

**WEST VIRGINIA BOARD OF DENTISTRY**

**MINUTES - GENERAL SESSION**

- Dates:** March 26, 27 & 28, 2015
- 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  
Mr. William E. Ford, III  
Stanley W. Kaczkowski, DDS  
Mary Beth Shea, RDH  
Charles L. Smith, DDS (1/17)  
Beverly L. Stevens, COMSA
- Staff Present:** Mrs. Susan M. Combs, Executive Secretary
- Board Counsel:** Mr. James M. Casey, Assistant Attorney General
- Guests Present:** Mr. Richard Stevens, WV Dental Association

**March 26, 2015**

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 2016 budget. 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.

**March 27, 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 October meeting and the minutes of the Personnel Committee from November. Upon motion by Dr. Stanley W. Kaczkowski, and properly seconded by Dr. Charles L. Smith, and unanimously passed, the minutes were approved as distributed.

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. 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 Mrs. MaryBeth Shea, and properly seconded by Dr. Stanley W. Kaczkowski, and unanimously passing.

The next order of business was a Legislative Update including all of the Board's rules that passed during the legislative session, procedural rules finalized, and other bills of interest passing or not passing during the session.

Series 9 - Procedural Rule - Final Filed

**BOARD RULES PASSED DURING LEGISLATIVE SESSION**

Series 1 - Rules for the Board

Series 2 - Authorization of PLLC

Series 6 - Authorization of Corporations; Practice Ownership

Series 15 - Recovery Networks

**OTHER BILLS OF INTEREST PASSING DURING SESSION**

HB2233 - Rules Review Bill

SB335 - Opioid Antagonist Bill

SB532 - Civil Liability for Medical or Dental Schools Bill

SB140 - Amending Administrative Procedures Act RE: Filing of Rules

SB199 - Bundled Rules Bill

**BILLS OF INTEREST NOT PASSING DURING SESSION**

HB2015 - Performance Review and Audit Bill

HB2103 - Criminal Background Bill

HB2239 - Umbrella Board/Creating Logistical Advisory Committee Bill

HB2727 - Exempting Health Care Providers from Licensure for Charity  
HB2737 - Prohibiting Licensure Boards From Hiring/Contracting Lobbyist  
SB96 - Selection of Hearing Examiners Bill

The next order of business were legislative proposals reviewed for the 2016 legislative which included the following:

- Series 11 - Continuing Education
  - Review Rule Language
  - Amendments Proposed in Numerous Sections
- Series 13 - Expanded Duties
  - Review Rule Language
  - Review Request Regarding Use of Lasers by Dental Hygienists
  - General Supervision - Language in 6.1(c)(15)
  - CE language in 6.1(a)(3) and 7.1(c)
- Series 15 - Recovery Networks
  - Review Rule Language
- Series 4 - Procedural Rule
  - Amend Board Name and Clean ups

Upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, the Board voted to file the proposed series 11 for a comment period.

Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. Stan W. Kaczowski, and unanimously passing, the Board voted to add a definition of "Screening" meaning a general assessment of oral health conditions not to be considered a comprehensive, periodic or limited exam; make changes in 5.1(g) and 6.1(c)(15) by striking through the words clinical examinations and inserting the word screenings; and removing endodontic cultures from these same sections.

There was no desire to change the continuing education language in 6.1(a)(3) and 7.1(c) of series 13.

The Board reviewed a letter from Dr. Bruce L. Cassis requesting the Board to consider allowing qualified dental hygienists to use laser technology for treatment of diseased periodontal tissues under direct supervision of their employer dentists. After discussion, the President of the Board appointed a committee to study/review the use of laser technology by qualified dental hygienists in the manner requested. Drs. Eckley & Kaczowski, and Mrs. MaryBeth Shea were appointed to the Committee. Also, the staff was directed to send a letter to Dr. Cassis requesting him send complete informative documentation in regards to the use of lasers by dental hygienists to allow the committee to include it in their review at least 30 days prior to the Board's July meeting and that he will be afforded approximately 15 minutes during the July meeting to make a presentation to the Board.

The Board reviewed a copy of series 15 of the rules concerning Dental Recovery Networks. Mr. Casey, the Board's Attorney, will review these rules for any necessary changes to propose.

The Board reviewed a proposed series 4, which are procedural rules for contested cases, amending the Board's name and a few minor clean ups. The Board directed the Executive Secretary to file the proposed procedural rule for comment.

The next order of business was information from the American Dental Association concerning a Community Dental Health Coordinator and the curriculum for a program for such coordinator. This was taken for information purposes at this time.

The next order of business was a policy concerning licensees who are charged with DUI. This new policy is as follows: First offense, the Board will obtain a copy of any assessments completed as a result of the offense and assign to a complaint committee. Second offense, will trigger an automatic referral to the Dental Recovery Network for an evaluation. Upon motion by Dr. Stan W. Kaczowski, and properly seconded by Dr. Byron H. Black, and unanimously passing, the policy was adopted by the Board.

The next order of business was a recent purchasing review and Board response, which was taken for information purposes.

The next order of business was a request from Dr. Michael Cavender to withdraw his specialty and practice as a general dentist in the State of West Virginia. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stan W. Kaczowski, and unanimously passed, the Board will allow the withdrawal of specialty licensure for Dr. Cavender.

The next order of business were future meetings of the American Association of Dental Boards, American Board of Dental Examiners, WV Board of Dentistry, and the Anesthesia Committee, which was taken for information purposes.

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

- American Board of Dental Examiners
- Dental Assisting National Board
- Federation of Associations of Regulatory Boards
- Health Care Highlights

The next order of business was information from Mr. Richard Stevens concerning DetaQuest and a general legislative discussion. Mr. Stevens presented the Board with a hand-out concerning nonprofit ownership of dental offices and a couple of options proposing changes to the Dental Practice Act that DetaQuest may be requesting during the 2016 legislative session. Mr. Stevens spoke to the Community Dental Health Coordinator and general legislative issues from the 2015 legislative session including Senate Bill 318 relating to payment of wages by employers.

The next order of business were appointments to regional board positions. Dr. Stan W. Kaczkowski will take the appointment as the Dentist member to the ADEX Dental Exam Committee and will be the House of Delegate member this year. The Commission on Dental Competency Assessments has appointed Mr. William E. Ford to the Ad Hoc Public Members Committee.

The next order of business was a press release from the American Board of Dental Examiners concerning the naming of Dr. Guy Champaine as the first Chief Executive Officer and Mr. Patrick D. Braatz as the first Chief Operating Officer to ADEX. This was taken for information purposes only.

The next order of business was information from the Southern Regional Testing Agency that the hygiene test being administered by SRTA in 2015 will be the SRTA test and a report of states accepting SRTA dental hygiene exams. This was taken for information purposes only.

The next order of business were the Purchasing Card and quarterly financial reports which were accepted as distributed.

The next order of business was the approval of the recommendations made during Executive Session. Upon motion by Dr. Stanley W. Kaczkowski, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing, the Board approved all recommendations during executive session.

The next order of business was a review of the Supreme Court Decision concerning the case of the North Carolina Board of Dental Examiners vs. The Federal Trade Commission. The Board's attorney discussed the effects of this decision on our Board and procedures the Board will take in the future of running things through the supervising Attorney General before taking actions to avoid antitrust liabilities.

The next order of business was a report from the Budget Review Committee and their recommendations to the Board. Dr. Charles L. Smith reported on the Board's finances in reviewing the financial reports provided to the Budget Committee. The Committee recommends information on how the Board's money is spent be reported in the newsletter. There was a discussion concerning the amount of money in the bank and having a target goal of retaining a reserve amount for catastrophic events. A report will be given to the Board during the July meeting concerning the reserve amount goal. Dr. Charles L. Smith made a motion to approve the proposed fiscal year 2016 budget, Dr. Stan W. Kaczkowski 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 discuss employee performance and/or salaries. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Dr. Stan W. Kaczkowski, and unanimously passing, the Board went into Executive Session. At this time Mr. Evan Dewey recused himself from the meeting. Thereafter the Board went back into General

Session upon motion by Dr. L. Edward Eckley, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing. At this time Mr. Evan Dewey rejoined the meeting. Mrs. MaryBeth Shea made a motion to increase Mr. Dewey's salary by 5% effective July 1, 2015, the motion was seconded by Dr. L. Edward Eckley, and unanimously passed.

The next order of business was the election of officers for the fiscal year 2016.

Dr. Byron H. Black nominated Dr. C. Richard Gerber for President, Dr. Stanley W. Kaczkowski seconded the nomination. Upon motion by Dr. George D. Conard, Jr., and a proper second by Dr. L. Edward Eckley, and unanimously passed, the nominations were closed and Dr. Gerber was elected President.

Dr. Stan W. Kaczkowski nominated Dr. George D. Conard, Jr. for Secretary, Dr. Byron H. Black seconded the nomination. Upon motion by Dr. Byron H. Black, and a proper second by Dr. Stan W. Kaczkowski, and unanimously passed, the nominations were closed and Dr. Conard was elected Secretary.

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 Mr. William E. Ford, and unanimously passed, the Board went into executive session and recessed until morning.

### **March 28, 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. L. Edward Eckley, and unanimously passed, the Board went into General Session.

The next order of business was the approval of all applicants for licensure. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Stan W. Kaczkowski, and unanimously passed, the board approved all applicants for licensure pending completion of their applications.

At this time the meeting was adjourned the meeting upon motion by Dr. L. Edward Eckley, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing, with the next regularly scheduled meeting scheduled for July 15 & 16, 2015 at the Greenbrier Hotel, White Sulphur Springs, West Virginia.