

# **MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS**

## **MINUTES**

**August 2, 2019**

The Mississippi State Board of Dental Examiners held a meeting of the Board on August 2, 2019 in its conference facilities located at Suite 100, 600 East Amite Street, Jackson, Mississippi, beginning at 8:30 a.m. Those members present for the meeting were as follows:

Robert Michael Harkins, Jr., DMD, President  
T. Delton Moore, Jr., DDS, Vice-President  
Stephen Mark Porter, DDS, Secretary  
William Mark Donald, DMD  
Roy L. Irons, DDS  
Laura Currie Richoux, RDH  
Robert L. Smith, Jr., DDS  
Frank L. Conaway, Jr., DMD

Also present for the meeting were the following:

Mr. Chris L. Hutchinson, Executive Director  
Ms. Tiffany D. Vaughn, Deputy Director  
Stanley T. "Stan" Ingram, Esquire  
Danielle Clark, CSR IV, Dental Licensure  
Lou Sims, CSR IV, DH Licensure  
Nick Hardwick, Investigator IV  
Te'Aira McCollum, Projects Officer III, Special

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The first item of business to come before the Board was the welcome and introduction of guests by Dr. Harkins. Attendees introduced themselves, and no action was taken by the Board on this matter.

The next item of business to come before the Board was approval of the Minutes from the 6/14/2019 Board meeting. Discussion was had in relation to changing wording on the 6/14/2019 minutes within the Rules and Regulation SubCommittee report detailing Dental Auxiliaries taking Final Impressions. Specifically, "After discussion, Smith made the motion that Dental Auxiliaries could take all Final Impressions, traditional or digital scans, and that **ONLY** the dentist **should APPROVE** said impression as the **FINAL IMPRESSION** **AND** only **ON** the dental premises **WITH** the patient present." Motion was made by Dr. Porter, seconded by Dr. Conaway, to approve the aforementioned Minutes with an

amendment to change the word "should" (bold above) to "shall". The Board voted unanimously to adopt this Motion. No further action was taken by the Board on this matter.

The next item of business to come before the Board was the approval of the Minutes from the Teleconference 6/19/2019 Board meeting for budget approval for FY 2020 and FY 2021 as well as a Staffing Realignment. Motion was made by Dr. Conaway, seconded by Dr. Irons, to approve the aforementioned Minutes. The Board voted unanimously to adopt this Motion. No further action was taken by the Board on this matter.

The next item of business to come before the Board was the approval of the Minutes from the Teleconference 6/26/2019 Board meeting for a calendar change for the August 2019 Board Meeting to move from 8/16/2019 to 8/2/2019. Motion was made by Dr. Conaway, seconded by Dr. Donald, to approve the aforementioned Minutes. The Board voted unanimously to adopt this Motion. No further action was taken by the Board on this matter.

The next item of business to come before the Board was a discussion to add an additional Board Meeting in September for Board Business; specifically, for the discussion and possible amendment to Board Regulation 29. Additionally, discussion was had to assign this date for the Oral Proceeding required for new Board Regulation 62. After deliberation, Dr. Conaway made motion to have the Board Meeting on September 20, 2019; Seconded by Porter; All in Favor. September 20, 2019 was adopted as an additional Board Meeting.

The next item of business to come before the Board was a presentation by Subcommittee Chairs for Subcommittee Reports and Updates.

**Rules and Regulations Subcommittee-** Donald was announced as the newly appointed chair for the R&R Subcommittee. Donald re-emphasized a short list of assignments made to the R&R Subcommittee to include: Teledentistry Regulation, and possible amendments to Regulation 13. No further report was given.

**Credentialing-** Smith; No Report.

**Legislative-** Moore; No report.

**Licensure Examination-** Porter; No report.

**Practice Act Review-** Richoux; No report.

**Budget and Finance-** Irons; No report. Although Dr. Irons made mention of inquiry for the Director's Report and that a Subcommittee will be announced in the near future if needed.

The next item of business to come before the Board was a request for Board Determinations.

The first topic presented for Board Determination was the discussion of the Pain I Course given by the University of Mississippi Medical Center School of Dentistry; specifically allowing Dental Hygiene students to take part in the said course. Harkins made mention to a previous board determination and presentation by Dr. Felton,

Dean of the School of Dentistry. The Board discussed the course and UPHELD the Board's previous determination to allow Dental Hygiene students to participate in the Pain I course. No further business or determinations were considered.

The next item of business to come before the Board was a presentation by Mr. Hutchinson of the MSBDE Complaint and Investigation Policy and Procedure as directed by Board Member, Dr. Steve Porter. Exhibit A and all Exhibits of the presentation are attached to these minutes. Much discussion was had, multiple questions were entertained from the Board Members and from the Public Participants in the gallery. Public questions of note (paraphrased): "Are all complaints voted upon by the entire board regardless of the outcome?" Mr. Hutchinson responded with a "yes" and elaborated in that all complaints, unless remanded by ED Desk Remand due to financial issues, are voted upon by the entire board whether recommended for remand or disciplinary action by the Investigative Dentist. These voting decisions take place in Executive Session. The next public question of note: "Are all complaints investigated by an on-site visit?" Mr. Hutchinson answered with a "No" and elaborated that not all complaints warrant an on-site visit. The example was given that budget restraints warrant that some patient records can be attained by phone call and email scans of the needed documentation. The next public question of note: "What is the difference between the Staff investigation and that of the Investigative Dentist?" Mr. Hutchinson answered in that the checklist within the public package that you could pick up on your entrance to the Board Meeting details what Staff needs to complete the investigative package. The Investigative Dentist executes an independent investigation based the dentistry itself from the patient files. Dr. Harkins attested to this policy and addressed the Complaint Recommendation Form within the public packet. The next public question of note: "What are some actions that the Investigative Board Member can execute in support of the investigation?" Mr. Hutchinson pointed the public to item III-A within the public packet and detailed that the Investigative Dentist, in his/her discretion can contact the dentist in question, discuss the complaint with the complainant, can contact and address witnesses or employees, and can seek counsel from experts on specifics of the investigation. The next public question was: "Does the agency send responses when the complaint has been remanded?" Mr. Hutchinson pointed out that this topic was detailed earlier in the presentation and pointed the public to IV-A of the public hand-out. He stated, with assistance from the Deputy Director, that it is common policy that we send letters of remand to the complainant and the dentist. It was discussed in length that often-times the complainant either does not give an address or does not give an accurate address and these letters are returned to the Board office as "undeliverable". Additionally, Ms. Vaughn addressed that when a dentist or a competitor files a complaint against another dentist, we take these complaints as "Confidential". She stated that Staff often does not send remand letters to "Competitors who file complaints. Also, letters do not go out to complaints that come in by email." No action was taken by the Board on this agenda item.

The next item of business to come before the Board was a discussion by Laura Richoux on Regulation 13; specifically, the definition of "supervision". After much discussion, the Board agreed to allow the Rules and Regulations Subcommittee to discuss possible amendments and bring a recommendation before the entire board for a vote. No

action was taken as the Board had previously voted to refer this matter to the Rules and Regulations Subcommittee.

The next business to come before the Board was consideration of Applications for Mississippi License Reinstatement.

- Ms. Sims submitted Breanna Weaver for reinstatement for RDH. Discussion was had and Irons made motion to approve, Seconded by Porter, All in Favor.
- Ms. Sims next presented Jessica Elaine Cascio for RDH reinstatement. Irons made motion to approve, Seconded by Porter, All in Favor.
- Ms. Clark next presented Dr. Lauren Ludwig for DMD reinstatement. This item was tabled until later in the day to allow for Staff to make an inquiry into specifics of her application. Later in the day, it was determined that Dr. Ludwig was not eligible for reinstatement BUT was eligible for Licensure by Credentials. No Board vote was required as the Agency Staff itself could determine the needed requirements for credentialing and execute licensure.

The next business to come before the board was the request by American Educational Institute for Continuing Education approval. Dr. Porter presented the request and recommended approval of 11 hours of clinical hours and 9 hours of general hours for a total of 20 CE hours. Irons made motion to approve as presented, Conaway Seconded; All in favor.

The next item of business to come before the board was a presentation by Dr. Porter on CE Course Approval for: Endodontic Diagnosis and Referral (2 hours), Modern Advances in Instrumentation and Obturation Techniques (2 hours), and Endodontic Case Selection, Troubleshooting, and New Technology (2 hours). Irons made motion to approve the CE hours as presented, Conaway Seconded; All in Favor.

The next item of business to come before the board was the addition of an item by the Board President, Dr. Mike Harkins. Dr. Felton of the School of Dentistry made a short presentation detailing make up dates for National Boards. April 9 and 10 for Endo Prost, Dental Restoration, and Hygiene. May 14 and 15 was also made note of makeup dates for the exams. Dr. Roddy Scarborough made a presentation of CDEL from the AADB representative. Dr. Scarborough made note that the Board will have upcoming Regulation wording changes due to the new specialties of Dental Anesthesiologist as well as Oral and Maxillofacial Pain. Dr. Scarborough later provided a full report of his presentation to be enclosed within these minutes. No action was taken on this item.

The next item of business to come before the board was a presentation by Danielle Clark. Ms Clark presented the following applications for Mississippi Specialty Licenses:

- Jennifer Rosanna Hill Flechtenmacher, DDS; Pediatric Dentistry; Conaway made motion to approve, Seconded by Porter; All in Favor.

- Mitra Parsa, DDS; Orthodontics; Conaway made motion to approve, Seconded by Irons; All in Favor.
- Timothy Michael Poyadou, Jr., DDS; Orthodontics and Dentofacial Orthopedics; Conaway made motion to Approve, Seconded by Smith; All in Favor.
- Brent Jay Winward, DMD; Endodontics; Conaway made motion to approve; Seconded by Irons; All in Favor.

The next item of business to come before the Board was the presentation by Ms. Clark of the following anesthesia permit application:

- Walter Carl Moses, DMD, 3793-15, OS-566-19; General Anesthesia

Ms. Clark informed the Board that all documentation had been received for this applicant, that board staff had performed the appropriate primary source verifications, and that no site visit was required as Dr. Moses' location will be that of North Sunflower Medical Center. Irons made motion to approve as presented, Seconded by Smith; Donald Opposed; The motion passed as approved.

The next item of business to come before the Board was the presentation of corporate trade names by Ms. Vaughn. The following were requested for approval:

- David Dowling, DDS, 3723-13; William Keith Harvey, DMD, 3735-14; LaShunda Thompson (Roberts), DMD, 3526-09; "Smile of Tennessee, P.C."; Moore made motion to approve as presented, Seconded by Conaway, All in Favor, Donald Opposed; The Motion Passed.
- Anna Clare Saxon, DMD, 3933-17; John Anthony Steele II, DMD, 3556-10; "Airpark Family Dentistry"; Conaway made motion to approve as presented, Seconded by Smith, All in favor, Donald opposed; The Motion Passed.
- Tiffany Priscilla Green, DMD, 3296-04, PEDO-399-06; "Pediatric Dentistry of Ridgeland PLLC"; Conaway made motion to Approve, Seconded by Smith, All in Favor, Donald opposed; The Motion Passed.
- Dustin Gabriel Smith, DMD, 3142-00; Robert Bradford Hayes, 3129-00; "Sky Family Dental"; Conaway made motion to Approve, Seconded by Smith, All in favor, Donald and Porter opposed; The Motion Passed.



● Danh Cong Nguyen, DDS, 4076-19; Thuy Nhu Nguyen, 4075-19; "Bienville Dental Care"; Conaway made motion to Approve, Seconded by Irons, All in Favor, Donald Opposed; The Motion Passed.

No further action was taken by the Board on this item.

The next item of business to be conducted before the Board was the presentation of Medical Malpractice by Mr. Hutchinson. Mr. Hutchinson informed the Board that a malpractice claim had been paid in the amount of \$80,000 on Dr. Elijah Arrington III. This item is being submitted for informational purposes only. No further action was taken.

The next item of business to come before the Board was presentation by Executive Director, Mr. Chris Hutchinson for the Directors Report. This presentation encompassed the financial report of the Agency through July 23, 2019 for fiscal year 2019. Financial attachments were made public and are attached to these minutes. Mr. Hutchinson gave the current statistics of the Dental Board for active licenses and permits. Mr. Hutchinson made a short HR report of currently vacant positions. Mr. Hutchinson gave a report on the current Regulation process with the OLRC and SOS. Specifically, Mr. Hutchinson reported that the OLRC hearing date for Regulations 29, 7, 35, 41, and 49 had been postponed from Tuesday July 30<sup>th</sup> to an unscheduled future date. Regulation 61 is further down the list for possible hearing scheduling. Next, Mr. Hutchinson gave an update on the Record Control project kicking off in August 2019. No further action was taken by the Board on this matter.

Following this business, Dr. Conaway made motion, to consider going into executive session to discuss disciplinary matters. Donald Seconded, and the vote was unanimous. A motion was made by Dr. Donald, seconded by Dr. Porter, to begin the meeting in **executive session**. The vote was unanimous, and the meeting continued in executive session to review disciplinary matters at approximately 11:25 a.m.



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Motion was made by Dr. Conaway, seconded by Dr. Moore, to come out of executive session and reenter Open Session. The Board voted unanimously to adopt this Motion and the Board came out of **EXECUTIVE SESSION**.

At approximately 2:20 p.m., the Board exited Executive Session to take up matters surrounding the combined Disciplinary Hearings of Andrew C. Taylor, DMD, 1997-82 and Annie W. Taylor, DMD, 1815-78; specifically, docketed case numbers 2019-006 and 2018-073.

Stan Ingram, Complaint Counsel for the Board introduced the Respondents, Dr. Andrew Taylor and his wife, Dr. Annie Taylor, along with their counsel, Nick Coleman. For the purpose of the hearing, Patrick Beasley, Special Assistant Attorney General served as the Hearing Officer. Melissa Magee served as the court reporter. Evidence and testimony was then presented by Mr. Ingram, followed by evidence and testimony presented by Respondent attorney Mr. Coleman. After closing arguments, motion was made by Dr. Conaway, seconded by Dr. Irons to consider going into executive session to deliberate possible action which may adversely affect the licenses of the Respondents. The motion was unanimously adopted.

Motion was then made by Dr. Conaway, seconded by Dr. Irons and unanimously passed to come out of executive session to announce their decision. At this time, the Hearing Officer, Mr. Beasley, announced the decision to both Dr. Andrew Taylor and Dr. Annie Taylor; all as set forth by separate orders attached to and made a part of these minutes.

Furthermore, a motion was made by Dr. Irons, seconded by Dr. Conaway, that since there was no further business to be conducted by the Board, the meeting should be adjourned. The Board voted unanimously to adopt this Motion, and the meeting on 8/2/2019 was adjourned at 5:22 p.m.

APPROVED BY THE BOARD ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

STEVEN MARK PORTER, DDS  
SECRETARY