

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

MINUTES

October 8, 2021

The Mississippi State Board of Dental Examiners held a meeting of the Board on October 8, 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 37 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
Westley Mutziger, Senior Counsel for MSBDE
Kate Littrell, MS Attorney Generals Office

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 37 participants were in attendance via ZOOM at the onset of the meeting.

The next item of business to come before the Board was approval of the Minutes from the July 16, 2021 Board Meeting. Dr. Roy Irons made the Motion to accept the minutes as presented; Seconded by Dr. Moore; 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 approval of the Minutes from the August 27, 2021 Board Meeting that was held virtually to discuss and decision pressing items. Dr. Roy Irons made the Motion to accept the minutes as presented; Seconded by Dr. Moore; 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 the Subcommittee Reports by each Chair:

Rules & Regulations (Smith)

Dr. Smith indicated that a subcommittee meeting was held on 9/17/21 at 10:00am to cover several topics. Dr. Smith asked Mr. Hutchinson to present the findings of the meeting. Mr. Hutchinson presented the minutes of the subcommittee meeting to the Board (attached to these minutes) and made note several items had been discussed with only one decision resulting from said meeting. Mr. Hutchinson indicated that the item decisioned was in regard to Laser Sub Therapeutic Level Anesthesia and the use of the Millennium Laser Product. A short explanation was given on the subject by Dr. Smith with Dr. Moore assisting. Smith indicated that the Subcommittee recommended approval of the use of the laser system in dental offices only for reversible measures such as desensitizing and only by direct supervision of the dentist; and, only after proper training in its use. Dr. Smith made this recommendation for approval in the form of a Motion, Seconded by Irons; All were in Favor, Williams Opposed. The Motion Passed.

Credentialing (Birmingham) No Report.

Legislative (Williams) No Report.

Licensure Examination (Grubbs) No Report. However, the Board indicated through Dr. Porter that he would like to have a representative from the Board for matters concerning ADEX. Dr. Grubbs was chosen to represent the Board with ADEX for a period of two-years. Dr. Grubbs ascended.

Practice Act Review (Zimmerman) No Report.

Budget and Finance (Moore)

Dr. Moore indicated that a Subcommittee Meeting had taken place virtually via ZOOM on 9/10/21 at 10:00 am. Dr. Moore asked Mr. Hutchinson to cover the actions taken. Mr. Hutchinson presented to the Board, the minutes from the Subcommittee meeting as well as all of the financials analyzed in detail and discussed in spreadsheet form. (Minute and financial spreadsheets attached) The list of financial spreadsheets presented were: FY 2021 Final, FY 2022 separation of accounts, and FY 2023 Budget Request. Mr. Hutchinson indicated that the Full Board would need to approve the recommendations of the Subcommittee. Mr. Hutchinson detailed each spreadsheet for the full Board and entertained specific questions about each attachment. Dr. Moore recommended Approval in the form of a Motion, Seconded by Smith; All were in Favor and the Motion Passed.

The next item of business to come before the Board was the election of Board Meeting dates for calendar year 2022. Dr. Porter began presenting dates in chronological order for discussion. The selected meeting dates were chosen as such:

January 14, 2022

April 8, 2022

July 22, 2022 and

October 21, 2022.

The next item of business to come before the Board was a presentation and request by Dr. Scott Phillips of UMMC School of Dentistry on the acceptance of the typodont versus patient ADEX exam for acceptance for licensure for 2022 graduates. Dr. Phillips made a presentation on the issues created by the ability of locating patients for the exam related to the use of manikins for the exam. Dr. Phillips entertained questions from the Members of the Board. After discussion, Dr. Smith Made Motion to Approve the use of manikins with the typodont tooth as a Hybrid use exam for the next year; Seconded by Zimmerman; All were in Favor; Irons Abstained and the Motion Passed.

The next item of business before the Board was also presented by Dr. Scott Phillips of the UMMC School of Dentistry and presented on behalf of Dr. Sreenivas Koka, Dean of the School of Dentistry, on the Board's consideration and approval of CODE Rotation Student eligibility. Dr. Phillips made the presentation and then entertained question from the Board. Questions revolved around specifics of direct supervision of faculty during these rotations of D3 students. Clarification of students would only be allowed if they had met a specific benchmark of 25 restorations. Smith Made Motion to Approve this request; Seconded by Irons; All Were in Favor.

The next item of business to come before the Board was a presentation and request by Ms. Birmingham for consideration of the use of Local Anesthesia Administration by Dental Hygienists. Ms. Birmingham gave a brief description of the request and presented documents in support of her request. (attached) Ms. Birmingham also presented a recommendation on the changes to Regulation 13 that would accompany a potential change in the regulation in the event of approval of the request. Ms. Birmingham then introduced to Brandi Barranco and Jenny Dunaway who also made presentations on this request. Members of the Public were also allowed to speak. Dr. Donald and Dr. Jenkins made short statements in opposition to the request. Ms. Birmingham, at this time, Made Motion to Approve the request to amend Regulation 13 to allow local anesthesia to be administered by Dental Hygienists; Seconded by Irons as he indicated that he seconded this Motion to allow further discussion on the subject. Discussion was had. Dr. Grubbs spoke on the subject in that he would like to have more information on the subject. Again, members of the public were allowed to speak. At this time, Dr. Irons stated that he would like to withdraw his Second for the Motion. Mr. Mutziger took the floor to give a legal opinion on this matter and to caution the Board on rushing into an action without counsel having ample time to consider said action. Mr. Mutziger centered his current opinion on the SOS/OLRC procedure and that he felt such a change with Regulation 13 would require a

separate filing if approved and should not be placed with the current Regulation 13 filing. At this time, Ms. Birmingham asked to amend her Motion to refer her request to the Rules and Regulations Subcommittee for review; Seconded by Zimmerman; and All Approved to refer to the Rules and Regulations Subcommittee for review and discussion.

The next item of business to come before the Board was the discussion of Regulation 13- Supervision and Delegation of Duties of Dental Auxiliary Personnel. This item is the decision item tabled following the Full evidentiary hearing of the same subject from October 1, 2021. Mr. Hutchinson presented the full transcript from the hearing, and is hereby attaching said transcript to these minutes. Board Counsel gave a brief summary of the happenings leading to the present. Dr. Grubbs Made Motion to fully rescind the current filing of amendment to Regulation 13 currently with the OLRC and have it be referred to the Rules and Regulations Subcommittee for review; Seconded by Williams. Dr. Porter called for discussion. Discussion centered around the legality of the Board making a change to the definition of "direct supervision". Dr. Moore made a statement on the subject and inquired of legal counsel on the subject. Mr. Ingram made a statement that the Board has full authority to define "direct supervision" as it sees fit and that this definition has never been called into question. Mr. Ingram stated that if the Board has been allowed to define this subject, then it is fully within its rights to "re-define". Members of the public were allowed brief statements both pro and con. After discussion, Dr. Porter called for a vote on the Motion and asked Mr. Hutchinson to clarify the Motion. The Vote taken: For the Motion to rescind the Regulation filing were: Grubbs, Moore, Williams. Against Motion were: Birmingham, Smith, Irons, Zimmerman, Porter. The Motion Failed.

At this time, Dr. Porter asked for a clarification on the current, codified version of Regulation 13. Mr. Hutchinson indicated that the current codified version is the 2011 version, attested to by Mr. Ingram. Mr. Ingram indicated that the version currently with the OLRC for approval is the current "voted-upon" version of Regulation 13 but it is not yet codified. Dr. Porter indicated that he would like to use this version to make amendments that would be more agreeable to both parties. Dr. Zimmerman was given the floor to make recommendations to the current version being considered by the OLRC. Dr. Zimmerman recommended changes in sections 1-A-1, 1-A-3, and 1-A-8 (copy of these recommended changes are attached to these minutes in working format). Following discussion of these changes, Dr. Zimmerman Made a Motion to Approve these changes and to have the current OLRC filing be amended to execute these changes through form 001 with the OLRC filing per rules of procedure; Seconded by Birmingham; and Porter called for a Vote. Votes For: Birmingham, Zimmerman, Porter, Irons, Smith. Votes Against: Moore, Grubbs, Williams. The Motion Passed.

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

-The **first** and only discussion topic within this agenda item was conducted by Dr. Porter and was the request for the Board to make a determination on scope of practice for Implant Placement by Endodontists. A brief explanation was given. Dr. Smith Made Motion to Approve this within the scope of practice for Endodontists; Seconded by Irons; All were in Favor; Grubbs Abstained.

The next item of business to come before the Board was for the Approval of a Course for consideration, Foundry IV. Dr. Porter made a short statement on the course and Ms. Clark presented details on the subject. Ms. Clark indicated that the Anesthesia Advisory Panel had analyzed and approved the course and recommended approval by the Board. Dr. Williams gave statement on the course and the discussion of the course from the AAP. Dr. Williams Made Motion to Approve the course; Seconded by Irons; All were in Favor and the Motion Passed.

At this time, Dr. Porter called for a Break for Lunch at 11:52 am.

At 12:57 pm, Dr. Porter called the meeting back into session.

At this time, Dr. Porter announced that he would like to deviate from the public agenda and allow an item to be heard. The item allowed was the Request for Hearing for Full Reinstatement for Dr. Tanya Walker. This item was heard in detail and is hereby rendered by a licensed court reporter.

(Attach Hearing Minutes Here) (Also Attached Here is the Order of the Board as constructed by AG Attorney Alexis Morris, Hearing Examiner)

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The next item of business to come before the Board was request for approval of Specialty License Applications by Ms. Clark. The following were presented:

Alyssa Lee Brailsford- Endodontics

Carson Myles Cruise- Pediatric Dentistry

Jeffrey Donald Loberg- Endodontics

Derek Edward Warren- Endodontics; The Board chose to take these applications up collectively. Irons Made Motion to Approve, Moore Seconded; All were in Favor.

The next item of business to come before the Board was request for approval of Anesthesia Permit Applications by Ms. Clark. Ms. Clark presented each application individually in detail. The first application was Gail Vollenweider Benton for a Class 2 permit. Moore Made Motion to Approve, Seconded by Dr. Irons; All were in Favor. The second application was Sarah Frances Crain for a Class 2 permit. Irons Made Motion to Approve, Seconded by Smith, and All Were in Favor. Next came Lauren Tyner Crenshaw for a Class 2 permit. Moore Made Motion to Approve, Seconded by Irons, and All Were in Favor. Next came the application for Jessica Lucovich Daves for Class 2 sedation permit. Irons Made Motion to Approve, Seconded by Moore; All in Favor. Then came Cameron Craig Larson for Class 2 permit. Irons Made Motion to Approve, Seconded by Moore; Again, All were in Favor. Lastly came William Preston McAlexander for Class 2 permit. Moore Made Motion to Approve, Seconded by Irons; All were in Favor.

The next item to come before the Board were Corporate Trade Name Applications as presented by Ms. Clark. Chandra M. Minor- Smile Design Studio was presented first. This item was presented alongside Jerrick W. Rose- The Children's Dental Studio as they will be housed within the same facility. Dr. Irons Made Motion to Approve, Seconded by Moore; All Were in Favor. Next came Diana Pappa- Madison Dental Studio. Moore Made Motion to Approve, Seconded by Smith; All in Favor. The next item presented by Ms. Clark was Fred Walters- Laurel Oaks Dental Care. Smith Made Motion to Approve, Seconded by Moore, All in Favor. The last item presented by Ms. Clark was Will Umphlett/ M. Lewis Grubbs- Capital Dental Sleep Inc. Dr. Grubbs made a brief statement following Ms. Clark's presentation. Irons Made Motion to Approve, Seconded by Moore, All were in Favor, Smith and Grubbs Abstained.

The next item of business to be conducted by the Board was the Request for Exoneration of Probation for Brennen T. O'Brien by Mr. Hardwick. Mr. Hardwick briefly presented the request from the letter transmitted by Dr. O'Brien. Since Dr. O'Brien

could not be present on his own behalf for questioning, Dr. Moore Made Motion to Table this Request until such a time Dr. O'Brien could make an appearance before the Board, Seconded by Irons; 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 September 30 of 2021 for FY 2022. 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, 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. No action was taken.

At 3:10 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. Irons Made the Motion, Seconded by Smith; All were in Favor. Following, Dr. Irons Made Motion to Enter Executive Session, Seconded by Moore; All were in Favor and the Board began Executive Session.

Motion was made by Dr. Williams, seconded by Dr. Irons, to consider Exit from executive session; All were in Favor. Dr. Williams 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 3:31p.m. to enter Open Session to conduct business matters of the Board.

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 10/8/2021 was adjourned at 3:33 p.m.

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

JEFF MICHAEL ZIMMERMAN, DDS
SECRETARY