

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

MINUTES

July 16, 2021

The Mississippi State Board of Dental Examiners held a meeting of the Board on July 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 18 public visitors attended. The members physically present within the Board facilities for the meeting were as follows:

Steven Mark Porter, DDS, President
Robert L. Smith, Jr., DDS, Vice-President,
Jeff Michael Zimmerman, DDS, Secretary
Haley Harrison Birmingham, RDH
Mark D. Williams, DMD
Marion Lewis Grubbs, DMD
T. Delton Moore, Jr., DDS
Roy Irons, DDS (Via ZOOM)

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
Alexis Morris, MS Attorney Generals Office
Leon Anderson, Jr., DMD, Mississippi Dental Society Representative

The meeting was called to order at 8:30 a.m. by Board President, Steven Mark Porter, DDS.

The first item of business to come before the Board was the welcome and introduction of guests by Dr. Porter. Attendees 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 an estimated (18) Eighteen participants were in attendance via ZOOM at the onset of the meeting. It is also noted here, that the Dental State At-Large Representative, Dr. Roy Irons, DDS, (Hold-Over) made his presence known via ZOOM and participated in the meeting.

The next item of business to come before the Board was approval of the Minutes from the April 16, 2021 Board Meeting. Dr. Williams inquired about a few items. Mr. Hutchinson indicated that corrective measures had taken place where Dr. Porter, Dr. Smith, and Dr. Harkins had reported required changes and amendments. Dr. Williams spoke on a few other issues that would require a change to the minutes. One of which was noted in the minutes that the word "whether" had been misspelled on page 3. Dr. Williams also made note that he had not seen any discussion of the changes requested on Corporate Trade Name Applications. Ms. Vaughn reported that these changes would be made but only to the new system but had not been made to the old licensing system. Dr. Williams had no further comment other than he would like to see these changes to the Corporate Trade Name Application mentioned and corrected in the previous minutes. Mr. Hutchinson indicated that he would make the addition as requested by Dr. Williams. At this time, Dr. Moore made the Motion to accept the minutes as presented with the noted amendments; Seconded by Zimmerman; and, 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 short presentation of the newly appointed Board Members. Introduced by Mr. Hutchinson were: Marion Lewis Grubbs, DMD; Jeff Michael Zimmerman, DDS; and, Haley Harrison Birmingham, RDH.

The next item of business to come before the Board was a short presentation to former Board President, T. Delton Moore, DDS.

The next item of business called before the Board by Dr. Porter was for the election of Board Secretary. At this time, Dr. Porter asked for nominations for the position. Dr. Moore nominated Dr. Mark Williams. Dr. Williams made note that he would not be able to ascend the Executive panel as would be required by his perception. Mr. Hutchinson stated that this would not exclude him for consideration. Ms. Birmingham nominated Dr. Jeff Zimmerman for secretary. Hearing no further nominations, Dr. Porter called for a vote by show of hands. At 8:44 am, Dr. Porter announced that Dr. Zimmerman had been elected as the Secretary by a vote of: For Zimmerman- Zimmerman, Birmingham, Smith, Porter; For Williams- Moore, Grubbs, Williams.

The next item of business to come before the Board was by Dr. Porter who made a statement that he had made the appointments to each Subcommittee and asked Mr. Hutchinson to announce the appointments and members of each subcommittee. (Attached).

Dr. Porter also indicated that he did not expect any subcommittee reports to take place for this meeting.

Rules & Regulations

Credentialing

Legislative

Licensure Examination

Practice Act Review

Budget and Finance

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 conducted by Dr. Williams in regards to Corporate Dentistry. Dr. Williams expressed concerns about trade names and dental offices within the state where names were not approved. Additionally, Dr. Williams expressed concerns that licensee owners are treated differently than those owners that are not state license holders. Mr. Ingram discussed the Corporate Practice of Dentistry at length. Dr. Williams elaborated further about the management of employees within a corporate dentist office as compared to that within a licensee owned practice and even in licensee owned multiple practices. Following discussion and expressions of a legal opinion by Mr. Ingram, Dr. Williams Made Motion to move the discussion and potential regulatory consideration on this topic to the Rules and Regulations Subcommittee; Dr. Grubbs Seconded the Motion; All were in Favor.

-The **second** topic within this agenda item was the discussion by Dr. Smith of Pediatricians providing fluoride varnish to children patients. Mr. Ingram made an interpretation on the Dental Practice Act. Dr. Joe Young, a member of the public and Health Department Dentist on Staff, made a short statement about the subject. He stated that children do, in fact, get fluoride varnish through a pediatrician and this was common practice. Mr. Ingram gave a legal opinion that there are no issues with a pediatrician providing this care and that the Dental Board does not have jurisdiction over this practice. At this time, Dr. Smith Made Motion to accept this opinion going forward as a Board Determination that fluoride varnish can be provided by pediatricians; Seconded by Zimmerman; All were in Favor; Grubbs Abstain.

-The **third** topic within this agenda item was the discussion of the Board's practice of Board Member Elections and subsequent Governor Appointments by Dr. Moore. Dr. Moore opened the discussion by voicing his opinion that the ballot portal be opened from February 15 through March 15 as opposed to being opened for the month of December. He discussed that the voter turn out may be better with new dates that followed more closely to the MDA District meetings. Discussion was had. Dr. Moore Made Motion to move the ballot dates from December to February 15 to March 15; Williams Seconded the Motion; and more discussion followed. A vote was called by Dr. Porter. However, the Motion was further discussed and amended by Dr. Moore to make the date to be January 15 through March 15. Again, Porter called for a Vote. The Vote results were: For- All; Abstain- Smith. The Motion Passes.

- The **fourth** topic discussed within this agenda item was by Dr. Williams requesting

clarification of the AADB Meeting in the Fall in San Antonio. Mr. Hutchinson clarified the registration and no vote was taken.

-The **fifth** topic discussed within this agenda item was the discussion of HB 1263 as requested by Dr. Williams. Mr. Hutchinson gave a history of the legislative actions to date. Mr. Ingram had prepared his opinion on this topic and stated that this will become law and will effect this Board. Ms. Morris, AG assignment, stated that AG opinions are forthcoming. The Board took no action but to only await the AG opinions. A short discussion was requested from a member of the public involving the Military Family Freedom Act; no action was taken.

-The **sixth** topic was the discussion of sedation grandfather/renewal fees by Dr. Williams. Discussion was had. Williams Made Motion to charge the \$300.00 for the grand fathering application but to forego the renewal fees of \$300.00 to avoid a duplication of fees within the same calendar year; Seconded by Smith; All were in Favor.

(A break was called of ten minutes- Dr. Porter reconvened the meeting at 10:05 am)

- The **seventh** topic was the discussion of the use of Laser-Sub Therapeutic Level Anesthesia by Dr. Porter. Much discussion was had and many questions were fielded that could not be answered. In the end, A Motion was Made by Birmingham to refer this topic to the Rules and Regs Subcommittee for review and to provide a recommendation to the Full board at the next Board meeting in October; Seconded by Smith; All were in Favor.

The next item of business to come before the Board was the discussion of Regulation 13, Supervision and Delegation of Duties to Dental Auxiliary Personnel. At the onset of discussion, Mr. Hutchinson made available, to the Board members and to the public, a copy of Regulation 13 as previously voted upon by the Board. Questions were entertained about the Regulation provided and answered accordingly. Discussion began with a historical refresher of the Regulation 13 filings with OLRC by Mr. Hutchinson. Mr. Hutchinson clarified that the version of Regulation 13 was only withdrawn from the filing with the SOS and OLRC and that the current version is still the Board-approved version. Discussion began with specifics revolved around the sunset clause. At this time, Dr. Porter opened the floor for the public to make comments. Dr. Brad Jenkins spoke on behalf of the MDA and aired concerns and the MDA's opposition to the amended version of Regulation 13. Bailey Alexander, RDH next spoke publicly on behalf of the MDHA in support of the amended regulation. Dr. Roddy Scarbrough spoke publicly in opposition to the amended version. Next, Shannon McCharen, RDH spoke in support of the amended regulation. Dr. Porter allowed for public dialog between a few parties in relation to specific topics of the regulation. Dialog of patient convenience and patient costs were discussed with no resolve. It is noted here that no public presenter made their comments available to the record in hard copy. Following discussion, Smith Made Motion to revisit Regulation 13 for further

amendments; Seconded by Birmingham; All in Favor; Moore and Williams opposed. The Motion passed.

More discussion was had about the possibility of forming a panel of both sides of the topic to get together and create a compromised version of the Regulation. Further discussion was had on this subject. At this time, Smith Made another Motion to refer a potential amended version to the Rules and Regulations Subcommittee, Seconded by Grubbs; a Vote was called with no affirmative votes cast; thus, the motion died as No Action. At this time, Zimmerman Made Motion to make changes to the Regulation to make it less obstructive at this current time and begin filing said amendment to the OLRC at the earliest time; Seconded by Birmingham; A vote was called: For- Zimmerman, Birmingham, Irons, and Smith; Against- Williams, Grubbs, and Moore; Porter Abstained. The Motion Passed and the Board began amending the version at hand. This new, amended version will be made a part of these minutes and the new filing will be executed with the OLRC for full codification.

The next item of business to come before the Board was the presentation of the annualUMMC Dental School Report. (Attached) Dr. Scott Phillips was given the floor and made a short presentation. One question was delivered by Dr. Zimmerman and answered accordingly. No action was taken.

At this time, Dr. Porter announced that he would like to deviate from the public agenda and allow an item to be added. Dr. Porter stated that some visitors had arrived unannounced and that he would allow fifteen minutes for Hiram Eastland and Alfred B. Jernigan, Jr., counsel for Dr. Brantley Nichols, to address the Board. Counsel made a short presentation about conditions of a previous Consent Order against Dr. Nichols surrounding the lack of evidence of proof of completion on a remedial course requirement. Counsel asked that this condition be cleared. The Board chose to take these comments into consideration and took no action. Board counsel clarified a few points for the Board on the subject revolved around a PEAD course and that no proof of completion had been rendered to the Board Staff. Again, the Board took No Action and took the information given under advisement.

At approximately 12:10 pm, Dr. Porter called for a break for lunch. He stated that he would reconvene into Public Session at 1:15.

At precisely 1:15 pm, Dr. Porter called the Public Session of the Board Meeting back into session.

The next item of business to come before the Board was a presentation by Board Counsel, Stan Ingram and AG Counsel, Alexis Morris for New Board Member Legal Orientation and Legal Requirements. Mr. Ingram covered legal requirements of the Board

Members and “do’s and don’t’s” of Board Member actions. No Action was taken.

At this time, Dr. Porter, as Board President, chose to move Board Hearings ahead on the agenda. The first Hearing called was Dr. Tanya Walker. (Hearing transcripts are made a part of these minutes; attached herein.) Following the hearing, The Board exited to Executive Session to deliberate. Following closed deliberation in Executive Session, Board rendered its verdict to Dr. Walker. Said verdict is attached here as ordered and delivered by the Hearing Examiner, Alexis Morris of the AG.

The Next hearing was called, John H. Hopkins, DMD. (Hearing transcripts are attached herein.) Following the hearing, The Board exited to Executive Session to deliberate. Following closed deliberation in Executive Session, Board rendered its verdict to Dr. Walker. Said verdict is attached here as ordered and delivered by the Hearing Examiner, Alexis Morris of the AG.

Following the Hearings before the Board, at 3:33 pm, Dr. Porter stated that he would entertain a Motion to enter Executive Session to conduct Board Business containing personnel matters, disciplinary matters, etc. Dr. Smith Made the Motion, Seconded by Grubbs; All were in Favor.

Following, Dr. Grubbs Made Motion to Enter Executive Session, Seconded by Zimmerman; All were in Favor and the Board began **Executive Session.**

Motion was made by Dr. Smith, seconded by Dr. Grubbs, to consider Exit from

executive session to take up a final item in Open Session; All were in Favor. Dr. Smith made Motion to Exit Executive Session and Seconded by Grubbs, where the Board voted unanimously to adopt this Motion and the Board Exited from **EXECUTIVE SESSION** at 7:08 p.m. to enter Open Session to conduct business matters of the Board.

Again in Open Session, the Board began conducting business accordingly. The first item to be presented was the CE Course Approval for Advanced Dental Implant and TMJ Center for Pradeep Adatrow, DDS. Porter made a short statement in support of the course approval. Williams Made Motion to Approve the course; Seconded by Smith; All were in Favor.

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

- Oral and Maxillofacial Surgery - Michael Babston, DMD

- Endodontics - Jamie Gartenberg, DDS

- Endodontics - Michael James, DDS

- Endodontics - Michael James, DDS Endodontics - Adam Lloyd, BDS

- Orthodontics - Andrea McLachlan, DMD

- Endodontics - Josanne Mildred O'Dell, DDS

- Pediatric Dentistry - Bryan Leighton Rhoads, DMD

The Board chose to take these applications up collectively where Dr. Grubbs Made the Motion for Approval; Seconded by Smith; 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:

- Michael Babston, DMD

- Alston Owen, DDS

Class 2 Anesthesia Provider: Moderate Sedation:

- Maryam Habibzadeh, DMD

- Jamie Howard, DMD

- Daniel Johnston, DMD

- Caesar Sweidan, BDS

Class 3 Anesthesia Provider: Minimal Sedation

- Jacob McInnis, DDS

Again, the Board chose to take these application up collectively. Moore Made Motion to Approve; Seconded by Zimmerman; 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:

Kincaid Dental Center - Latarsha Kincaid Arrington, DMD

Heritage Family Dental - Terry Lake Garner, DMD

Periodontal & Implant Associates of Jackson - Terry Lake Garner, DMD

Dental Group of Wiggins- Terry Lake Garner, DMD

McCarty Children's Dentistry- J. Britt McCarty, DMD

The Board chose to take these applications up individually. Moore Made Motion to Approve Kincaid Dental; Seconded by Zimmerman; All were in Favor. Next, Smith Made Motion to Approve Heritage Family Dental; Seconded by Moore; All were in Favor. Next, Smith Made Motion to Approve Periodontal & Implant Associates of Jackson; Seconded by Moore; All were in Favor; Grubbs Against. Motion Passed. Next, Smith Made Motion to Approve Dental Group of Wiggins; Seconded by Grubbs; All were in Favor. Lastly, Moore Made Motion to Approve McCarty Children's Dentistry; Seconded by Williams; All were in Favor.

The next item to be considered in Open Session was the presentation of Applications for Portable Lab. Ms. Clark presented Oak Lane Family Dental by Sherry Pippen, DMD. Much discussion was had on this application in regards to items listed on the application itself where the Board had previously denied the use of Botox outside of a dental office. In the end, the Board voted to approve the application as evidenced by a Motion by Moore; Seconded by Smith; All 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 May 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. Briefly, Mr. Hutchinson requested the Board's authority to amend Regulation 37 and detailed the amendments revolved around

compatibility with Regulation 30 terminology. Williams Made Motion to Approve this Request; Seconded by Moore; All were in Favor.

Furthermore, a motion was made by Dr. Williams, 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 7/16/2021 was adjourned at 7:46 p.m.

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

JEFF MICHAEL ZIMMERMAN, DDS
SECRETARY