

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

MINUTES

April 16, 2021

The Mississippi State Board of Dental Examiners held a meeting of the Board on April 16, 2021 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 24 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

Laura Currie Richoux, RDH
Mark D. Williams, DMD
Robert Michael Harkins, DMD
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
Nick Hardwick, Senior Investigator
James Grimes, Investigator IV
Avery Lee, MS Attorney General Office

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 (24) Twenty-Four participants were in attendance via ZOOM at the onset of the meeting and five (5) guests were physically in attendance within the Board courtroom facility.

The next item of business to come before the Board was approval of the Minutes from the January 22, 2021 Board Meeting. Richoux made a minor amendment to the

minutes. Hutchinson indicated that this amendment would be executed. Conaway made the Motion to accept the minutes as presented; Seconded by Porter; 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 approval of the Minutes from the March 8, 2021 Board Meeting. Harkins made the Motion to accept the minutes as presented; Seconded by Conaway; 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 a presentation by Subcommittee Chairs for Subcommittee Reports and Updates.

Rules & Regulations (Porter)

Dr. Porter, as chair, turned the first item of this subcommittee report over to Mr. Hutchinson. Mr. Hutchinson indicated the need for a new amendment filing of Board Regulation 7 to the OLRC along with the reasoning behind this filing. Discussion was had on the new American Dental Association dental specialties and Hutchinson answered several questions. Questions were entertained from a member of the public forum whom also noted that the subdivision of the ADA that makes amendments and acknowledges dental specialties is called The National Commission on Recognition of Dental Specialties and Certifying Boards. Conaway Made Motion to Approve the OLRC filing and instruct Mr. Hutchinson to begin the SOS/OLRC process on Regulation 7; Seconded by Harkins; All were in Favor.

Next, Dr. Porter discussed the actions taken by this subcommittee on February 8, 2021. Dr. Porter admitted the minutes from this meeting. Dr. Porter discussed the action taken revolved around the decision to allow dentists to administer vaccines in dental offices. Discussion was had in allowing the administration of the COVID, Flu, Shingles, and HPV vaccines and indicated that this was a unanimous vote of the Subcommittee. Dr. Porter continued in that this would simply remove term "volunteer-only status" from the previous board determination and allow dentists the ability to pursue the ability to administer vaccines. Dr. Moore indicated that he would take this into consideration and would like this to be voted upon within item 7 underneath Board Determinations later in the agenda. This item was tabled.

Credentialing- Smith indicated No Report.

Legislative- Dr. Williams, as chair, asked Mr. Hutchinson to report the Board's Legislation 2021 tracking document that is prepared weekly for the Board by Mr. Hutchinson during the Legislative cycle. (Attached herein to minutes).

Dr. Williams, then, asked to discuss Regulation 13 as a Board in regards to the fact that Regulation 13 has been stalled within the OLRC hearing process. Mr. Hutchinson gave a short history of Regulation 13 through the process and that he had taken every effort to push this process as this Board had voted on this amendment some many months ago.

It was discussed in length. The discussion was centered around whether or not the Board should withdraw the current filing and deal with the one apparent issue that the OLRC has with the filing; that being an absentee of District 3 of a voting member during the Board vote of this Regulation amendment in late 2019. At this time, Williams Made Motion to withdraw the filing and bring Regulation 13 back to the Board for a full Board vote where there would be a voting member of District 3; Seconded by Conaway. More discussion was had. Richoux brought up the fact that the previous Board vote was completed with a quorum and should not be subject to such a vote. Smith indicated that Dr. Anderson had not yet been confirmed and that his vote on behalf of the At-Large dentists would not be counted, therefore resulting in the same situation of a limited vote. Several questions were entertained from the ZOOM public gallery revolved around the ability to address an issue that is not listed on the agenda. The AG assignment for the day indicated that any officer of the Board could add an item to the agenda in the Open Agenda as they see fit. Ingram and Moore attested to this. In the end, Moore called for a vote of the Motion at hand. Harkins, Conaway, Moore, Williams vote For the Motion, Richoux, Porter, and Smith voted against the Motion with Anderson abstaining. The Motion Passed. In conclusion, Mr. Hutchinson has been tasked with withdrawing Regulation 13 from the OLRC filing to bring back before the Board for a full vote.

Licensure Examination (Richoux)- No Report.

Practice Act Review (Harkins)- No Report.

Budget and Finance- Conaway; No report. Hutchinson stated that the financial report through March 31, 2021 would take place within the Executive Director report later in the meeting.

The next item of business to come before the Board was the announcement and celebration of achievement for Ms. Eddie Lou Claburn (Tina) for fifty (50) years of service to the dental industry. Mr. Hutchinson conducted the presentation. No action was taken.

The next item of business to come before the Board was the recognition and presentation of plaques for Board Member Service to Ms. Richoux, Dr. Conaway, and Dr. Harkins. Again, Mr. Hutchinson facilitated as the trio has completed their six-year (6) service on the Mississippi State Board of Dental Examiners. No action was taken.

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 allowing the administration of vaccinations in dental offices that had been tabled during Board Subcommittee reports. Dr. Porter briefly explained the Subcommittee findings and vote and Made Motion to allow the administration of COVID, Flu, Shingles, and HPV vaccinations within the dental offices of the State and thus removing the "volunteer-basis only" title from a previous Board Determinations. Conaway Seconded the Motion. Moore called for further Discussion. Discussion was had revolved around record-keeping of the administration of the vaccinations. A vote was called and the Board was unanimous on passing this Board Determination.

-The **second** topic within this agenda item was the discussion and decision on loosening COVID 19 Protocols within dental offices. Again, Dr. Porter and Mr. Hutchinson detailed the Rules and Regulations Subcommittee findings on the subject. Dr. Porter Made Motion to continue to abide by CDC guidelines of practice and procedure involving dental offices but to clarify the following: "If in the event the practicing dentist feels that ultrasonic treatment is warranted for proper dental care, ultrasonics may be allowed. If ultrasonics are used then four-handed dentistry and high evacuation suction must be used. The use of ultrasonic cleaning devices without four-handed dentistry will be limited to those cases where BOTH the patient and the dental provider have received the COVID-19 vaccine." Harkins Seconded this Motion and All Approved; Smith Opposed. The Motion Passed.

-The **third** topic within this agenda item was the discussion of the Board's ability to execute an Anesthesia Fellowship Permit. Much discussion was had on this subject. In the end, the Board felt that this discussion should not be continued until the Anesthesia Advisory Panel be involved. No further discussion was had and no action was taken.

- The **fourth** topic discussed within this agenda item was by Dr. Williams requesting that a "Corporate Trade Name Review Committee" be appointed to review trade name requests ahead of Board meetings to allow dentists to begin marketing and planning for the new business name and to avoid any delay in conducting business. Discussion was had. Williams Made Motion to appoint this subcommittee, Seconded by Conaway; All were in Favor.

The next item of business to come before the Board was the discussion of Dental Scope of Practice & Sleep Apnea Concerns by Dr. Moore. Dr. Moore presented two letter from two sides of this subject and discussion was had. In the end, the Board took no action on this subject other than that to fully address sleep apnea concerns, a medical professional would be required to fully recognize and treat these conditions, not a dentist. No action was taken.

The next of business to come was a presentation by Ms. Clark for Specialty Licenses. The following were presented:

Clara Evans; MDL 3993-18; Orthodontics and Dentofacial Orthopedics. Conaway Made Motion to Approve pending completion of residency; Harkins Seconded; All Were in Favor.

Maryam Habibzadeh; MDL 4173-20; Periodontics and Implant Dentistry; Harkins Made Motion to Approve this application but made note that Mississippi does not recognize a specialty in Implant Dentistry and asked for this term to be removed from the application, hence only approving "Periodontics" pending completion of the specialty training program; Seconded by Conaway; All Were in Favor.

Martha Holland; MDL TBD; Pediatrics. Conaway Made Motion to Approve this application;

Seconded by Harkins; All were in Favor.
Jamie H. Howard; MDL 3954- 17; Periodontics. Conaway Made Motion to Approve this application; Seconded by Harkins; All were in Favor.
John William Michaelis; MDL TBD; Orthodontics. Conaway Made Motion to Approve this application; Seconded by Harkins; All were in Favor.
James Alston Owen; MDL TBD; Oral and Maxillofacial Surgery. Conaway Made Motion to Approve this application; Seconded by Harkins; All were in Favor.
Soheil Vahdani; MDL TBD; Oral and Maxillofacial Surgery. Conaway Made Motion to Approve this application; Seconded by Harkins; All were in Favor.

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:

Class I Anesthesia Provider: Deep Sedation/General: Dentist- Soheil Vahdani, DDS; MDL (pending); Specialty DL (pending)

Class II Anesthesia Provider: Moderate Sedation: Joey Vernon Helton, DMD; MDL 3219-02

Class II Anesthesia Provider: Moderate Sedation: Kyle Joseph Reed, DMD; MDL 3511-09; PEDO 440-11

The Board chose to take each of these application up separately. Discussion was had involving the application for Dr. Vahdani. Following discussion, Conaway Made Motion to Approve this application; Seconded by Harkins; All were in Favor.

Next, Dr. Helton's application was presented in detail. Discussion was had revolved around the anesthesia course presented in the application had not been approved by the AAP. Harkins Made Motion to Approve pending the course approval by the AAP; Seconded by Conaway; All were in Favor.

Third, came the application for Dr. Reed; Conaway Made Motion to Approve; Seconded by Harkins; All were 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:

- Benjamin "Bo" Davis- *Collinsville Dental*

- Cynthia E. Brown- *C.E. Brown Dental, PLLC*
- Antionette Liles- *Mint Dental*
- Darrell P. Bourg, Jr.- *Affordable Smiles of Gulfport, LLC*
- Jason Coats- *Smiles*
- Reagan McNemey- *Archusa Family Dentistry*
- Robert M. Williams- *Southern Magnolia Smiles*
- Sarah Breland Skinner- *Philadelphia Family Dental*

The Board, seeing no issues with these corporate trade name requests chose to take these applications collectively. Dr. Conaway Made Motion to Approve the list in its entirety; Seconded by Harkins; All were in Favor.

At this point in Open Session at approximately 10:09 a.m., Dr. Moore called for a short break. At 10:19 AM, Dr. Moore called the Board Meeting back into Session.

The next item of business called by Dr. Moore was the application for reinstatement of Mississippi Dental License Number 3954-17 for Jamie Hargett Howard. Ms. Clark presented the details mitigating the request. Harkins Made Motion to allow this reinstatement; Seconded by Conaway; All were in Favor.

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 gave the license and permit statistics through the current date. This presentation also encompassed the financial report of the Agency through March 31 of 2021 for FY 2021. Financial attachments were made public and are attached to these minutes. Mr. Hutchinson took each financial spreadsheet and further clarified certain line items one at a time. Mr. Hutchinson reiterated that this was a report of financial activities based on the approved budget for the fiscal year. Mr. Hutchinson presented very detailed spreadsheets (attached to these minutes) over the next twenty minutes. Mr. Hutchinson, next, made a report on current Regulations within the OLRC and SOS process and detailed the actions to be taken going forward with this process. Mr. Hutchinson discussed the Budget request for 2022 approved by the Governor during the Legislative Session. No Action was Taken and Mr. Hutchinson was thanked for the detail in the reports and actions with the budget.

At this time, Dr. Moore, seeing no further business that needed to be conducted

in Open Session, stated that he would entertain a Motion to enter Executive Session. Dr. Harkins made Motion to consider going into executive session to discuss disciplinary matters. Smith Seconded, and the vote was unanimous. A motion was made by Dr. Conaway, Seconded by Dr. Harkins, to begin the meeting in **executive session**. The vote was unanimous, and the meeting continued in executive session to review disciplinary matters at approximately 10:49 a.m.

EXECUTIVE SESSION

Motion was made by Dr. Conaway, seconded by Dr. Smith, to consider Exit from executive session to take up a final item in Open Session; All were in Favor. Dr. Conaway made Motion to Exit Executive Session and Seconded by Smith, where the Board voted unanimously to adopt this Motion and the Board Exited from EXECUTIVE SESSION at 2:58 p.m. to entertain one final item in Open Session.

Again in Open Session, Dr. Conaway Made Motion to revoke the Anesthesia Course of ADMA as an approved course for Sedation Application in Mississippi. Smith Seconded the Motion and a Vote was Called. All Board Members agreed and voted unanimously to revoke said approval of the ADMA course that had been previously approved and make this revocation effective April 16, 2021.

Furthermore, a motion was made by Dr. Conaway, seconded by Dr. Smith, 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 4/16/2021 was adjourned at 2:58 p.m.

APPROVED BY THE BOARD ON THIS THE _____ DAY OF _____, 2021.

ROBERT L. SMITH, JR., DDS
SECRETARY