

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES

- Dates:** October 22 & 23, 2021
- Location:** Stonewall Resort
940 Resort Drive
Roanoke, WV 26447
- Members Present:** Samuel V. Veltri, DDS, President
MaryBeth Shea, RDH, Secretary
John E. Bogers, DDS
David G. Edwards, DDS
Lewis D. Gilbert, DDS
Stan W. Kaczkowski, DDS
William A. Klenk, DDS
Beverly L. Stevens, COMSA
- Staff Present:** Mrs. Susan M. Combs, Executive Director
- Board Counsel:** Ms. Joanne Vella, Assistant Attorney General (10/22)
- Guests Present:** Jason Roush, DDS, State Dental Director (10/23)
Richard Stevens, West Virginia Dental Association (10/23)

October 22, 2021

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

The Board's President, Dr. Veltri, determined this meeting was properly noticed with the Secretary of State's office and a sufficient number of members were in attendance to constitute a quorum. The quorum was determined by the presence of the eight sitting Board members. 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 July meeting. Upon motion by Dr. David G. Edwards, and properly seconded by Dr. William A. Klenk, and unanimously passing the minutes were approved.

The next order of business was information from the American TeleDentistry Association concerning the Best Practices for Teleorthodontic Treatment, which was reviewed and taken for information purposes at this time.

The next order of business was information from the American Association of Orthodontists concerning resources for teledentistry, which was reviewed and taken for information purposes at this time.

The next order of business was an agreement between the Federal Trade Commission and the Alabama Board of Dentistry concerning the Alabama TeleDentistry rule, which was reviewed and taken for information purposes at this time.

The next order of business was a letter from Dr. Kevin C. Lucky concerning the scope of practice of dentistry in West Virginia and the use of a specific laser and certain treatments. The Board reviewed the letter and information and recommends a response be sent referring Dr. Lucky to §30-4-9 of the dental practice act and to use his professional judgement when considering new treatments.

The next order of business was a letter from Mr. CJ DeBerg concerning the scope of practice of dentistry in West Virginia and the use of a specific laser. The Board reviewed the information from Mr. DeBerg and recommends a response be sent to him referring him to §30-4-9 of the dental practice act and recommend West Virginia dentists use their professional judgement when it comes to any new treatments and treatment modalities.

The next order of business were general legislative discussions, including a review of rules as modified during the September Legislative Interim meeting of the Rule Making Review Committee as well as requested modification in 5CSR 16, Teledentistry rules, to be reviewed during a future Interim meeting. Mrs. Beverly L. Stevens made a motion to approve the requested modifications, Mrs. MaryBeth Shea seconded the motion, which unanimously passed. The Board reviewed House Bill 2877, which passed during the 2021 Legislative Session, for possible future rule-making, which the Board took for information purposes at this time.

The next order of business were recent actions of the Commission on Dental Accreditations, which the Board took for information purposes at this time.

The next order of business was a State of States report by the Dental Assisting National Board concerning dental assisting requirements across the country, which was taken for information purposes at this time.

The next order of business was a report of the Annual Meeting from the American Board of Dental Examiners, Inc., which was taken for information purposes at this time.

The next order of business were regional board issues, reports, recommendations and/or representation, which was taken for information purposes at this time.

The next order of business were future meetings. The American Association of Dental Administrators and the American Association of Dental Boards will have their meetings on a virtual platform on October 29th and October 30th & 31st respectively. The Board will hold it's Spring meeting on April 1 & 2nd, 2022, in the Huntington area.

The next order of business was a request from Putnam Career & Technical Center to approve their coronal polishing course. After review of the course, Mrs. MaryBeth Shea made a motion to approve the course. Dr. William A. Klenk seconded the motion, which unanimously passed.

The Workforce Survey of Dentists & Hygienists will be discussed during tomorrow's meeting when Dr. Roush is present.

The next order of business were the financial reports, as well as the PCard report from July through October 2021, which includes the Ghost Travel report. At this time all board members had the opportunity to review the PCard logs, documentation and receipts. Upon motion by Dr. John E. Bogers, and properly seconded by Dr. Lewis D. Gilbert, and unanimously passing, the Board accepted the financial and PCard reports as distributed.

The next order of business was an update concerning the licensing software development with GL Solutions. Meetings with GL are held on a regular basis. A new contract with GL will be required and the Executive Director will be working on that starting soon. The Board was informed it may be necessary to agree to their Simple Plan for a year or two in order to get several projects done and save some money instead of having projects done at an hourly rate. This will depend on purchasing requirements. The Board agreed the Simple Plan may be the best route to take since there are several applications needing to be completed for online access.

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 minutes; safety policy; and workplace security.

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

- American Association of Dental Boards
- Central Regional Dental Testing Services, Inc.
- WV Dental Association

The next order of business was consideration of a return to in-person interviews. After a short discussion the Board chose to continue with virtual interviews for the time being.

The next order of business was the Annual Report submitted to the Governor and Legislature, which was taken for information purposes only.

The next order of business were the Performance Measures quarterly report from the Dental Recovery Network, which were taken for information purposes at this time.

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 seek legal counsel, review complaints, investigations, and licensure applications. Mrs. MaryBeth Shea made a motion to go into Executive Session, Dr. William A. Klenk seconded the motion, which unanimously passed. Dr. Samuel V. Veltri recused himself during certain discussions during Executive Session and from the voting thereon. Thereafter, the Board came back into general session upon motion by Dr. Stan W. Kaczkowski, properly seconded by Dr. Lewis D. Gilbert, and unanimously passing.

The next order of business was consideration of complaint committee recommendation of probable cause for violations of the standard of care, dental practice act, Board rules, etc. in complaint number 2020-DB-0027D. Upon motion by Dr. John E. Bogers, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing, the Board approved the recommendation.

The next order of business was consideration of complaint committee recommendations of recent evaluation and inspection of 3A permit # 148. The committee reported to the Board the licensee was lacking proper emergency drugs, the Executive Director had informed the licensee he was to do no sedation procedures until such time the drugs were obtained and proof was submitted to the Board office. The committee recommended a formal Cease and Desist of sedation procedures be issued if all of the emergency drugs are not acquired by Monday, October 25, 2021. Dr. William A. Klenk made a motion to approve the recommendations. Mrs. MaryBeth Shea seconded the motion, which passed unanimously.

The next order of business was the consideration of all other recommendations by the complaint committees of the Board. Upon motion by Dr. Stan W. Kaczkowski, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passed, the Board approved all other committee recommendations.

At this time the Board recessed until tomorrow morning.

October 23, 2021

The meeting was called to order by Dr. S. Vincent Veltri, President of the Board, with a quorum of the members in attendance.

The next order of business was consideration of the workforce survey of dentists and hygienists. Dr. Jason Roush, discussed with the Board the results of the most recent survey and ways to obtain a better response rate. Dr. Roush discussed requiring certain workforce survey questions be added to the licensure renewal forms and online renewal forms. The Board will consider this for the 2023 renewals.

Dr. Roush discussed medicaid issues as well as placing an epidemiologist on staff with the Board, who would be paid by and housed with the DHHR.

At this time the President requested the Board revisit general legislative discussions, in particular 5CSR16, TeleDentistry rules. Yesterday the Board approved modifications requested by Legislative Staff. However, the Board should make modifications to the current emergency rules, if allowed. Dr. Stan W. Kaczkowski, made a motion to make the same modification to the current emergency rules, if allowed. Mrs. Beverly L. Stevens seconded the motion, which unanimously passed.

At this time the Board adjourned upon motion by Dr. David G. Edwards, properly seconded by Dr. Lewis D. Gilbert and unanimously passing with the next regular meeting scheduled for January 201 and 21, 2022, at Stonewall Resort in Roanoke, West Virginia.