

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

Board Officers:

Robert L. Smith, Jr., D.D.S., President
Jeff Michael Zimmerman, D.D.S., Vice-President
Marion Lewis Grubbs, D.M.D., Secretary



Board Members:

Alexa L. Lampkin, D.M.D.
T. Delton Moore, Jr., D.D.S.
Steven M. Porter, D.D.S.
Mark D. Williams, D.M.D.
Haley Harrison Birmingham, R.D.H.

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Facsimile: (601) 944-9624

600 East Amite Street, Suite 100
Jackson, Mississippi 39201-2801

Internet: www.dentalboard.ms.gov
E-Mail: dental@dentalboard.ms.gov

Mississippi State Board of Dental Examiners Business Meeting Minutes November 04th, 2022

The Mississippi State Board of Dental Examiners is a legislatively mandated state regulatory agency charged with the responsibilities of examining, licensing, registering, and regulating the practices of dentistry and dental hygiene to ensure competency (through examination and licensure) and ethics (through registration and regulation) among all dental professionals in the State of Mississippi for the ultimate goal of safeguarding and enhancing the health and welfare of the citizens of this State. As such, the Mississippi State Board of Dental Examiners is neither affiliated with nor functions as a subsidiary of any private or professional organization.

The Mississippi State Board of Dental Examiners held a special meeting of the Board on November 04th, 2022 at 8:30 a.m., at Board offices, located at Suite 100, 600 East Amite Street, Jackson, Mississippi, 39201. Virtual participation via Zoom was available at the link <https://us02web.zoom.us/j/84771184661>. Steven M. Porter, D.D.S., participated virtually. Board Members physically present for the meeting were as follows:

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Board Staff physically present for the meeting were as follows:

W. Westley Mutziger, Board Counsel & Interim Director
Tiffany Vaughn, Deputy Director
Lou Sims, Dental Hygiene Licensing Officer
Nick Hardwick, Senior Investigator
James Grimes, Investigator

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--- OPEN SESSION --- ✓

1. Determination of Quorum (Smith)

- The Board President determined all Board Members were present for the Meeting.
- The Board President called the meeting to order.

2. Welcome & Introduction of Guests (Smith)

- The Board President identified and welcomed those guests in attendance.

3. Approval of Meeting Minutes – September 09, 2022 (Mutziger)

- Motion to Approve by Dr. Moore; Seconded by Dr. Grubbs. **The Board voted unanimously to approve the September 09, 2022, Minutes.**

4. Board Meeting Dates – 2023

- The Board identified dates for regularly scheduled Board Business Meetings for 2023:
 - January 13th, 2023;
 - April 14th, 2023;
 - July 14th, 2023;
 - October 27th, 2023.

5. Mississippi State Department of Health, Office of Oral Health Update

Angela F. Filzen, D.D.S., State Dental Director

- Dr. Filzen provided an overview of the Office of Oral Health, including its mission, the composition of its staff, and the services performed. Dr. Filzen identified patient education and surveillance of Mississippi's oral health as two (2) primary objectives that the Office pursues through various government programs and grants.

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- Dr. Filzen identified the Office's goal for 77% of the state of Mississippi to provide water fluoridation. Currently, approximately 40-50% of Mississippians have access to fluoridated water. Further, the Office is piloting tablet-based water fluoridation.
 - Lastly, the Office is collaborating with Medicaid to prevent carries in children.
 - Dr. Smith inquired whether the city of Jackson has restored fluoridation, since the recent water-outages and boil-water alerts issued in the city.
6. Subcommittee Reports & Updates (No action reported for any of the subcommittees.)
- Rules & Regulations (**Zimmerman**)
 - Credentialing (**Lampkin**)
 - Legislative (**Birmingham**)
 - Licensure Examination (**Williams**)
 - Practice Act Review (**Moore**)
 - Budget & Finance (**Grubbs**)
7. Board Regulation 13 – Update (**Mutziger**)
- Mr. Mutziger advised that the Board's proposed amendment to Board Regulation 13 regarding direct vs general supervision of dental hygienists requires final action to effectuate the Board's position articulated at the September Board Business Meeting – the proposed amendment is beyond the statutory authority of the Board.
 - Mr. Mutziger restated the concerns of the OLRC, as addressed previously in the September 09th Board Business Meeting, regarding the Board's authority to pursue the proposed amendment. Mr. Mutziger advised that in order finalize the Board's position to abandon the proposed amendment, the Board should formally withdraw the filing.

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- Dr. Smith inquired why it took two (2) years to obtain clarity on the OLRC's position regarding the proposed amendment. Mr. Mutziger responded that, while uncertain, Board staff may not have undertaken appropriate follow-up action.
- Dr. Zimmerman inquired into the possibility of submitting written correspondence to the OLRC, in which the Board could request a formal response by the OLRC regarding its position on the proposed amendment. Mr. Mutziger advised that the Board may take such action; however, it appeared unlikely that any additional information would be revealed by such request.
- Dr. Williams and Dr. Grubbs further discussed the history of the proposed amendment and that, based on the events that have transpired and Mr. Mutziger's legal opinion, the proposed amendment is unlikely to proceed.
- Dr. Irons, a member of the public, inquired as to what made the proposed amendment fail to garner OLRC support. Mr. Mutziger articulated that that the OLRC may have not even analyzed whether the proposed amendment is in the public's interest. Irrespective of the merit of the proposed amendment, Mr. Mutziger opined that the Board is without the authority to adopt regulations which run counter to the clear language and intent of the Dental Practice Act.
- Motion to withdraw the Board's proposed amendment to Board Regulation 13 regarding direct vs general supervision of dental hygienists by Dr. Williams; Seconded by Dr. Grubbs. Dr. Zimmerman opposed. **The remaining Board Members voted to withdraw the Board's proposed amendment to Board Regulation 13 regarding direct vs general supervision.**
- Dr. Moore noted that withdrawal of the filing would include withdrawing additional proposed amendments unrelated to direct vs general supervision of

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dental hygienists. Mr. Mutziger advised that withdrawal does not preclude the Board from seeking adoption of the unrelated proposed amendments at a future date.

8. Conference Reports (Mutziger/ Birmingham)

- Mr. Mutziger reported on AADB Annual Meeting, which he, Dr. Lampkin, Dr. Zimmerman, and Mrs. Birmingham all attended.
- The conference/meeting focused primarily on the potential adoption of a Dental Interstate Compact.
- Mr. Mutziger reported that the purported purpose of a Dental Interstate Compact is to provide uniform licensure requirements and facilitate licensure and employment of members of the military, which are required to relocate frequently. Attendees of the conference reported some skepticism regarding this. Mr. Mutziger described the mechanics of an Interstate Compact, including the necessity of a minimum of ten (10) states' adoption of enacting legislation. Mr. Mutziger reported that he participated in a working group of attorneys at the conference to identify issues with an Interstate Compact specific to the practice of dentistry. Namely, the group discussed the lesser degree of transience of the dental profession compared to professions like nursing, as well as the working group's preference that a Dental Interstate Compact's universal licensure requirements include a neuromotor assessment.
- Mrs. Birmingham reported on her attendance to the Annual Educator's Conference, where she was exposed to various educational presentations. Further, Mrs. Birmingham delivered a presentation on "Introduction to Basic Erosive Wear Examination Index" (BEWE).

9. Specialty Applications (Vaughn)

- Periodontics – Dr. Laura Smith

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- The Board discussed the application and confirmed that the candidate met all qualifications.
- Motion to Approve by Dr. Williams; Seconded by Dr. Moore. **The Board voted unanimously to approve the Specialty Licensure in Periodontics for Dr. Laura Smith.**
- Orthodontics – Dr. Shane Radford
 - The Board discussed the application and confirmed that the candidate met all qualifications.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Specialty Licensure in Orthodontics for Dr. Shane Radford.**

10. Anesthesia Permit Applications (Vaughn)

- Class 2 – Dr. Manisha Pradhan
 - The Board discussed the application and confirmed that the candidate met all qualifications.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Class 2 Anesthesia Permit for Dr. Manisha Pradhan**
- Class 2 – Dr. Laura Smith
 - The Board discussed the application and confirmed that the candidate met all qualifications.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Class 2 Anesthesia Permit for Dr. Laura Smith.**

11. Corporate Trade Name Applications (Vaughn)

- **Love Dental Implants and Dentures** – Dr. Elijah Love

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- The Board discussed the application and confirmed all requirements were satisfied.
- Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Corporate Trade Name.**
- Nix Pediatric Dentistry – Dr. Anna Nix
 - The Board discussed the application and confirmed all requirements were satisfied.
 - Motion to Approve by Dr. Williams; Seconded by Dr. Moore. **The Board voted unanimously to approve the Corporate Trade Name.**
- Germantown Dental – Dr. Terry Garner
 - The Board discussed the application and confirmed all requirements were satisfied.
 - Motion to Approve by Dr. Williams; Seconded by Dr. Moore. **The Board voted unanimously to approve the Corporate Trade Name.**
- Mississippi Periodontics, Implants and Esthetics – Dr. Jamie Howard
 - The Board discussed the application and confirmed all requirements were satisfied.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Zimmerman. **The Board voted unanimously to approve the Corporate Trade Name.**
- Pediatric Dentistry of Brandon – Dr. Henry Cook
 - The Board discussed the application and confirmed all requirements were satisfied.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Corporate Trade Name.**

12. Portable Dental Operation Application (Vaughn)

- Aria Dental Care, P.C.

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- The Board discussed the application and confirmed all requirements were satisfied, with two (2) noted exceptions. The Board determined that the application's list of dentists available for emergency services required confirmation, and that an up-to-date site inspection is required.
- Motion to approve pending verification of the list of dentists available for emergency services and reinspection of the operation by December 31st, 2022, by Dr. Williams; Seconded by Dr. Moore. Dr. Zimmerman abstained. **The remaining Board Members voted to approve the Portable Dental Operation, pending verification of the list of dentists available for emergency services and reinspection of the operation by December 31st, 2022.**

13. Financial Report (Denise DeRossette)

- Ms. DeRossette provided a comprehensive financial report for the agency. Minimum purchase orders have been completed by the Board. Specifications for replacement of Board room computers remain outstanding.
- Board Member travel and per diem remain outstanding.
- Ms. DeRossette provided an overview of assistance provided in recruiting for the Executive Director vacancy, including job postings and development of interview questions.

14. Interim Director's Report (Mutziger)

- Mr. Mutziger described the possibility of the Shared Human Resources Program, offered by Mississippi State Personnel Board. Participation in the program requires execution of two (2) memoranda of understanding.
- Approximately 100 investigations have been initiated year-to-date.
- Dr. Smith expressed a desire for the Board to return to utilization of the online system to review cases.

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- Dr. Grubbs inquired as to timeliness of Board Member review of pending investigatory cases. Mr. Hardwick opined that, with few exceptions, Board Member review is timely.
- Mr. Mutziger noted that, to date, 1,320 dental hygienists have completed license renewal and 3,115 radiology permit holders have completed license renewal. Approximately fifteen percent (15%) of licensee renewals remain outstanding. Licensure staff have worked diligently to complete license renewal timely, given the challenges of reduced personnel and working with a new licensure database. Temporary personnel have been utilized where available to compensate for reduced full-time personnel.
- The Board's phone system has encountered intermittent outages, due to a state-directed transfer of phone-service providers.
- Dr. Moore requested that the staff's state cell phone numbers be disseminated to Board Members.
- The Board discussed the possibility of waiving penalty fees for any delay in licensure renewal as a result of inability to communicate with Board, due to the intermittent phone outages. The Board determined that such action was not necessary.
- The Board received 46 applications for the Executive Director vacancy.

15. Other Board Business

- Dr. Moore discussed the U.S. Dep't of Health & Human Services recommended that the Public Readiness and Emergency Preparedness Act to include authorization for the dentist to administer vaccines for monkeypox, smallpox, other orthopoxviruses. Dr. Moore moved that the Board amend its prior ruling authorizing dentists to administer vaccinations to further include authorization for administration of vaccines for monkeypox, smallpox, other orthopoxviruses, and other viruses that may be necessary under a declared

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national emergency; Williams Seconded. The Board unanimously voted to amend its prior ruling authorizing dentists to administer vaccines to further include authorization of administration of vaccines for monkeypox, smallpox, other orthopoxviruses, and other viruses that may be necessary under a declared national emergency.

- The Board discussed the licensure requirement for current CPR certification. The Board discussed the distinction between an AHA and American Red Cross official CPR provider and another provider that merely utilizes the AHA and/or American Red Cross CPR curriculum. No action taken.

Dr. Williams moved to enter closed session to determine if an executive session is proper; Dr. Grubbs Seconded. The Board entered closed session. The Board determined Executive Session is appropriate to consider pending investigatory and disciplinary matters and personnel matters. Dr. Grubbs moved to enter executive session; Dr. Zimmerman Seconded. **The Board unanimously voted to enter into Executive Session to discuss personnel matters and pending investigatory and disciplinary matters.**

--- EXECUTIVE SESSION ---

This section is intentionally left blank.

Dr. Moore moved to exit executive session; Seconded by Dr. Williams. **The Board unanimously voted to exit executive session.**

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--- OPEN SESSION ---

16. Report from Executive Session – Pending Investigations & Disciplinary Matters

(Mutziger/ Hardwick/ Grimes)

- **Dr. Zimmer moved to approve the following Consent Orders; Seconded by Dr. Porter. The Board voted unanimously to approve the following**

Consent Orders:

- Case No. 2022-050
- Case No. 2022-052
- Case No. 2022-053
- Case No. 2022-054
- Case No. 2022-055
- Case No. 2022-058
- Case No. 2022-059
- Case No. 2022-060
- Case No. 2022-061
- Case No. 2022-062

- **Dr. Williams moved to approve the following Remands; Seconded by Mrs. Birmingham. The Board voted unanimously to approve the following**

Remands:

- Case No. 2022-056
- Case No. 2019-016
- Case No. 2022-039
- Case No. 2021-084

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- Dr. Moore moved to approve the following Letters of Concern; Seconded by Dr. Zimmerman. **The Board voted unanimously to approve the following Letters of Concern:**
 - Case No. 2022-070
 - Case No. 2022-065

17. Report from Executive Session – Personnel Matters

- Motion by Dr. Moore to reclassify the Senior Investigator, Mr. Nick Hardwick, to “Investigation Supervisor,” as defined by MSPB SEC2; Dr. Lampkin Seconded. **The Board unanimously voted to approve reclassification of Senior Investigator, Mr. Nick Hardwick, to “Investigation Supervisor,” as defined by MSPB SEC2.**

There was no further business of the Board. Motion by Dr. Moore to adjourn; Seconded by Dr. Williams. **The Board voted unanimously to adjourn at approximately 1 p.m.**

APPROVED BY THE BOARD ON THIS, THE 13th DAY OF January, 2023.

A blue ink signature of Marion Lewis Grubbs, D.M.D., Secretary of the Mississippi State Board of Dental Examiners.

MARION LEWIS GRUBBS, D.M.D.
SECRETARY, MSBDE