

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - GENERAL SESSION

Dates: November 3 & 4, 2017

Location: WV Board of Dentistry
1319 Robert C. Byrd Drive
Beckley, WV 25801

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
C. Richard Gerber, DDS
Mary Beth Shea, RDH
Samuel V. Veltri, DDS

Members Absent: Beverly L. Stevens, COMSA

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

Board Counsel: Ms. Katherine Campbell, Assistant Attorney General
Ms. Cassandra Means, Assistant Attorney General

November 3, 2017

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

The Personnel Committee met to review current staff and their salaries and possible hire of a new employee 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, Dr. Gerber, Mrs. Shea, Dr. Smith, 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 notices to the Secretary of State which was distributed for information purposes only.

The next order of business were the minutes from the July & September meetings. Upon motion by Dr. John E. Bogers, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the minutes were approved as distributed.

The next order of business were appointments to the Board made by Governor Justice. Dr. Charles L. Smith, Mrs. MaryBeth Shea, and Mr. William E. Ford, III, were all reappointed to the Board for a five-year term ending June 30, 2022.

The next order of business was a letter from Frank Recker & Associates in regards to dental specialty advertising. The Board instructed the Board staff to thank Mr. Recker for his letter and make him aware the Board will take the information under advisement and reassess our rules for future purposes. The Board will review any final ADA resolutions at the meeting in January 2018.

The next order of business was a general legislative discussion and a request from Legislature concerning SB619 concerning a rule making report and the Board response. The Board discussed the clinical examinations currently accepted for licensure. The Board President, Dr. Kaczowski, appointed a committee to review the language in the current rules concerning examinations and make any recommendations for changes to the Board. The Committee is comprised of Drs. Bogers, Gerber, and Veltri. Dr. Kaczowski will act as Ex-Officio. The Board took the legislative letter and Board response as information at this time.

The next order of business was information from the American Dental Association and the American Association of Oral & Maxillofacial Surgeons concerning the Academy of General Dentistry's statement concerning sedation, which was taken for information purposes only.

The next order of business were responses from the testing agencies to the ADA's talking points concerning a dental licensure objective structured clinical examination. The Board directed office staff to inquire if any resolutions concerning this examination were presented to the ADA House of Delegates during their meeting in October.

The next order of business were actions by the Commission on Dental Accreditation during August 2017, which were taken for information purposes only.

The next order of business was a report given by Mrs. MaryBeth Shea concerning the accreditation site visit at West Liberty in October. After discussions and motion by Dr. Charles L. Smith, and properly seconded by Dr. C. Richard Gerber, and unanimously passed, to send a letter to the dental hygiene program directors, based on accreditation requirements, it is necessary to utilize live patients in their bleaching curriculums.

The next order of business was a report for the months of July & August 2017, 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 first quarter of fiscal year 2018, and the PCard report, which includes the Ghost travel account, for the period of July to September 2017. Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Byron H. Black, and unanimously passing, 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 (CRDTS)
- The Organization for Safety, Asepsis and Prevention (OSAP)
- WV Board of Dentistry
- WV Dental Association

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

- WV State Auditor's Licensing Boards Seminar - November 2017
- Commission on Dental Competency Assessments - January 2018
- Council of Interstate Testing Agencies - January 2018
- WV Dental Association - January 2018
- Southern Conference of Dental Deans & Examiners - January 2018
- American Association of Dental Administrators - April 2018
- American Association of Dental Boards - April 2018
- WV Board of Dentistry Calendar

The next order of business was a report by Board Investigator, Dina A. Vaughan, BSDH, MS, concerning the use of therapy dogs, which was taken for information purposes at this time and will utilize for future reference.

The next order of business was an application for approval of an expanded duties course for

the restorative dental assistant from Rebecca Erwin, RDH, CDA, Putnam Career & Technical Center. After review of the course materials, it was determined the flouridation slide needed to be corrected, otherwise, the course is appropriate. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Charles L. Smith, and unanimously passing, the Board approved the course. The Board directed staff to inform Ms. Erwin to correct the slide in regards to flouridation.

The next order of business was a personnel committee report. 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 Mrs. MaryBeth Shea, properly seconded by Dr. Samuel V. Veltri, and unanimously passing, the Board went into an Executive Session for the purposes stated. Thereafter, the Board came back into general session upon motion by Dr. Charles E. Smith, properly seconded by Dr. Byron H. Black, and unanimously passing.

Dr. Charles L. Smith made a motion that the Board accept the report by the personnel committee, which includes hiring Betty Adkins as Board Counsel on a part-time basis and allowing Board staff to negotiate the terms of employment. This motion was properly seconded by Dr. Byron H. Black. After further discussions Dr. Smith amended his motion to limit the salary to no more than \$55,000 per year, Dr. Black agreed to the amendment, the amendment passed. The motion to hire Betty Adkins as Board Counsel on a part-time basis, allowing Board staff to negotiate the terms of employment, with a salary cap of \$55,000 per year, 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 review complaints and investigations.

Upon motion by Mrs. MaryBeth Shea, and properly seconded by Dr. Samuel V. Veltri, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board came back into a general session upon motion by Dr. Samuel V. Veltri, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing.

The next order of business was the consideration of disciplinary actions in Case #s 2015-DB-0057D & 2017-DB-0032D. Case # 2017-DB-0032D is currently scheduled for a hearing in November 2017. Dr. Byron H. Black made a motion to deny the request of the settlement proposed by the Respondent's Counsel in 2017-DB-0057D and to counteroffer a surrender with dismissal of the two new complaints in 2017-DB-0032D. Dr. Samuel L. Veltri seconded the motion, which unanimously passed.

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 Mrs.

MaryBeth Shea, and unanimously passed, the Board approved all other recommendations.

The next order of business was consideration of specialty application for Dr. Michael Cavender, which is a restoration of specialty after a previous approved request to withdraw specialty certification. Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Byron H. Black, and unanimously passed, the Board approved the restoration of specialty certification.

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. MaryBeth Shea, and properly seconded by Dr. Samuel V. Veltri, and unanimously passed, the Board went into executive session and recessed until morning.

November 4, 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. MaryBeth Shea, and properly seconded by Dr. C. Richard Gerber, 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. Samuel V. Veltri, 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 a recommendation by complaint committee concerning Case # 2017-DB-0025D. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Charles L. Smith, and unanimously passed, the Board approved the recommendation.

At this time the meeting was adjourned with the next regularly scheduled meeting scheduled for January 19 & 20, 2018 at the Marriott Hotel, Charleston, West Virginia.