

# WEST VIRGINIA BOARD OF DENTISTRY

## MINUTES - GENERAL SESSION

**Dates:** July 19 & 20, 2017

**Location:** The Greenbrier  
300 West Main Street  
White Sulphur Springs, WV 24986

**Members Present:** Stanley W. Kaczowski, DDS, President  
Byron H. Black, DDS  
Mr. William E. Ford, III  
C. Richard Gerber, DDS  
Mary Beth Shea, RDH  
Beverly L. Stevens, COMSA

**Members Absent:** John E. Bogers, DDS  
Charles L. Smith, DDS  
Samuel V. Veltri, DDS

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

**Board Counsel:** Ms. Betty A. Pullin, Assistant Attorney General

### July 19, 2017

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.

### July 20, 2017

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, Mr. Ford, Dr. Gerber, Mrs. Shea & 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 March 31/April 1, 2017, meeting. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passed, the minutes were approved as distributed.

The next order of business were future meetings including the Executive Council meeting of the WV Dental Association (WVDA), American Board of Dental Examiners (ADEX) and the Central Regional Dental Testing Services (CRDTS) both set for August 2017, annual meetings of the American Association of Dental Administrators (AADA) and American Association of Dental Boards (AADB) in October, Southern Conference of Dental Deans & Examiners in January 2018, and schedule of meetings of the West Virginia Board of Dentistry. Dr. Kaczowski will attend the ADEX meeting. Dr. Veltri will attend the CRDTS meeting. Mrs. Combs will attend the AADA meeting in October. Mrs. Combs and Mr. Ford will attend the AADB meeting in October. The Board's meeting in January has been scheduled at the Charleston Marriott. A spring meeting will be scheduled in the near future. The Board requested Mrs. Combs to look into having the spring meeting at Glade Springs.

The next order of business was a general legislative discussion as well as acceptance of State and/or Regional Boards and the final filings of series 1 and 9 of the Board's rules. The Board was updated on the steps that have been taken in order to implement background checks for initial licensure applicants included in series 1. The Board discussed the acceptance of the clinical boards accepted for licensure with no decisions being made to propose any changes at this time. The Board also discussed the illegal practice of dentistry only being a misdemeanor.

The next order of business were the monthly reports received from Richard Hetke, Executive Director of the American Association of Dental Boards, which were taken for information purposes only.

The next order of business was an action by the Federal Trade Commission against the Louisiana Real Estate Appraisers, which was taken for information purposes only.

The next order of business was a decision concerning advertising regulations of the Texas Board of Dentistry by the US Court of Appeals 5<sup>th</sup> Circuit, which was taken for information purposes only.

The next order of business was information from the AADB and the ADA concerning the ADA proposal to develop a national objective structure clinical examination, which was taken for information purposes at this time.

The next order of business was information from the ADA concerning the proposed new American Dental Association Agency to Recognize Dental Specialties and Certifying Board, which

was taken for information purposes at this time.

The next order of business was a report given by Dr. Byron H. Black on behalf of the Anesthesia Committee concerning their review of the revised ADA guidelines on the teaching and use of dental sedation as well as some committee evaluation scheduling issues. The Anesthesia Committee voted to seek no legislative changes in response to the revised guidelines. The oral sedation course given by the Dental Organization for Conscious Sedation will no longer be acceptable for a class 3A permit, but will be accepted for a class 2. The education requirements for a class 3A permit increased to 60 hours with 20 patient cases. Also, capnography/end-tidal CO2 is now required for class 3 and 4 permit holders. Dr. Black will speak with the committee members about proper scheduling of evaluations.

The next order of business was information from the AADB concerning their continuing education tele-seminar program, which was taken for information purposes.

The next order of business were the budget committee and financial report for the 4<sup>th</sup> quarter of fiscal year 2017, Expenditure Schedule for fiscal year 2018 and the PCard report, which includes the Ghost travel account, for the period of March through June 2017. The Board accepted the Budget Committee, financial and PCard reports 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 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 progress of the licensing software with GL Solutions, which was taken for information purposes.

The next order of business were regional board appointments and nominations to the Board of Directors of the AADB. The Southern Regional Testing Services appointments will remain the same as they are currently. Dr. Gerber on the Board of Directors, Dr. Smith on the Dental Exam Committee, and Mrs. Shea on the Dental Hygiene Exam Committee. No nominations were suggested for the AADB.

The next order of business was a letter from Dr. David Bridgeman concerning the implementation of criminal background checks and upcoming continuing education clinics planned to be held at the WVU, School of Dentistry and a response prepared and sent to Dr. Bridgeman by the Executive Secretary, Mrs. Combs. The letter and response was taken for information purposes.

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

American Association of Dental Boards  
Oregon Board of Dentistry  
The Organization for Safety, Asepsis and Prevention (OSAP)  
West Virginia Dental Association

The next order of business was a discussion concerning personnel issues and Attorney General assignments. At this time the Board's counsel informed the Board she has resigned her position with the AG's office and her last day is tomorrow, the 21<sup>st</sup> of July. The President and Board staff will continue to have discussions concerning the AG assignment and personnel issues. An update will be given during the November meeting or a meeting called prior to November if necessary.

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, investigations and consider applicants for licensure.

Upon motion by Dr. C. Richard Gerber, 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 Mrs. MaryBeth Shea, and properly seconded by Dr. Byron H. Black, and unanimously passing.

The Board considered disciplinary actions in case #s 2015-DB-0037D and 2017-DB-0020D. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the Board voted to dismiss the charges and hearing cancelled in case 2017-20 if all ordered requirements in case 2015-37 are complied with by the end of the probationary period.

The Board considered disciplinary actions in case #2015-DB-0057D. The complaint committee recommended the approval of a Consent Decree and Order in this case. Upon motion by Dr. C. Richard Gerber, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, the Board approved the recommendations by the committee.

The Complaint Committee in case #s 2016-DB-0001D and 2016-DB-0011D requested a six extension of the time-frame for a final ruling for these cases. The Board being the complainant in these cases and upon motion by Dr. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, a six month extension was approved for both cases.

The next order of business was dental application number 2017-14. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, this applicant was denied licensure as a dentist in the State of West Virginia due to revocation of

licensure in the State of Texas which was based upon Proposal for Decision by an Administrative Law Judge of the Texas Office of Administrative Hearings.

Upon motion by Mrs. MaryBeth Shea, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, all other applicants interviewed for licensure were approved pending completion of their applications.

The next order of business were recommendation from the complaint committee reviewing the CE audit. Recommendations were specifically made on how those failing the audit should come into compliance. Upon motion by Dr. Byron H. Black, and properly seconded by Mrs. MaryBeth Shea, and unanimously passing, the Board accepted the recommendations.

At this time the meeting was adjourned with the next regularly scheduled meeting scheduled for November 3 & 4, 2017, at the Hilton Garden Inn, Clarksburg, West Virginia.