

# WEST VIRGINIA BOARD OF DENTISTRY

## MINUTES

- Dates:** April 26 & 27, 2019
- Location:** The Blennerhassett Hotel  
320 Market Street  
Parkersburg, WV 26101
- Members Present:** C. Richard Gerber, DDS, President  
Byron H. Black, DDS (4/26)  
John E. Bogers, DDS  
Mr. William E. Ford, III  
Mary Beth Shea, RDH  
Charles L. Smith, DDS  
Beverly L. Stevens, COMSA
- Members Absent:** Samuel V. Veltri, DDS, Secretary  
Stanley W. Kaczowski, DDS
- Staff Present:** Ms. Betty J. Adkins, Board Counsel  
Mrs. Susan M. Combs, Executive Secretary  
Mr. Evan M. Dewey, Administrative Assistant  
Mr. Walt Williams, Investigator (4/26)
- Guests Present:** Andrew Robey, Counsel for West Virginia University

### April 26, 2019

The Budget Committee met to review and oversee the Board's finances, including but not limited to expenses and revenue and the 2020 budget proposal. No decisions or votes were made.

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

The Personnel Committee met to discuss, consider, and make recommendations concerning current board staff employment, including but not limited to possible salary increases. No decisions or votes were made.

Thereafter, 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.

Bogers, Mr. Ford, Mrs. Shea, Dr. Smith, and Mrs. Stevens. Therefore, the meeting of the West Virginia Board of Dentistry was called to order.

The first order of business were the meeting notices to the Secretary of State which were distributed for information purposes only.

The next order of business were the minutes from February 2019, March, 2019, and the emergency meeting on April 17, 2019. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the February minutes were approved. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. John E. Bogers, and unanimously passed, the March 2019 minutes were approved. Upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the April 17, 2019, minutes were approved.

The next order of business was the recognition of Dental Anesthesiology as a dental specialty and recommendations by the Anesthesia Committee in regards to nasal naloxone and automated external defibrillators for all dental offices. The Anesthesia Committee recommends nasal naloxone be part of the emergency drug kit for all dental offices. Also, since AED's are part of the required healthcare provider CPR course, which is required for licensure, all dental offices should have an AED as part of their emergency equipment. Dr. Charles L. Smith made a motion to adopt the recommendations of the Anesthesia Committee, Mrs. Beverly L. Stevens seconded the motion, which passed unanimously. The Board will revisit the issue concerning the recognition of Dental Anesthesiology as a dental specialty at a later date.

The next order of business was a general legislative discussion, House and Senate Bills passed during the legislative session, bills vetoed, and proposed legislative rules 5CSR1 with alternative language for advanced training and 5CSR8 concerning advertising. After review of the proposed rule 5CSR1 and the alternative language for section 3.4, Dr. Charles L. Smith, made a motion to insert the language for 3.4 into the proposed rule, amend it by altering the end of the sentence with "from a U.S. or Canadian dental school accredited by the Commission on Dental Accreditation." and requesting permission from the Governor to put the rule out for comment. Dr. Byron H. Black seconded the motion, which unanimously passed. After a review of 5CSR8 Dr. Charles L. Smith made a motion the Board request permission from the Governor to put the rule out for comment. MaryBeth Shea seconded the motion, which unanimously passed.

The next order of business were regional board reports (verbal), issues and representations, which were taken for information purposes. Drs. Bogers & Kaczkowski will remain on the CITA Board of Directors, MaryBeth Shea will remain on the CRDTS Dental Hygiene, Exam Review Committee. No changes were made at this time to SRTA representatives with the merge of CITA and SRTA.

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 was an update by Evan Dewey concerning the licensing software with GL Solutions, and ongoing discussions of the new warranty contact, which was taken for information purposes at this time.

The next order of business was a Budget Committee report concerning the Board's finances, which appear to be adequate to conduct the legislatively mandated business of the Board, and the 2020 proposed budget. The committee will continue to be engaged with the staff in the review of financial and administrative processes. Also, the Board reviewed the financial reports, as well as the PCard report from January through April 2019, which includes the Ghost Travel report, with all board members having the opportunity to review the PCard logs, documentation and receipts at this time. Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Dr. Charles L. Smith, and unanimously passing, the Board accepted the Budget Committee, financial and PCard reports as distributed.

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

- American Board of Dental Examiners - August 2019
- American Association of Dental Administrators - TBA
- American Association of Dental Boards - TBA
- WV Board of Dentistry Calendar
- WV Dental Association - July 2019

The next order of business was a report from the Personnel Committee concerning current staff employment and possible salary increases. 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. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, the Board went into an Executive Session. Thereafter, the Board came back into general session upon motion by Mrs. MaryBeth Shea, properly seconded by Mrs. Beverly L. Stevens, and unanimously passing.

The Personnel Committee made the following recommendations to the Board:

- Replace the Office Manager, Carolyn Brewer, in the future;
- A 10% salary increase for Evan M. Dewey;
- A 7% salary increase for Susan M. Combs; and
- An increase to \$75 per hour for Betty J. Adkins.

Dr. Byron H. Black made a motion to increase the hourly pay for Ms. Betty J. Adkins to \$80 per hour. Mr. William E. Ford, III, seconded the motion, which passed unanimously. Dr. John E. Bogers made a motion to accept the recommendation of a 7% salary increase for Mrs. Susan M. Combs. Mrs. MaryBeth Shea seconded the motion, which passed unanimously. Dr. Byron H. Black made a motion to accept the recommendations of a 10% salary increase for Mr. Evan M. Dewey. Mrs. Beverly L. Stevens seconded the motion, which passed unanimously. These increases will be effective July 1<sup>st</sup>, 2019. Board staff was directed to look into the costs of a subscription to Westlaw or LexisNexis for Ms. Adkins as well.

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

- American Association of Dental Boards
- Dental Assisting National Board, Inc.
- WV Dental Association

The next order of business was information received regarding issues and concerns with mobile and portable dental units in areas where there are local dentists. The Board President directed the Executive Secretary to assign this matter to a complaint committee to determine if any laws or rules are being violated.

The next order of business was a discussion concerning teledentistry. Mrs. MaryBeth Shea will do some research in regards to teledentistry and Susan Combs will check with other states concerning their laws and rules to be reviewed by the Board at a later date.

The next order of business was Guidance on Developing Quality Interprofessional Education for Health Professions by The Health Professions Accreditors Collaborative and National Center for Interprofessional Practice and Education, which was taken for information purposes.

The next order of business was the election of officers for the fiscal year 2020.

Dr. John E. Bogers, nominated Dr. Samuel V. Veltri as President. Dr. Charles L. Smtih seconded the nomination. Dr. Charles L. Smith moved the nominations be closed, Mrs. Beverly L. Stevens seconded the motion, which unanimously passed. Dr. Samuel V. Veltri will be President starting July 1, 2019 through June 30, 2020.

Mrs. Beverly L. Stevens, nominated Mrs. MaryBeth Shea as Secretary. Dr. John E. Bogers seconded the nomination. Dr. Charles L. Smith moved the nominations for Secretary be closed, Mr. William E. Ford, III, seconded the motion, which unanimously passed. Mrs. MaryBeth Shea will be Secretary starting July 1, 2019 through June 30, 2020.

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.

Mrs. MaryBeth Shea made a motion to go into Executive Session, Mrs. Beverly L. Stevens seconded the motion, which unanimously passed. Thereafter, the Board came back into a general session upon motion by Mrs. Beverly L. Stevens, and properly seconded by Dr. Charles L. Smith, and unanimously passing.

As a result of a telephonic agreement on April 25, 2019, between Board counsel and counsel for the Respondent in Case Nos. 2017-DB-0022, 2017-DB-0038, 2018-DB-0003, 2018-DB-0008, and 2019-DB-0008, 2019-DB-0011, 2019-DB-0019, the complaint committee assigned to those cases tabled any discussions and decisions on them until the July Board meeting.

The next order of business was consideration of an amendment to the Consent Decree and Order in case number 2017-DB-0037D. The complaint committee in this case made a recommendation to the Board the amendment be approved, which would provide an alternative to part of the continuing education required in the original Consent Decree that could not be fulfilled. Dr. Charles L. Smith made a motion to accept the recommendations of the complaint committee. Mrs. MaryBeth Shea seconded the motion, which unanimously passed.

The next order of business was the consideration of all other recommendations by the complaint committees of the Board. Upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the Board approved all other committee recommendations.

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 and review complaints and investigations thereafter. Upon motion by Dr. Charles L. Smith, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the Board went into executive session and recessed until morning.

#### **April 27, 2019**

The morning started with an Executive Session for the purposes of giving the law examination and interviewing applicants for licensure. Thereafter, the Board came back into a general session upon motion by Mrs. Beverly L. Stevens, and properly seconded by Dr. John E. Bogers, and unanimously passing.

The next order of business was the approval of applicants appearing for reinstatements, permits or licensure. Mr. William E. Ford, III, made a motion all applicants appearing today, as part of their application process, be approved pending completion of their applications as determined during interviews with the exception of application number 2019-016 until further information is received for this application file. Mrs. MaryBeth Shea seconded the motion, which unanimously passed.

At this time the meeting was adjourned upon motion of Mrs. Beverly L. Stevens, properly seconded by Mrs. MaryBeth Shea, and unanimously passing, with the next regularly scheduled meeting scheduled for July 17 & 18, 2019, at The Greenbrier Hotel, White Sulphur Springs, West Virginia.