryBeth Shea, and properly seconded by Dr. Samuel V. Veltri, and unanimously passed, the Board approved all other recommendations.

The next order of business was consideration of application number 2013-098. Dr. Charles L. Smith made a motion to close the application for a dental license, having been open for an extended period of time and having not met the requirements of the Board to date. Dr. Byron H. Black seconded the motion. The motion passed unanimously.

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 Mrs. Beverly L. Stevens, and properly seconded by Dr. Samuel V. Veltri, and unanimously passed, the Board went into executive session and recessed until morning.

January 21, 2017

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 Mrs. Beverly L. Stevens, and properly seconded by Mrs. MaryBeth Shea, 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. Byron H. Black, and unanimously passed, the board approved all applicants for licensure pending completion of their applications as determined during interviews.

The next order of business was consideration of a proposal requested by the Dean of the Dental School at WVU. At this time, the Board will only consider a portion of the proposal

concerning teaching permits with US specialty training. Dr. Byron H. Black made a motion to propose the Board request an amendment to Series 1 of the rules, currently going through the legislative process, to include the following:

4.2.1. Teaching Permits with U.S. Specialty Training. The Board of dentistry may issue a teaching permit to an applicant trained in foreign dental schools, but who possess a certificate of completed dental specialty training from a U. S. or Canadian dental school and who have received U. S. Board certification. The permit shall be issued only upon certification of the dean of a dental school located in this State that the applicant is a member of the staff at that school. The permits are valid for one year and may be reissued by the Board in its discretion with a written recommendation of the dental school dean. The holder of the permit may perform all operations which a person licensed to practice dentistry in this State may perform, but only within the confines of the primary location of the dental school, or teaching hospital adjacent to a dental school located within the state and as an adjunct to his or her teaching functions in the dental school.

Mrs. Mary Beth Shea seconded the motion. The Board voted unanimously to request this language as an amendment to their proposed rules, but only if it is agreed upon by the West Virginia Dental Association and the Dean of the Dental School.

At this time the meeting was adjourned with the next regularly scheduled meeting scheduled for March 31st and April 1st, 2017 at the Board office in Crab Orchard, West Virginia.