

## WEST VIRGINIA BOARD OF DENTISTRY

### MINUTES - GENERAL SESSION

- Dates:** July 20 & 21, 2016
- Location:** The Greenbrier Hotel  
300 West Main Street  
White Sulphur Springs, WV 24986
- Members Present:** Stanley W. Kaczowski, DDS, President  
Charles L. Smith, DDS, Secretary  
Byron H. Black, DDS  
George D. Conard, Jr., DDS  
Mr. William E. Ford, III  
C. Richard Gerber, DDS  
Beverly L. Stevens, COMSA
- Members Absent:** Mary Beth Shea, RDH
- Staff Present:** Mrs. Susan M. Combs, Executive Secretary  
Mr. Evan M. Dewey, Administrative Assistant
- Board Counsel:** Ms. Betty A. Pullin, Assistant Attorney General
- Guests Present:** Mike Brown, RPH, WV Dental Recovery Network  
Dr. Anthony Thomas Borgia, Dean, WVU School of Dentistry

#### July 20, 2016

The afternoon began with the giving of law exams and interviewing of the applicants as noticed to the Secretary of State's Office. Thereafter the complaint committees met with the Board's Counsel to review complaints and disciplinary matters. The budget committee met concerning the Board's finances with no decisions or votes being made. The Board conducted an interview for an investigator position with the Board with no decision or vote being made and adjourned thereafter.

#### July 21, 2016

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. Smith, Dr. Black, Dr. Conard, Dr. Gerber, Mr. Ford and 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 April meeting. Upon motion by Dr. Charles L. Smith and properly seconded by Dr. Byron H. Black, and unanimously passed, the minutes were approved as distributed.

The next order of business was the resignation of Dr. Ed Eckley from the Board. Dr. George D. Conard, Jr., made a motion to write Dr. Eckley and thank him for his service to the Board. The motion was seconded by Dr. Byron H. Black and unanimously passed. Also, the Board directed the Executive Secretary to approach Dr. Eckley about providing his expertise to the Board concerning Orthodontics.

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

- American Association of Dental Boards
- Commission on Dental Competency Assessments - June Forum Notes
- Dental Assisting National Boards
- Federation of Associations of Regulatory Boards
- National Practitioner Data Bank
- The Organization for Safety, Asepsis and Prevention (OSAP)
- Western Regional Examining Board
- West Virginia Dental Association (2 issues)

The next order of business was a report for the Month of June from Richard Hetke, Executive Director of the American Association of Dental Boards, which was taken for information purposes only.

The next order of business was information from the American Board of Dental Examiners (ADEX), American Dental Education Association (ADEA), American Dental Association (ADA), concerning positions on clinical examinations and the ADEX Curriculum Integrated Format (CIF) Examination, which was taken for information purposes at this time.

The next order of business were future meetings of the following entities: American Association of Dental Boards (AADB), October 2016; American Board of Dental Examiners (ADEX), August 2016; Central Regional Dental Testing Service (CRDTS), August 2016; Southern Regional Testing Agency (SRTA), August 2016, and WV Board of Dentistry's meeting calendar. Mrs. Beverly L. Stevens plans to attend the AADB meeting, Dr. Stan Kaczowski will be attending the ADEX meeting and Dr. Charles Smith and Mrs. Mary Beth Shea will be attending the SRTA meeting.

The next order of business were testing agency committee assignments for the Southern

Regional Testing Agency (SRTA) and Central Regional Dental Testing Service (CRDTS). Dr. Charles L. Smith will be appointed to the SRTA finance committee and Dr. C. Richard Gerber will be appointed to the strategic planning committee for the time being. The SRTA voting & proxy information was reviewed for the upcoming annual meeting. Dr. George D. Conard, Jr., will remain on the CRDTS steering committee until his replacement on the Board is appointed, and will be appointed to serve on the exam committee regardless of his Board status for the remaining current term and upcoming term. The Board will revisit the CRDTS steering committee and the SRTA strategic planning committee during the October meeting.

The next order of business was an update on Dental Therapy Accreditation from the Commission on Dental Accreditations, which was taken for information purposes at this time.

The next order of business was a required notification from the Joint Committee on National Dental Examinations regarding the implementation of the Integrated National Board Dental Examination, which will begin August, 2020. This notification was taken for information purposes at this time.

The next order of business were minutes from the May meetings of the West Virginia Association of Licensing Boards, which were taken for information purposes only.

The next order of business was a report from the Centers for Disease Control concerning the Ebola Response, which was taken for information purposes only.

The next order of business was the annual report of the Federation of Association of Regulatory Boards, which was taken for information purposes only.

The next order of business was a press release from the Federation of Association of Regulatory Boards concerning the Model to Address Antitrust Issues, which was taken for information purposes only. The Board requested the Executive Secretary to keep watching for any legislative movements that would effect the Board concerning these issues.

The next order of business was a letter from Dr. Bruce Cassis concerning any progress the Board may have made since his previous request concerning the use of lasers by hygienists. The Board has not changed its position in regards to the use of lasers by hygienists in West Virginia at this time. The Board directed the Executive Secretary to write Dr. Cassis and let him know and thank him for his inquiry.

The next order of business was the Budget Committee report, consisting of the approved 2017 expenditure schedule, cash-flow report, and the financial highlights for the fiscal year 2016. The Budget Committee requested Board staff to disclose financial information in the upcoming newsletter for transparency. Also, the Board reviewed the quarterly financial report and the Purchasing Card report from April to June 2016, which were accepted as distributed as well, with all board members having the opportunity to review the PCard log, documentation and receipts at

this time.

The next order of business was an investigative committee report. The Board interviewed an individual yesterday for an investigator position and the committee recommended the Board not hire her and to send a letter to thank her for participating in the interview. It is recommended the Board continue to search for qualified individuals for investigator positions. The Board accepted the committee's recommendations.

The next order of business was an update from Evan Dewey concerning the progress of the licensing software development by GL Solutions. At this time the employee turnover at GL Solutions has presented some obstacles and management continues to fight us on defects in the system. The agency partner from GL Solutions requested we hold off on any legal letters to address the issues until he could look at alternatives to correct the issues. Should GL fail to correct the issues with the system, Evan and the Board's counsel, Betty Pullin, will write a letter as a final attempt to mend the client vendor relationship prior to any legal actions.

The next order of business were the proposed rules series 1, which adds the requirement for criminal history background checks and updates a few other sections. The Board received one comment during the comment period concerning this rule from their Executive Secretary, Mrs. Susan Combs. Mrs. Combs commented concerning the language in section 10.10 of the proposed rule, which states "To avoid disqualification from licensure an applicant's criminal history record check must be unremarkable, and verified by a source acceptable to the Board, other than the applicant." Her comprehension of this language would mean an automatic disqualification from licensure. Mrs. Combs suggested the following language: "Should criminal offenses be reported on an applicants criminal history record check, the board will consider the nature, severity, and recency of offenses, as well as rehabilitation and other factors on a case by case basis for licensure. Criminal history record checks shall be verified by a source acceptable to the Board, other than the applicant." Dr. C. Richard Gerber made a motion to change the language as suggested by Mrs. Combs in the agency approved filing, Dr. Byron H. Black seconded the motion, the motion passed unanimously.

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.

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. Byron H. Black, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board came back into a general session upon motion by Dr. C. Richard Gerber, and properly seconded by Dr. Charles

L. Smith, and unanimously passing.

The next order of business was a presentation by Mike Brown, RPH, Executive Director of the WV Dental Recovery Network (DRN) concerning the 1<sup>st</sup> year activities of the DRN. Mr. Brown reported the DRN has been successful during its first full year of service and the DRN Board now has two dental appointments, a dentist and dental hygienist.

The next order of business was the appearance of Dr. Tom Borgia, Dean of the West Virginia University, School of Dentistry. Dr. Borgia appeared to update the Board concerning the recent accreditation site visit, as well as financial information, grant opportunities, need for renovations of the dental school, and ways to allow foreign trained dental students to enter into a post graduate program, foreign trained dentists to become faculty, or obtain teaching permits with or without post graduate specialty training. The school passed their accreditation site visit with full accreditation with no reporting requirements. Opportunities maybe presenting themselves to put the dental school in a better financial status. It is possible that opportunities for public health studies will be available in the future. The Board instructed the Executive Secretary to obtain information from the American Association of Dental Administrators to gather information from other states in regards to permits for foreign trained students or dentists for the October meeting.

At this time the President announced the need to return to 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. C. Richard Gerber, 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 Dr. Byron H. Black, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing.

The next order of business was the consideration of disciplinary action by way of Board Order upon the recommendation of the Hearing Examiner in case number 2015-DB-0037D. Upon motion by Dr. Charles L. Smith, and properly seconded by Dr. C. Richard Gerber, and unanimously passing, the Board adopts the Hearing Examiners recommendations with the following modification: The Board modifies the discipline recommended by the Hearing Examiner only as to when the period of suspension imposed is to begin. The Hearing Examiner recommended that the period of suspension to be imposed upon entry of the Board's decision. The Board recognizes the need for the Respondent to prepare his office and staff on the status of his practice during the suspension period, and for him to secure another dental professional to treat his patients, especially in cases of emergencies, during that time. Suspension will begin at 12:01 a.m., on the third day following service of the Board's decision upon the Respondent. Once the final order is signed by the President of the Board it will be delivered upon the respondent.

The next order of business was the consideration of disciplinary actions by way of Consent Decree and Orders for the following cases: 2015-DB-0054D; 2015-DB-0055D-02; 2015-DB-

0062D. Upon motion by Dr. Byron H. Black, and properly seconded by Dr. Charles L. Smith, and unanimously passing, the Board approved the Consent Decree and Orders in these cases.

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

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

The next order of business was consideration of applications for continuing education waivers from a dentist and two hygienists. The dentist has made attempts to comply with the request of the Board from the April meeting. The Executive Secretary was directed to write the dentist and inform him he has been granted a partial waiver of continuing education from the past reporting period due to his medical condition. A total of 16 hours, of which a portion has already been completed, is due within 90 days of the letter. Future waiver requests will not be considered without a written statement from his physician concerning his medical conditions and ability to practice. The Board directed the Executive Secretary to write the two dental hygienists, that due to no response from them in regards to the Board's request from the April meeting, the Board is denying their continuing education waivers until a statement from their physician is received concerning their medical conditions and ability to practice. They will have six months from the date of the letter to complete the required 20 hours for the past period and will not be applicable to the current ce period. Failure to comply will force the Board to take appropriate actions to revoke or suspend their licenses.

The President of the Board requested to revisit the investigator committee report and the search for investigators for the Board. Dr. George D. Conard, Jr., has been a member of the Board for 4 terms, a total of 20 years, and has expressed an interest in becoming an investigator for the Board once his replacement is appointed. Dr. Byron H. Black made a motion to hire Dr. Conard as an investigator for the Board, in the same manner as the current investigators, once his replacement is appointed to the Board. Dr. Charles L. Smith seconded the motion which unanimously passed.

The next order of business was a review of the suggested best practice for prescribing opioids in West Virginia as released by the West Virginia Attorney General. Upon motion by Dr. C. Richard Gerber, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the Board voted to commend the Attorney General for his efforts in an attempt to curb opioid abuse in our state.

The next order of business was a drafted policy regarding protocol for retiring dentists or closing a dental practice. Dr. Byron H. Black made a motion to rename the document "suggested protocol for retiring dentists or closing a dental practice" and place the same on the Board's website. Mrs. Beverly L. Stevens seconded the motion, which unanimously passed.

At this time the meeting was adjourned with the next regular meeting scheduled for October 28, & 29, 2016, at the Hilton Garden Inn, Clarksburg, West Virginia.