

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS
PUBLIC
MINUTES

October 9, 2020

The Mississippi State Board of Dental Examiners held a meeting of the Board on October 9, 2020 in its conference facilities located at Suite 100, 600 East Amite Street, Jackson, Mississippi, beginning at 8:30 a.m. Due to the COVID 19 crisis, the meeting was open to the public via ZOOM, where 31 public visitors attended. The members physically present within the Board facilities for the meeting were as follows:

T. Delton Moore, Jr., DDS, President
Steven Mark Porter, DDS, Vice-President,
Robert L. Smith, Jr., DDS, Secretary
Leon Anderson, Jr., DMD (*abstained from voting participation due to the delay of
the Governor's approval letter)
Laura Currie Richoux, RDH;
Frank L. Conaway, Jr., DMD
Mark D. Williams, DMD
Robert Michael Harkins, 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
Nick Hardwick, Senior Investigator
James Grimes, Investigator IV

The meeting was called to order at 8:30 a.m. by Board President, T. Delton Moore, DDS.

The first item of business to come before the Board was the welcome and introduction of guests by Dr. Moore. Attendees in attendance introduced themselves, and no action was taken by the Board on this matter. The Board Meeting of this date was noticed publicly of the availability of ZOOM for outside participants. It is noted that (31) Thirty-one participants were in attendance via ZOOM.

The next item of business to come before the Board was approval of the Minutes from the July 10, 2020 Board Meeting. Conaway made the Motion to accept the minutes with the correction; Seconded by Harkins; and, The Board voted unanimously to adopt this

Motion. (*As stated, Dr. Anderson abstained from all vote pending Governor Reeves' delayed approval letter.) No further action was taken by the Board on this matter.

The next item of business to come before the Board was the selection of Board Meeting dates for the calendar year of 2021. It is noted here, that only four dates are selected per annum to coincide with exam duties and responsibilities that Board Members are scheduled to attend. Additional meeting can and will be called during the course of the year, publicly noticed as required, to follow suggestions laid out by The Miss. State Board of Audit in a previous audit finding. The dates discussed:

January 29, 2021

April 16, 2021

July 16, 2021

October 8, 2021;

Each of these dates were discussed in length to coincide with AADB meeting dates and possible Exam dates. After discussion, Dr. Conaway Made Motion to accept these dates; Seconded by Harkins; All were in Favor.

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-Porter; No report.

Credentialing- Smith; Dr. Smith stated that the Credentialing Subcommittee had met to discuss several items at 6:00 p.m. on August 24th. Dr. Smith indicated that the full compliment of the Subcommittee were in attendance via ZOOM. (Dr. Smith as chair, Dr. Porter, Dr. Harkins, Ms. Richoux, and Dr. Moore as Board President). Mr. Hutchinson facilitated the meeting on ZOOM. Dr. Smith reported that the subcommittee discussed an issue revolved around the Gulf Coast Community College School of Dental Assisting and Radiology program and their inability to complete clinical portions of their curriculum. In essence, due to COVID-19, the school could no longer utilize the use of local practice radiology devices for the clinical portion of its program. After discussion, the Subcommittee agreed, through proper vote, that clinical portion of this program be waived through December 31, 2020. At this point in the agenda item, Dr. Smith asked for the Board to vote on this recommendation in the form of a Motion, Seconded by Porter; All in Favor were: Richoux, Harkins, Porter, Smith, and Moore; Against were: Conaway and Williams. Anderson abstained as indicated and the Motion Passed 5-2.

Legislative- Williams; No report.

Licensure Examination- Richoux; No report.

Practice Act Review- Harkins; No Report. However, Dr. Anderson inquired about the Subcommittee looking into the opening of the Practice Act to legitimize the practice of that allows the At-Large Board position be filled by a minority

licensee, and that this practice be fully codified through statute. Dr. Moore assigned this to the Subcommittee, and Dr. Harkins, as chair, accepted the responsibility.

Budget and Finance- Conaway; Dr. Conaway stated that the Subcommittee had met in August to approve several annual items and that they would be fully addressed in the Director's Report later in the meeting. Dr. Williams made comment to the Board that he was not informed of said meeting of the Budget and Finance Subcommittee. Dr. Conaway indicated that Dr. Williams is not listed as a member of the Budget and Finance Subcommittee; verified by Dr. Moore. Dr. Williams retracted his concern. No further discussion was had.

The next item of business to come before the Board was for Board Determinations and/or Discussions.

The first discussion topic within this agenda item was the consideration of eliminating the scaling and root planning requirement on the MS Dental Exam by Dr. Conaway. Discussion was had. Conaway Made Motion to this affect, Seconded by Harkins; All were in Favor.

The second topic within this agenda item was the discussion and decision on the continuance of accepting/giving the MS Exam using the Compedont tooth or return to the patient-based exam, again by Dr. Conaway. Conaway Made Motion to continue the use of the Compedont Tooth on the Mississippi Exam; Seconded by Harkins. Dr. Moore called for discussion of this Motion. Discussion was had. Following discussion, Dr. Harkins Made Motion to amend the current Motion to put a time-limit on the use of the Compedont Tooth for 1-year to allow its use for the 2021 graduates of the state's Dental School; This Motion was Seconded by Williams; All Were in Favor. At this point, Dr. Conaway also Made Motion to approve the same Exam usage for all Dental Hygiene Examination within the same time limitations; Richoux Seconded; All Were in Favor.

The third topic within this agenda item was a representative of the UMMC School of Dentistry Requesting Points of Clarification. A detailed email was received by the Dean in this regard. This email is made a part of these minutes. In addressing this email the Board determined that no action would need to take place on item clarification one as this had previously been addressed within the Board's Rules and Regulation adopted in Regulation 14. Secondly, the Board was asked to clarify the usage of the Typodont tooth usage in exams through the dental class of 2021. The Board verified that this would be allowed.

The next item was a presentation by the Miss. Department of Health entitled "Drilling into Dental Data with Visualizations" by Angela Filzen, DDS and Denise D. Krause, PhD. No Board action was taken.

The next item of business to come before the Board was the approval of courses by Dr.

Smith and Dr. Porter.

The first course presented was the Grenada Loxor Radiology Seminar. Dr. Smith recommended approval of this course in the form of a Motion, Seconded by Harkins; All were in Favor.

The second course presented was a PALS Course by the American Safety and Health Institute. Note was made that the AAP (Anesthesia Advisory Panel) had recommended approval. Harkins Made Motion to Approve this course; Seconded by Conaway; All were in Favor.

This third course presented was revisit of a previously reviewed course known as Dentinomics by Dr. Kevin Croft. Previously, this course had not been recommended by the AAP. Dr. Croft was presented with a few deficiencies in the course that would need to be proven and resolved. Dr. Croft supplied these requirements and presented to the Board. Dr. Croft was available for any questions and he made a short statement on behalf of his course. Dr. Harkins recommended that this item be tabled until the AAP could, once again, review the additional data supplied by Dr. Croft. After discussion, Harkins Made the Motion to conditionally Approve the course following a recommended approval by both the Credentialing Subcommittee and the AAP. This Motion was discussed and assigned to the Credentialing Subcommittee at the earliest possible meeting time. This Motion was Seconded by Conaway; All were in Favor.

The fourth course presented was the Academy of Dental and Medical Anesthesia (ADMA) course. Likewise to the previous item, this course had failed to garner an AAP recommendation in a previous review. ADMA facilitators and the CEO of the Academy were on-hand to make statements on behalf of their course and to answer questions. Following a few brief statements, Dr. Harkins again Made a Motion to conditionally Approve this course pending review and recommendation by both the AAP and the Credentialing Subcommittee; Conaway Seconded; All were in Favor. This course was referred to the Subcommittee for review.

The fifth course to be presented for approval was the Oregon Academy of General Dentistry- Parenteral Moderate Sedation. Mr. Hutchinson stated that the AAP had reviewed this course and recommended approval. Harkins Made Motion to Approve this course; Seconded by Conaway; All were in Favor.

The last course to be presented was the DOCS Oral Sedation Course. Mr. Hutchinson asked the Board to clarify its position on this course as the AAP had shown some confusion about its previous approval from some years ago. Discussion was had and Dr. Smith stated that this course had been, in fact, approved by the Board but that no minutes of proof existed. Harkins Made Motion to clarify this situation entirely by Approving this course; Seconded by Smith; All were in Favor.

The next item of business to come before the Board was the report from the National Practitioner's Data Bank by Mr. Hutchinson. Mr. Ingram intervened before the report by Mr. Hutchinson and asked that this item be moved to the Executive Session since some of this information could be considered confidential and only privy to NPDB members. Dr. Moore consented and moved item #8 to the Executive Session later in the day.

The next item of business was the Application for Mobile or Portable Dental Operation by Mr. Hardwick. Mr. Hardwick presented Stephanie K. Harding, DDS and Onsite Dental. Mr. Hardwick presented the specifics of the application and stated that this would be considered a Mobile Application as the facility used was a "pull-behind" trailer fully equipped as a dental office. He stated that this unit was currently secured outside the facility of a shipyard. Conaway Made Motion to Approve this Application; Seconded by Harkins; All were in Favor.

At 10:35 a.m., Dr. Moore called for a short break in Open Session to continue back into session at 10:45 a.m.

Following the short break, the next item of business to come before the board was a presentation by Ms. Clark for Specialty Licenses. Ms Clark presented the following application for Mississippi Specialty License:

Rohan Deepak Jagtap, BDS for Oral and Maxillofacial Radiology. Following the application presentation, Dr. Conaway Made Motion to Approve the application; Seconded by Harkins; All were in Favor; None Opposed.

The next item of business to come before the Board was the presentation by Mr. Hardwick and Ms. Clark of the following anesthesia permit applications: Note- Due to required emergency/temporary filing of Regulation 30 on August 17, 2020; the anesthesia applications required a separation based on requirements of each application.

Firstly, the Board entertained the following Parenteral Sedation Applications:

Derek Alan Clemmer, DMD; 3565-10

Mathew Joel Harris, DMD; 3647-12

Elijah Love, DMD; 4068-19

Max Keith Klaus, DMD; 3746-14

The Board chose to take each of these application separately. In regard to Dr. Clemmer; Harkins Made Motion to Approve this application as a Limited Parenteral Permit; Seconded by Porter; All were in Favor. In regards to Dr. Harris, Harkins Made Motion to approve this application; Seconded by Porter; All in Favor. Thirdly, Dr.

Love's application was considered. Discussion was had since Dr. Love had participated in the ADMA course currently under consideration and referred to the Credentialing Subcommittee. Harkins Made Motion for conditional approval of the application pending course approval; Seconded by Porter; All in Favor. The last application being considered within the Parenteral Application under Regulation 29 was Dr. Klaus. Conaway Made Motion to Approve this application as Dr. Klaus had taken the earlier-approved DOCS course; Seconded by Dr. Harkins; All were in Favor.

The next section presented underneath item number 11, Anesthesia Permit Applications, was the General Sedation Application of Erik Nariyoshi, DDS. Discussion was had and Dr. Conaway Made Motion to Approve this Application pending the execution of his general dentistry license with the state (currently pending by staff) as well as conditional on a successful site visit; Seconded by Porter; All in Favor.

The next section in item number 11 was the discussion and decision of Class II Application underneath Regulation 30. First, the Board entertained the application of Anna Rider, DMD; License 3646-12. Harkins Made Motion to Approve Dr. Rider for Class II Permit with a Pediatric Endorsement; Seconded by Smith; All in Favor.

Davis Walton, DDS; 4074-19 was next presented. Since Dr. Walton had taken the ADMA course that is being considered by this Board, Dr. Harkins Made Motion to Accept this application pending the ADMA course approval by the Subcommittee and AAP; Conaway Seconded; All in Favor.

Gail Benton, DDS; 3521-09 was next presented. Discussion was had on Dr. Benton's application as there was no indication of the type of sedation she had performed. Additionally, there was no indication on the type of training received in sedation from her time in residency. It was pointed out that Regulation 30 requires an applicant to seek a refresher course in anesthesia considering the length of time had passed since the previous training. Harkins Made Motion to Table this Application; Seconded by Conaway and All were in Favor. Therefore, this application did not pass and was Tabled.

Jaqueline Huckabee, DDS; 3815-15 was presented next. It was discussed that Dr. Huckabee holds a current Enteral Sedation Permit and has taken the DOCS Course discussed earlier in the meeting. Harkins Made Motion to Approve the Application; Seconded by Porter; All were in Favor.

Jerold Campbell, DDS; 4120-20 was next to be discussed. Dr. Conaway pointed out that Dr. Campbell needed to complete an ACLS training course, but otherwise would Make Motion to Approve this application pending such; Harkins agreed by way of a Second to the Motion; All were in Favor.

Meagan McCabe, DMD; 3782-15 was the next application to be discussed. It was determined by notes sent from AAP member Dr. Caloss, that Dr. McCabe was a candidate to grandfather into a Class II permit with a pediatric endorsement as opposed to an original

applicant. Harkins made Motion to allow this grandfather application for approval, Seconded by Porter; All were in Favor. Additionally presented was Dr. Robert Watson, MD as a Non-Permitted Anesthesia Provider as well as a Class I facility permit.

Martha Louise Lewis, DMD; 2559-90 was next presented for a Class II application with no pediatric endorsement. Dr. Conaway Made Motion to Approve; Seconded by Harkins; All in Favor.

The next item of business to be conducted before the Board was the presentation of Corporate Trade Name Applications. Ms. Clark presented the following applications:

Hub City Dental, PLLC- Brett M. Hildenbrand, DMD; David Kevin Rowan, DMD; Tod A. Bigelow, DDS

Roberts & Garza Orthodontic Services PLLC dba Smile Straight Orthodontics- Jennifer Jo Garza, DDS

Superior Smiles- Jason Allen Coats, DMD

Aspire Dental, PLLC- Brett M. Hildenbrand, DMD; David Kevin Rowan

Serene View Dental- Erin Rayburn, DMD; Mitchell M. Guess, DMD

Onsite Dental, LLC- Stephanie K. Harding, DDS

LD Batesville, LLC DBA Batesville Dental- Shelly Osborn, DMD; LD Tupelo, LLC; LD Columbus, LLC; LD Byram, LLC; LD Oxford, LLC

The Board chose to take each of these applications individually:

Hub City Dental, PLLC- Brett M. Hildenbrand, DMD; David Kevin Rowan, DMD; Tod A. Bigelow, DDS; Conaway Made Motion to Approve; Seconded by Harkins; All in Favor.

Superior Smiles- Jason Allen Coats, DMD; Conaway Made Motion to reject this Corporate name as it was against current Board Regulations and indicates that Regulation 55 expressly stipulates that trade names not be misleading to the public. The term "superior" is deemed misleading and has been rejected in the past; Harkins Seconded the Motion; and All Agreed and Voted to Reject.

Aspire Dental, PLLC- Brett M. Hildenbrand, DMD; David Kevin Rowan; Conaway Made Motion to accept; Seconded by Harkins; All in Favor.

Serene View Dental- Erin Rayburn, DMD; Mitchell M. Guess, DMD

Conaway Made Motion to accept; Seconded by Harkins; All in Favor.

Onsite Dental, LLC- Stephanie K. Harding, DDS

Conaway Made Motion to accept; Seconded by Harkins; All in Favor.

LD Batesville, LLC DBA Batesville Dental- Shelly Osborn, DMD; LD Tupelo, LLC; LD Columbus, LLC; LD Byram, LLC; LD Oxford, LLC; Conaway Made Motion to accept; Seconded by Harkins; All in Favor.

Thus concluding applications for Corporate Trade Names.

The next item of business to come before the Board was the presentation by Executive Director, Mr. Chris Hutchinson, for the Directors Report. Mr. Hutchinson first presented to the Board, the Minutes and full package from the Budget and Finance Subcommittee meeting from August 8, 2020. These minutes are made a part of these minutes as required. Mr. Hutchinson pointed out that three recommended approvals from the Subcommittee meeting would need to be approved by the entire Board:

1- The FY 2020 FY Year End Financials

2-The FY 2021 Appropriations Funds Center Account Type Assignment
Recommendation

3- The Budget Request for FY 2022

Mr. Hutchinson gave s hort summary of each of these documents and indicated that the Budget and Finance Subcommittee had analyzed each document line item by line item in detail. The Budget and Finance Subcommittee approved each of these documents unanimously. Dr. Conaway Made Motion to Accept each of these items, Seconded by Harkins; All were in Favor.

Mr. Hutchinson then gave the license and permit statistics through the current date for FY 2021. This presentation also encompassed the financial report of the Agency through September 2020 for FY 2021. Financial attachments were made public and are attached to these minutes. Next, Mr. Hutchinson gave a report on the current Regulation process with the OLRC and SOS involving Regulations 7, 13, 30, and 47. Regulations 7 and 47 are within the “cool down” period and will become codified on October 19th. Regulation 13 was only a discussion item on the OLRC Hearing Agenda while Regulation 30 is idle on the OLRC Hearing Docket. Dr. Smith made discussion about the lack of action taken on the part of the OLRC in relation to Regulation 13. Mr. Hutchinson and Mr. Ingram spoke on the matter and no further action was taken by the Board. Lastly, Mr. Hutchinson indicated that he would like give a status report on current legal actions against the Board. Mr. Hutchinson asked that this report be moved into Executive Session to avoid and breach of privilege. Mr. Ingram agreed and this was moved to later in the day.

Next, Dr. Moore called attention to the next item on the agenda, a Disciplinary Hearing on Case No. 2019-057 on Terry Meneley Devall. Mr. Hutchinson reported that Dr. Devall’s legal representation had indicated that his client had signed her Consent Order and it was being forwarded to the Agency for execution. A copy of this CO will be presented in Executive Session.

At this time, Dr. Harkins Made Motion to Break for lunch, Seconded by Conaway; All agreed and Dr. Moore, at 12:03 called for a recess until 1:00.

Returning from recess at 1:00, Dr. Moore, seeing no further business to be conducted in Open Session stated that he would entertain a Motion to consider going into

Executive Session. Dr. Harkins obliged in the form of a Motion, Seconded by Smith; All were in Favor. At this point, Dr. Harkins Made Motion to **Enter EXECUTIVE SESSION**, Seconded by Conaway; All were in Favor, and the meeting continued in executive session to review disciplinary matters at approximately 1:09 p.m.

EXECUTIVE SESSION

Next in Executive Session, Dr. Conaway Made a Motion to Exit Executive Session to discuss an additional topic that should be held in Open Session. Harkins Seconded this Motion and All Agreed to **Exit Executive Session**.

Back in Open Session, Dr. Conaway began discussion of extending the allowance brought about by the COVID-19 pandemic that allows for CE hours as well as CPR training to continue beyond the end of the year. After discussion, the Board agreed that it would be best suited to entertain any change in January. Therefore, no action was taken and no extension was granted beyond the current deadline of December 31, 2020.

Seeing no further action to be conducted in Open Session, Dr. Conaway Made Motion to Consider Returning to Executive Session, Seconded by Harkins, All were in Favor. Next, Conaway Made Motion to Enter Executive Session, again Seconded by Harkins, and again All Agreed. Therefore, the Board returned to **EXECUTIVE SESSION**.

EXECUTIVE SESSION

At this point in the proceedings, and seeing no further business to be conducted within Executive Session, Motion was made by Dr. Harkins, seconded by Dr. Conaway, to Exit from executive session; where the Board voted unanimously to adopt this Motion and the Board Exited from **Executive Session** at 3:50 p.m.

Furthermore, a motion was made by Dr. Harkins, 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 10/9/2020 was adjourned at 3:51 p.m.

APPROVED BY THE BOARD ON THIS THE _____ DAY OF _____, 2020.

ROBERT L. SMITH, JR., DDS
SECRETARY

