

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES

- Dates:** July 22 & 23, 2021
- Location:** The Greenbrier
300 West Main Street
White Sulphur Springs, WV 24986
- 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. Cassandra L. Means-Moore, Assistant Attorney General
(July 22, 2021)

July 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 April and June meetings. Upon motion by Dr. Stan W. Kaczkowski, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing the minutes were approved.

The next order of business was a notification of Board member appointments by Governor Justice. Drs. John E. Bogers, II and Samuel Vincent Veltri were both re-appointed to another five-year term on the Board. The notification was taken for information purposes.

The next order of business was information from the Academy of Laser Dentistry concerning public safety information during the Covid19 pandemic, which the Board took 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. Stan W. Kackowski 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. Lewis D. Gilbert, properly seconded by Mrs. MaryBeth Shea, and unanimously passing.

The next order of business was general legislative discussions, including a review of the proposed rules and comments received concerning the proposed rules as follows:

Rule 5CSR1 - Rule for the West Virginia Board of Dentistry. The Board received one comment in regards to this rule. The Board reviewed the comment. However, the Board believes education from a Commission on Dental Accreditation accredited program is necessary to protect the public. Dr. John E. Bogers made a motion to file the agency approved rule as initially proposed. Dr. William A. Klenk seconded the motion, which unanimously passed.

Rule 5CSR2 - Formation and Approval of PLLCs - The Board received no comments in regards to this rule. Mrs. MaryBeth Shea made a motion to file the agency approved rule as initially proposed. Dr. Stan W. Kackowski seconded the motion, which unanimously passed.

Rule 5CSR6 - Formation and Approval of Dental Corporations; Dental Practice Ownership. The Board received no comments in regards to this rule. Dr. John E. Bogers made a motion to file the agency approved rule as initially proposed. Dr. William A. Klenk seconded the motion, which unanimously passed.

Rule 5CSR11 - Continuing Education - This rule was moved to the bottom of the topic list.

Rule 5CSR12 - Administration of Anesthesia by Dentists - The Board received no comments in regards to this rule. However, there was a discussion concerning addressing the time-frame in which a re-evaluation or re-inspection of a failure should be scheduled and completed. Dr. Lewis D. Gilbert made a motion to add the following language to the rule: The subcommittee team shall schedule the reevaluation within ninety days of receipt of the request and shall complete the evaluation within one hundred fifty days of receipt of the request. Mrs. Beverly L. Stevens seconded the motion, which unanimously passed.

Rule 5CSR13 - Expanded Duties of Dental Hygienists and Dental Assistants - This rule was moved to the bottom of the topic list.

Rule 5CSR16 - Teledentistry - The Board received three comments in regards to this rule. After consideration of the comments Dr. William A. Klenk made a motion to file an agency approved rule and making the changes suggested in the comments by changing in section 4.2. dentist-patient to practitioner-patient, the time-frame for an exam by a dentist from six months to twelve, to define practitioner in the definitions of the rule, and remove section 4.10.c. from the rule. Mrs. Beverly L. Stevens seconded the motion, which unanimously passed. Mrs. Beverly L. Stevens made a motion to make the same changes and file an amended emergency rule for the teledentistry rule. Dr. Lewis D. Gilbert seconded the motion, which unanimously passed.

The next order of business was an update concerning the licensing software development with GL Solutions and the new phone system. 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 this summer or fall. 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 project done at an hourly rate. This will depend on purchasing requirements.

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 the financial reports, as well as the PCard report from March through July 2021, which includes the Ghost Travel report, and the 2023 appropriation request. 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. William A. Klenk, and unanimously passing, the Board accepted the financial and PCard reports and information concerning the appropriation request as distributed.

The next order of business was a memo from Ann Urling, Deputy Chief of Staff for the Governor, and the Board's response concerning the expenditure of federal funds from the Coronavirus Response and Relief Supplemental Appropriations Act, the American Rescue Plan. The Board did not receive any funds from the federal government and was not notified it would receive any funds. This was taken for information purposes at this time.

The next order of business was the published Code of Professional Conduct by The Organization for Safety, Asepsis and Prevention, The Dental Assisting National Board, and The Dental Advancement through Learning and Education Foundation, which was taken for information purposes.

The next order of business were Regional Board issues, reports and membership representation information, which included information from the Commission on Dental Competency Assessment and the Western Regional Examining Board and their intention to combine as one organization. The American Board of Dental Examiners meeting will take place August 5-6, 2021.

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

Southern Regional Testing Agency - August 5 - 7, 2021

Central Regional Dental Testing Service - August 28, 2021

American Association of Dental Administrators - October 28 & 29, 2021

American Association of Dental Boards - October 30 & 31, 2021

WV Board of Dentistry Calendar of meetings. The Board would like to hold their January meeting on a Thursday and Friday in 2022 the same weekend as the Dental Association.

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

American Association of Dental Boards 133rd Bulletin

Central Regional Dental Testing Services, Inc.

WV Dental Association (2)

The next order of business was consideration of Consent Order in Case number 2021-DB-0005D. Upon motion by Dr. Lewis D. Gilbert, and properly seconded by Dr. John E. Bogers, and unanimously passing, the Board approved the Consent Order.

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

Mrs. MaryBeth Shea made a motion the Board recess until tomorrow morning. Mrs. Beverly L. Stevens seconded the motion, which unanimously passed.

July 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 a continuation of the general legislative discussion, which included the remaining rules.

5CSR11 - Continuing Education - The Board received no comments in regards to this rule. There had been discussion at the last meeting of the Board to seek information on the number of CE credits other states require and consider increasing the number required for West Virginia dentists and hygienists. After consideration Dr. John E. Bogers made a motion to leave the number of CE hours required the same as they are now. Dr. William A. Klenk seconded the motion, which unanimously passed. Mrs. Beverly L. Stevens made a motion to file an agency approved rule as initially proposed. Mrs. MaryBeth Shea seconded the motion, which unanimously passed.

5CSR13 - Expanded Duties of Dental Hygienists and Dental Assistants - The Board received one comment regarding this rule. After consideration of the comment Mrs. Beverly L. Stevens made

a motion to amend the language regarding the use of lasers by a hygienist to read as follows: Use of a laser, provided the wavelength is limited to no higher than 1064 nanometers, for laser bacterial reduction, laser assisted periodontal therapy, other non-surgical periodontal therapeutic treatments, photobiomodulation (adjunctive low level laser therapy) and treatment of herpetic lesions and aphthous ulcers after successful completion of a board-approved course and under the direct supervision of a licensed dentist. And to remove dental diode from other sections of the rule where mentioned. Dr. Lewis D. Gilbert seconded the motion, which passed with a majority vote. Dr. David G. Edwards voted against the motion. Dr. William A. Klenk made a motion to strike through the words after successful completion of a board approved course in section 6.1.7.b.19. Mrs. MaryBeth Shea seconded the motion, which unanimously passed. Mrs. MaryBeth Shea made a motion to file the agency approved rule as amended. Dr. Lewis D. Gilbert seconded the motion, which unanimously passed.

At this time the Board adjourned upon motion by Dr. John E. Bogers, properly seconded by Dr. William A. Klenk and unanimously passing with the next regular meeting scheduled for October 22 and 23, 2021, at Stonewall Resort in Roanoke, West Virginia.