

# WEST VIRGINIA BOARD OF DENTISTRY

## MINUTES - GENERAL SESSION

- Dates:** October 22, 23 & 24, 2015
- Location:** West Virginia Board of Dentistry  
1319 Robert C. Byrd Drive  
Crab Orchard, WV 25827
- 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
- Board Counsel:** Betty A. Pullin, Assistant Attorney General

### October 22, 2015

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. Recommendations to be made to the Board during general session.

### October 23, 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, 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 July meeting. Upon motion by Mrs. MaryBeth Shea, and properly seconded by Dr. L. Edward Eckley, and unanimously passed, the minutes were approved as distributed.

The next order of business was a letter from the Board to Dr. E. Gordon Gee, President of West Virginia University regarding the upcoming CODA site visit at the WVU School of Dentistry for the purpose of accreditation. The board expressed concerns to Dr. Gee whether the school would pass accreditation. A follow-up letter from Dr. Gee expressed his commitment to resolving issues at the school. The letter from Dr. Anthony Borgia, Dean of the School of Dentistry, additionally expressed his efforts to ensure the board's concern is being properly addressed. The Board will continue to monitor this situation.

The next order of business was a settlement order between the New York State Attorney General and Aspen Dental. The Board's assigned attorney, Betty Pullin, explained the case to the Board and stated there did not appear to be a threat of this with Aspen Dental in West Virginia at this time. The Board accepted this for information purposes.

The next order of business were the rules that have been modified or finalized since the July meeting. Series 11 (Continuing Education) and 13 (Expanded Duties) are going through the rule making process at this time, having been modified at the request of the Legislative Rule Making Review Committee in September. Series 4 (Contested Case Hearing Procedures) was finalized with an effective date of September 1, 2015.

The next order of business was a general discussion, for information purposes, concerning the Southern Regional Testing Agency no longer giving the American Board of Dental Examiners (ADEX) exam.

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
- Dental Assisting National Board
- Federation of Associations of Regulatory Boards
- Health Care Highlights
- National Practitioner Data Bank
- Western Regional Examining Board
- West Virginia Dental Association

The next order of business were the financial report for the first quarter of fiscal year 2016, PCard report for the period of July through September 2015, and a copy of the PCard review report conducted by the PCard program's oversight team. These reports were accepted as distributed 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 verbal update by Evan Dewey concerning the progress of the new licensing software with GL Solutions.

The next order of business were future meetings as follows:

American Association of Dental Boards - November 3-4, 2015  
American Board of Dental Examiners - November 13-15, 2015  
WV State Auditor's Licensing Boards Seminar - December 1, 2015  
Commission on Dental Competency Assessments - January 14-16, 2016  
WV Board of Dentistry - January 21-23, 2016  
WV Dental Association - January 22-24, 2015  
Southern Conference of Dental Deans & Examiners - January 29-31, 2016  
Federation of Associations of Regulatory Boards - January 28-31, 2016  
American Association of Dental Boards - April 10-11, 2016  
WV Board of Dentistry - April 14-16, 2016  
WV Board of Dentistry - July 20-21, 2016  
Anesthesia Committee Calibration - TBA

Betty Pullin, Beverly Stevens and William Ford will attend the American Association of Dental Boards meeting and Susan Combs will attend this meeting as well as the American Association of Dental Administrators meeting.

The Board's April meeting will be changed to the 15<sup>th</sup> and 16<sup>th</sup> to be scheduled all day both days.

The next order of business was the Board's annual report for the fiscal years 2014 and 2015 which was distributed for information purposes only.

The next order of business was a letter of re-appointment from the Governor, appointing Dr. C. Richard Gerber to a second term with the Board which was distributed for information purposes only.

The next order of business was an update from the American Association of Dental Boards concerning the Assessment Services Program which was distributed for information purposes only.

The next order of business were the Exam Review Committee's State Reports from the Central Regional Dental Testing Service's Summer meeting which were distributed for information purposes only.

The next order of business was a report of unofficial major actions by the Commission on

Dental Accreditation during the Summer of 2015 which was taken for information purposes only.

The next order of business was a new ethics document from the American Dental Association concerning the Ethics of Charitable Events which was taken for information purposes only.

The next order of business was a letter from Susan Lilly concerning her retirement and resignation as a dental hygiene examiner for various testing agencies. Mrs. Lilly has dedicated herself to the dental community over two decades and the Board much appreciates her commitment to the integrity of board exams and the protection of the citizens of West Virginia. Dr. Gerber will send a letter thanking her for her service.

At this time, Dr. Dan Brody with Valley Health appeared before the Board concerning their desire to partner with The NYU Lutheran Dental Medicine for an AEGD Program in West Virginia. The program would be accredited by the Commission on Dental Accreditation with a target date of the first residency being in July 2017. The Board took this as information at this time.

The next order of business were recommendations by the Investigator Committee to hire Dr. Thomas Layne as an investigator for the Board and to interview Mr. Walter Williams about a possible position during the January 2016 meeting. A motion was made by Dr. Charles L. Smith to accept the recommendations of the committee. Dr. Stanley W. Kaczowski seconded the motion, the motion passed unanimously. Dr. Stanley W. Kaczowski made a motion that the Board send Dr. Layne to the Council on Licensure Enforcement and Regulation's investigator training program. Dr. Charles L. Smith seconded the motion, the motion passed unanimously. Dr. Charles L. Smith made a motion to request an interview during the January meeting with Mr. Walter Williams concerning a possible investigator position. Mrs. MaryBeth Shea seconded the motion, the motion passed unanimously. Mr. William Ford, Chair of the committee, will call Mr. Williams concerning his interest in the position and possible interview.

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. L. Edward Eckley, and properly seconded by Dr. George D. Conard, Jr., 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 a proposed Consent Decree and Order between the Board and Dr. Timothy M. Spears (Case numbers 2011-DB-0200D and 2013-DB-0018D). As recommended by the Complaint Committee, Dr. Byron H. Black made a motion the Board approve the proposed action. Dr. George D. Conard, Jr., seconded the motion, the motion passed unanimously.

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

Dr. Brett Z. Godlewski (Case number 2013-DB-0028D). 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 Order of Conditional Reinstatement between the Board and Dr. Bennett Alexander High (Case number 2014-DB-0022D). 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.

Dr. Charles L. Smith, made a motion to approve all other recommendations with the exception of Case number 2010-DB-0036D which is tabled until tomorrow's meeting. Mrs. MaryBeth Shea seconded the motion, the motion passed unanimously with Case number 2010-DB-0036D to be determined.

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. Stanley W. Kaczkowski, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the Board went into executive session and recessed until morning.

#### **October 24, 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 Mrs. Beverly L. Stevens, and properly seconded by Dr. Byron H. Black, and unanimously passed, the Board went into General Session.

During the interviews a concern arose concerning the Board's local anesthesia guidelines. Since these guidelines are not on the agenda for this meeting, Dr. Gerber appointed Drs. Kaczkowski and Smith along with Mrs. MaryBeth Shea to review the guidelines and report back to the Board in January.

The next order of business was the approval of all applicants for licensure, except applications submitted by Ms. Laura Passas and Ms. Tonya Ramsey. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Dr. Byron H. Black, and unanimously passed, the board approved all applicants for licensure pending completion of their applications, with the exception of reinstatement applications for Ms. Laura Pappas and Ms. Tonya Ramsey.

The next order of business was the reinstatement application of Ms. Laura Pappas. Mrs. MaryBeth Shea made a motion to require Ms. Pappas to submit 40 hours of continuing education and the appropriate reinstatement fees before reinstatement of her license. Dr. Stanley W. Kaczkowski seconded the motion, the motion passed unanimously.

The next order of business was the reinstatement application of Ms. Tonya Ramsey. Dr. Stanley W. Kaczkowski made a motion to require Ms. Ramsey to submit 40 hours of continuing education and the appropriate reinstatement fees before reinstatement of her license. Mrs. Beverly L. Stevens seconded the motion, the motion passed unanimously.

During the previous day's meeting, a complaint committee was unable to make recommendations on one their cases. This recommendation was made before entering into general session today. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passed to accept the recommendation.

The next order of business was a proposed Order of Conditional Reinstatement between the Board and Dr. Jeffrey Mark Lippitt (Case number 2010-DB-0036D). Mrs. Beverly L. Stevens made a motion to amend the action to allow Dr. Lippitt 90 days to pay his fines and costs instead of 30. Dr. Byron H. Black seconded the motion, the motion passed unanimously. Dr. Byron H. Black made a motion the Board approve the amended action. Dr. Stanley W. Kaczkowski, seconded the motion, the motion passed unanimously.

At this time the meeting was adjourned upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. Mary Beth Shea, and unanimously passing, with the next regularly scheduled meeting scheduled for January 21-23, 2016 at the Marriott Town Center, Charleston, West Virginia.