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PAINT OVER A RUSTY FENDER. THE RUST KEEPS ON GOING AND THE PAINT PEELS OFF AFTER A WHILE. AND MEDICALLY, DENTALLY SPEAKING, I WOULD SUBMIT THAT THIS IS THE SAME THING. DR. SNEED TESTIFIED A LITTLE MORE ELEGANTLY THAN THAT ABOUT THIS. AND HIS TESTIMONY OF COURSE IS IN THE RECORD. BUT HE SAID, YOU DON'T PUT SEALANTS OVER GROSS DECAY. IT MAKES POOR ADHESION. DECAY CAN GET BETWEEN THE POORLY BONDED SEALANT AND THE TOOTH, AND THE DECAY, AND GROW MORE RAPIDLY THAN IT WOULD EVEN IF THE TOOTH HADN'T BEEN SEALED. DR. SIMONSEN, WHO WAS THE EXPERT FOR THE HYGIENIST WHO YOU ARE PROBABLY GOING TO HEAR A LOT ABOUT, HAS DONE A LOT OF SEALANT WORK NATIONALLY AND INTERNATIONALLY, ADMITTED IN AN E-MAIL TO DR. SNEED A YEAR OR SO BEFORE THIS CASE CAME UP FOR TRIAL THAT YEAH, THAT BASICALLY HE AGREED WITH THE POSITION OF DR. SNEED. DR. SNEED AND DR. SIMONSEN AGREED THAT A POORLY PLACED SEALANT CAN CREATE A FALSE SENSE OF SECURITY WITH A PATIENT, BECAUSE, AFTER ALL, IT'S SEALED. IT'S WHITE. IT LOOKS GOOD. YOU THINK THE DECAY IS SEALED OFF. AND IN AT THAT GROUP OF FOUR PHOTOGRAPHS, IF YOU ARE A MAMA

ANYWAY, AND YOU LOOK AT THAT, YOU SEE NICE WHITE SHINY FILLINGS IN THERE OR SEALANTS. AND YOU CAN'T TELL WHETHER THERE IS DECAY IN THERE OR NOT NECESSARILY. DR. SNEED -- EXCUSE ME, LET ME SAY ONE OTHER THING ABOUT THAT. AND THAT IS THERE IS A DHEC FLOW CHART SOMEWHERE IN THE EVIDENCE, AND I'M JUST GOING TO PASS THIS OUT IF I MAY.

MS. BALLARD: THAT'S RESPONDENTS' EXHIBIT NUMBER 5 AT TAB SIX.

MR. WOODINGTON: OR MAYBE NUMBER 6 AT TAB SIX, WHATEVER IT IS, OKAY. THIS IS PART OF A, PART OF A LARGE BODY OF EVIDENCE, BUT I'VE TAKEN THE LIBERTY OF CIRCLING ONE OF THESE THINGS ON HERE. THIS IS A DHEC DOCUMENT. IT'S PART OF THE PUBLIC HEALTH PROGRAM FOR DHEC. IT WAS ACTUALLY INTRODUCED BY THE HYGIENIST. AND IF YOU FOLLOW THE FLOW CHART DOWN, DOWN TO THE THIRD BOX WHERE IT SAYS, EVALUATE PIT AND FISSURE SERVICES, CARIES-FREE SEALANT, QUESTIONABLE SEALANT. AND I THINK THE QUESTIONABLE, I THINK THERE WAS TESTIMONY, QUESTIONABLE MEANS, IS IT CARIES-FREE OR IS IT ENAMEL CARIES. THAT'S THE ONLY QUESTION WE'RE TALKING ABOUT WITH QUESTIONABLE. IF IT'S

ENAMEL CARIES, WHICH ISN'T VERY DEEP, THEN SEAL. THE FOURTH ONE OVER THERE, THE ONE WITH THE CIRCLE AROUND IT, DENTIN CARIES, RESTORE. THE PANEL ALSO CITED THAT'S DHEC. I MEAN THAT'S RIGHT IN THE MATERIALS THAT INVOLVED THESE CASES; THAT'S THE OPERATING STANDARD UNDER WHICH THESE HYGIENISTS WERE WORKING. IF IT'S GOT DENTIN CARIES, AND THERE WAS TESTIMONY THAT THESE CARIES DID GO DOWN INTO THE DENTIN, RESTORE, DON'T SEAL. THE PANEL ACTUALLY QUOTED SOME OTHER DHEC MATERIAL THAT SAYS THERE'S SOMETHING CALLED, YOU'VE GOT PREVENTATIVE SEALS. YOU'VE GOT, IF YOU HAVE QUESTIONABLE DECAY, YOU SHOULD MAYBE CONSIDER THERAPEUTIC SEALS. I'M QUOTING THE PANEL, WHICH IS QUOTING DHEC. AND A THIRD TYPE OF SEALANT, INTERIM SEALANT MAY BE USED IN COMMUNITY AND SCHOOL-BASED SETTING PROGRAMS, BUT NOT UNLESS A DENTIST EXAMINES THE PATIENT. WELL, THERE'S NO SUGGESTION REALLY, I DON'T BELIEVE THAT THESE WERE PLACED AS INTERIM SEALANTS WITH THE WORD GOING FORTH THAT THEY WOULD JUST PLACE SEALANTS AS AN INTERIM, YOU KNOW, RUN HOME AND GET LITTLE JOHNNY RESTORED, I DON'T THINK THAT WAS THE INTENTION. SO IT'S

BASICALLY THE PLACEMENT OF SEALANTS IN A SITUATION WHERE THE ONLY THING APPROPRIATE WAS RESTORATION AND REFERRAL TO A DENTIST, AND IT APPEARS THAT RESTORATION WAS APPROPRIATE. THERE'S BEEN A QUESTION OF -- DR. SIMONSEN, WHO YOU'LL HEAR MORE ABOUT IN A MINUTE, THEIR EXPERT, HAD SOME FAIRLY VAGUE TESTIMONY IN THERE THAT, WELL, WHEN IT COMES TO SEALANTS, NOBODY'S RIGHT AND NOBODY'S WRONG, AND THERE MAY BE SOME CLOSE CASES. I DON'T EVEN THINK HE -- I THINK HE WOULD ALWAYS, HIS FIRST TESTIMONY WAS ALWAYS SEAL, NO EXCEPTIONS. I WOULD SUBMIT THAT'S AN EXTREME POSITION. IT'S NOT BACKED UP BY THE, BY DHEC; IT'S NOT BACKED UP BY DR. SNEED; IT REALLY WASN'T EVEN BACKED UP BY DR. SIMONSEN IN HIS E-MAIL EXCHANGE OF SOMETIME BACK. ONE OR TWO OTHER POINTS, AND I'LL BE THROUGH FOR THE MOMENT. THIS IDEA THAT THERE MAY BE TWO STANDARDS OF CARE, ONE FOR THE PUBLIC HEALTH SETTING AND ONE FOR THE PRIVATE DENTAL OFFICE, I WOULD SUBMIT IS AN IMPROPER THING. AND DR. SNEED AND THE PANEL I BELIEVE FOUND THAT ONE STANDARD OF CARE APPLIES WHEN YOU'RE TALKING ABOUT GROSS CARIES: YOU DON'T SEAL IT, REALLY SIMPLY.

ANOTHER ISSUE THAT'S BEEN RAISED, AND I MAY RESPOND TO MORE, IS WHETHER OR NOT THERE WAS HARM TO THE PATIENT. WELL, THIS ISN'T A MALPRACTICE CASE, YOU KNOW. THE, IF THE -- THIS MAY BE OBVIOUS TO REGULATORY BOARD MEMBERS, BUT IF YOU GET SUED FOR MALPRACTICE, THE PERSON HAS GOT TO SHOW THAT THEY'VE BEEN HARMED. IF YOU GET, IF YOU'RE FOUND TO HAVE VIOLATED THE STANDARD OF CARE UNDER THE PROFESSIONAL LICENSING CONTEXT, THE THING THAT MATTERS IS THAT YOU DID THE MISTAKE. IF THE PATIENT FOR SOME REASON WALKED OUT AND DIDN'T GET HURT BY IT, YOU STILL DID THE MISTAKE, AND YOU'RE STILL SUBJECT TO PROFESSIONAL DISCIPLINE AS A RESULT OF IT. IT DOESN'T SEEM TO BE TOO DIFFICULT EITHER. FINALLY, I MEAN WE DON'T DISAGREE THAT THE HYGIENISTS ARE GENERALLY SINCERELY CONCERNED ABOUT THE WELFARE OF THE CHILDREN IN THE PUBLIC HEALTH PROGRAM. BUT EVEN AN OCCASIONAL -- EVEN A WELL-INTENTIONED PERSON WILL OCCASIONALLY MAKE A MISTAKE. AND THESE CASES INVOLVED THE MISTAKE OF PLACING SEALANTS OVER VISIBLY EVIDENT GROSS DECAY. MS. BALLARD HAS ALREADY PREVIEWED THAT SHE THINKS THIS IS A VERY

COMPLICATED, HIGH LEVEL POLICY ISSUE AND SO FORTH. I WOULD SUBMIT IT IS A VERY SIMPLE ISSUE ABOUT THE MINIMAL STANDARD OF CARE. DO YOU, IF YOU SEE VERY OBVIOUS OR WHAT SHOULD BE VERY OBVIOUS DECAY ON A TOOTH, DO YOU APPLY SEALANTS TO IT? THE ANSWER IS NO. WHETHER YOU ARE IN THE PUBLIC SCHOOL SETTING OR WHETHER YOU'RE IN THE DENTIST OFFICE OR WHEREVER, WHEN YOU'RE A HYGIENIST, YOU DON'T DO THAT. THERE MAY NOT BE THAT MANY OF THESE CASES, I DON'T KNOW. BUT THAT, BUT THAT'S THE ONLY MESSAGE THAT SHOULD GO OUT TO THE DENTAL HYGIENE COMMUNITY IS THAT IF YOU'VE GOT GROSS DECAY THAT YOU CAN SEE WITH YOUR EYES AND PICK AT WITH AN EXPLORER, DON'T SEAL IT. THAT'S ALL. SEEMS REASONABLE ENOUGH. AND I WOULD REQUEST THAT THE BOARD ACCEPT ALL THE FINDINGS OF THE PANEL AND CONSIDER MAKING THESE ANONYMOUS PUBLIC REPRIMANDS. AND WITH THAT, I WILL RELINQUISH THE FLOOR FOR A WHILE.

DR. BRAGDON: MS. BALLARD?

OPENING STATEMENT OF THE RESPONDENT:

MS. BALLARD: I AM SORRY TO SAY THAT I WON'T BE AS BRIEF AS MR. WOODINGTON. DO YOU WANT ME TO GO AHEAD AND START, OR IS THERE ANY REASON TO

TAKE ANOTHER BREAK? ARE WE OKAY TO START?

DR. BRAGDON: LET'S GO.

MS. BALLARD: OKAY. WELL, I JUST WANTED TO MAKE SURE. FIRST OF ALL, BEFORE I ADDRESS THE MERITS OF THE ISSUES IN THESE CASES, I WANTED TO INTRODUCE YOU TO THE RESPONDENTS IN THESE PROCEEDINGS AS THEY ARE PRESENT HERE TODAY. THEY WERE PRESENT THROUGHOUT THE TWO-DAY HEARING THAT WE HAD IN DECEMBER, AND I THINK YOU HAVE THE RIGHT TO KNOW WHO THEY ARE AND LOOK THEM IN THE EYES. I WOULD INTRODUCE HYGIENIST 2. HYGIENIST 2, WOULD YOU STAND UP? AM I IN ANYBODY'S WAY? HYGIENIST 3, HYGIENIST 3. HYGIENIST 4 AND HYGIENIST 1. I WANTED YOU TO KNOW THAT THESE ARE REAL PEOPLE. WE'RE TALKING ABOUT A LOT OF POLICY ISSUES, DESPITE WHAT MR. WOODINGTON SAYS. BUT WE'RE ALSO TALKING ABOUT REAL PEOPLE AND WHETHER OR NOT THESE REAL PEOPLE WERE FORTUNATE OR UNFORTUNATE ENOUGH TO BE ON THE CUTTING EDGE OF ISSUES THAT HAVE NOT BEEN ADDRESSED BY THIS COURT BEFORE, OR BY THE COURTS BEFORE. PLEASE DON'T LOSE SIGHT OF THE FACT THAT THESE ARE REAL PEOPLE. THEY HAVE DISCIPLINARY CHARGES THAT HAVE BEEN BROUGHT AGAINST THEM THAT IF

ANY FINDINGS OF MISCONDUCT ARE FOUND WILL BE WITH THEM FOR THE REST OF THEIR LIVES. AND I WANT TO MAKE SURE THAT THAT IS CLEAR TO EVERYONE. ALONG THOSE LINES, MR. WOODINGTON'S SUGGESTION THAT IN THE TWO CASES IN WHICH SANCTIONS HAVE BEEN RECOMMENDED, THAT BEING HYGIENIST 2 AND HYGIENIST 1, THAT ANY FILED ORDER THAT IS ISSUED BY THIS BOARD, RATHER THAN BEARING THEIR NAMES, BEAR AN IN RE: ANONYMOUS CAPTION, THAT'S NOT AN ALL TOGETHER UNUSUAL THING. THAT'S DONE IN A NUMBER OF DISCIPLINARY SETTINGS. THE SUPREME COURT DOES IT WITH LAWYERS; THE MEDICAL BOARD DOES IT WITH DOCTORS. IT WOULD ALLOW YOU, INSOFAR AS YOU WANT TO ISSUE AN ORDER DEFINING WHAT STANDARD OF CARE IS OR ANSWERING OTHER QUESTIONS THAT ARE RELATED TO THESE PROCEEDINGS, IT WOULD ALLOW YOU TO DO THAT. BUT YOU MAY ALSO DO THAT, YOU MAY ALSO ISSUE IN RE: ANONYMOUS OPINIONS WHEN YOU DISMISS CHARGES. IT'S NOT NECESSARY TO HAVE A FINDING OF MISCONDUCT IN ORDER FOR THIS BODY TO ISSUE A FINAL ORDER FINDING SANCTIONS. THE SUPREME COURT HAS DONE IT; THE MEDICAL BOARD HAS DONE IT. IT IS ENTIRELY WITHIN THE SCOPE OF YOUR

AUTHORITY TO ISSUE AN OPINION IN ONE OR MORE OF THESE CASES IN WHICH YOU REFER TO THE RESPONDENTS AS IN RE: ANONYMOUS AND YOU SAY WE DISMISS THE CHARGES, BUT WE WISH TO MAKE A STATEMENT ON THIS LEGAL ISSUE THAT WAS BEFORE US. THE SUPREME COURT HAS DONE IT IN ONE DISCIPLINARY CASE SPECIFICALLY THAT WAS PUBLISHED. THEY'VE DONE IT, IN RE: ANONYMOUS CASES, ON NUMEROUS OCCASIONS. THE BENEFIT OF THAT OF COURSE, AS MR. WOODINGTON INDICATES, IS THAT NONE OF THESE INDIVIDUALS WILL BE A POSTER CHILD FOR THESE ISSUES. LUCKY ENOUGH TO BE THE FISH THAT HAPPENED TO BE THERE WHEN THE HOOK WAS IN THE WATER. WE OBVIOUSLY DON'T OBJECT TO THE PUBLICATION OF SOMETHING USING A CAPTION OF IN RE: ANONYMOUS. WE DO, HOWEVER, OBJECT TO ANY FINDINGS OF MISCONDUCT AGAINST ANY OF THESE RESPONDENTS. WE THINK THE RECORDS ARE CLEAR ON THOSE ISSUES. AND I WANTED TO ADDRESS THOSE IN MORE DETAIL. I KNOW YOU'VE HEARD FROM ME ACKNOWLEDGING MY MEMORANDUM THAT I FILED WITH THE BOARD THAT WE CAN'T GO ANYWHERE HERE UNTIL WE TALK ABOUT THE STANDARD OF CARE. AND THE PANEL, APPARENTLY IN A EFFORT TO ADDRESS THAT ISSUE, SAID THAT,

IN ALL OF THESE CASES, THAT THE STANDARD IS NO DIFFERENT IN A PUBLIC HEALTH SETTING THAN IT IS IN THE PRIVATE DENTAL SETTING. THE GENERAL ASSEMBLY DISAGREES WITH THAT. WHEN THE GENERAL ASSEMBLY ENACTED THE LEGISLATION FOR THE SCHOOL-BASED PUBLIC HEALTH PROGRAM, IT SPECIFICALLY SAID, AND I REFER YOU TO SECTION 40-15-110 -- (TO MR. WOODINGTON AS A CELL PHONE RINGS) DO YOU NEED TO GET THAT? -- THAT A LICENSED DENTAL HYGIENIST EMPLOYED WITHIN OR CONTRACTED THROUGH THE PUBLIC HEALTH SYSTEM MAY PROVIDE EDUCATION AND PRIMARY PREVENTATIVE CARE THAT IS REVERSIBLE. PRIMARY PREVENTATIVE CARE AND EDUCATION ARE DEFINED AS PROMOTION AND PROTECTION OF HEALTH TO AVOID THE OCCURRENCE OF DISEASE THROUGH COMMUNITY, SCHOOL AND INDIVIDUAL MEASURES FOR IMPROVEMENTS IN LIFESTYLE. THE GENERAL ASSEMBLY HAS SAID THAT THE PUBLIC HEALTH PROGRAM HAS DIFFERENT PURPOSES THAN THE PRIVATE PRACTICE OF DENTISTRY. HAVING SAID THAT, THE GENERAL ASSEMBLY HAS DETERMINED THAT THE STANDARD OF CARE HAS TO BE DIFFERENT. THEY CAN'T POSSIBLY BE THE SAME. WE KNOW FROM THE DECISION, FROM THE LANGUAGE OF THE

STATUTES THAT THE PURPOSE OF THE PUBLIC HEALTH PROGRAM IS NOT JUST RELATED TO INDIVIDUAL CARE, BUT IT'S RELATED TO THE COMMUNITIES AS A WHOLE AND TO PUBLIC HEALTH AS A WHOLE. THE PUBLIC PROGRAM IN SCHOOLS IS FOR PREVENTATIVE DENTISTRY. BY DEFINITION, THE PRIVATE PRACTICE DOES MORE THAN THAT. THAT'S WHY THERE'S DIFFERENT STANDARDS OF CARE. IN THE RECORD IN THIS CASE, WE HAD TESTIMONY FROM DR. SNEED AND FROM DR. SIMONSEN THAT TALKED ABOUT THE USE OF DENTAL SEALANTS, AND WHEN IT IS AND WHEN IT ISN'T APPROPRIATE. DR. SIMONSEN, FOR THOSE OF YOU WHO DON'T KNOW HIM, HIS RESUME IS IN THE RECORD, IS PROBABLY THE WORLD'S FOREMOST AUTHORITY ON THE USE OF DENTAL SEALANTS. AS HE TESTIFIED, HE IS THE ADVISOR TO THE CENTERS FOR DISEASE CONTROL ON THE ISSUE OF SCHOOL-BASED PUBLIC HEALTH DENTAL PROGRAMS. HE HAS WRITTEN EXTENSIVELY ON THE AREA. AND HE MOST RECENTLY HAD PUBLISHED TWO ARTICLES THAT I THINK ARE PARTICULARLY RELEVANT IN THIS PROCEEDING. ONE BEING A SURVEY OF THE 800, I BELIEVE HE SAID 800, IT'S IN THE RECORD, ARTICLES THAT HAVE BEEN PUBLISHED ON THE USE OF DENTAL SEALANTS AND

THE EFFECT, THE USE OF DENTAL SEALANTS ON CARIES: EXISTING, INCIPIENT OR GROSS. HE ALSO PUBLISHED AN ARTICLE FROM HIS OWN STUDY WHICH TALKED ABOUT THE RETENTION RATES OF SEALANTS AFTER 15 YEARS, USING SPECIFIC PATIENTS WHO WERE TRACED FOR 15 YEARS AFTER THE SEALANTS WERE PUT ON AND TALKING ABOUT THE HEALTH BENEFITS OF SEALANTS OVER THAT 15-YEAR PERIOD, THE RETENTION RATE OF SEALANTS OVER THAT 15-YEAR PERIOD. THOSE STUDIES AND THE TESTIMONY THAT DR. SIMONSEN OFFERED TO YOU EXPLAINED WHY THE GENERAL ASSEMBLY HAS DETERMINED THAT THE USE OF THE PUBLIC SCHOOL PROGRAM FOR PREVENTATIVE DENTISTRY FOR THE STUDENTS IN THIS STATE USE SEALANTS TO PREVENT DISEASE. NOW, THE QUESTION THAT OBVIOUSLY HAS ARISEN IN THIS CASE IS WHAT HAPPENS IF YOU SEAL OVER DECAY. WELL, DR. SIMONSEN FORTUNATELY WAS FAMILIAR WITH THAT AS WELL. AND THE STUDIES ARE UNANIMOUS THAT THERE IS NO HARM CAUSED BY THE PLACING OF A SEAL OVER DECAY. IN FACT, DR. SNEED AND DR. SIMONSEN AGREED THAT A WELL-PLACED SEAL OVER CARIES WILL ARREST THE GROWTH OF THE CARIES, BECAUSE IT SEALS OFF THE NUTRIENTS AND THE OXYGEN THAT

FEED THE CARIES. SO SEALING OVER DECAY, IF THE CHILD NEVER RECEIVED FOLLOWUP DENTISTRY CARE, HAS BENEFITTED THAT CHILD TREMENDOUSLY, BECAUSE THAT CARIES HAS BEEN ARRESTED. WE KNOW FROM THE STATISTICS IN THE SCHOOL-BASED DENTAL HEALTH PROGRAM THAT SOME 50%, I'M SORRY, 60% OF THE CHILDREN WHO ARE SEEN BY THE SCHOOL-BASED PROGRAM HAVE NEVER SEEN A DENTIST. OF THE ONES WHO SEE, WHO SEE THE SCHOOL-BASED DENTAL HYGIENISTS, AT LEAST THAT MANY MORE NEVER RECEIVE FOLLOWUP CARE, EVEN THOUGH, AND THE TESTIMONY IS CLEAR ON THIS POINT, THAT EACH AND EVERY STUDENT WHO IS SEEN IS GIVEN A LIST OF DENTISTS IN THE AREA. IF THEY ARE MEDICAID PATIENTS, THEY ARE GIVEN A LIST OF DENTISTS WHO TAKE MEDICAID. AND THEY ARE REFERRED TO A DENTIST. EVEN IF THEY HAVE NO PROBLEMS, THEY ARE REFERRED TO A DENTIST. THE PURPOSE OF THE PROGRAM IS NOT TO PREEMPT DENTAL CARE; THE PURPOSE OF THE PROGRAM IS TO PROVIDE PREVENTATIVE CARE AND TO EDUCATE AND ENCOURAGE THE STUDENTS TO SEEK DENTAL CARE FROM DENTISTS. THERE IS NO REASON FOR THERE TO BE THIS RIVALRY BETWEEN THE SCHOOL-BASED PUBLIC HEALTH PROGRAM AND PRIVATE DENTISTRY.

THEY SHOULD WORK TOGETHER. THE GENERAL ASSEMBLY ANTICIPATED THAT THEY WOULD WORK TOGETHER. UNFORTUNATELY, THAT JUST HASN'T HAPPENED, WHICH RESULTED IN THE FDC COMPLAINT THAT THE BOARD HAD TALKED ABOUT, I WON'T BELABOR. SURE?

DR. ASSEY: MAY I ASK A QUESTION? IS THE, UNDER THE PROGRAM --

MS. BALLARD: YES.

DR. ASSEY: -- ARE HYGIENISTS EXPECTED TO DIAGNOSE DECAY?

MS. BALLARD: NO. BY STATUTE, THEY ARE NOT ALLOWED TO DIAGNOSE DECAY. I WOULD -- I DID WANT TO REFER YOU TO SECTION 40-15-82, WHICH SPECIFICALLY PROHIBITS HYGIENISTS FROM DIAGNOSING DECAY. IN FACT, IF YOU SEE THE RECORDS THAT WERE SENT HOME WITH SOME OF THESE PATIENTS, AS WELL AS MOST OF THE RECORDS THAT ARE SENT HOME, THEY ARE VERY CAREFUL NOT TO SAY THAT THERE IS DECAY. THEY SAY THAT THERE MAY BE DECAY AND WE REFER YOU, YOU KNOW, YOU NEED TO GO SEE THE DENTIST. THEY ARE NOT ALLOWED BY STATUTE TO DIAGNOSE DECAY, WHICH --

DR. ASSEY: SO THEY CAN'T DIAGNOSE IT?

MS. BALLARD: RIGHT.

DR. ASSEY: AND THEY DON'T HAVE X-RAYS TO BENEFIT THEM?

MS. BALLARD: CORRECT.

DR. ASSEY: HOW CAN THEY KNOW IF THEY ARE SEALING DECAY OR NOT?

MS. BALLARD: I'M SORRY?

DR. ASSEY: HOW CAN THEY KNOW IF THEY ARE SEALING DECAY OR NOT?

MS. BALLARD: WELL, THEY CAN'T. AND THAT'S WHY, IF YOU LOOK, THIS DECISION TREE THAT MR. WOODINGTON REFERRED YOU TO. IF YOU'LL NOTICE THIS WAS INTRODUCED AS PART OF RESPONDENTS' EXHIBIT NUMBER 6 BEHIND TAB SIX. IT'S A NOTEBOOK WITH SEVERAL DIFFERENT THINGS. THIS IS A PUBLICATION FROM THE JOURNAL OF PUBLIC HEALTH DENTISTRY. THIS IS ADDRESSED TO DENTISTS. IF THERE IS DENTIN CARIES, YOU RESTORE. OF COURSE YOU DO. HYGIENISTS DON'T RESTORE; THEY CAN'T RESTORE. THIS CHART, THIS DECISION TREE FOR SEALANTS IS FOR THE USE OF DENTISTS, NOT THE USE OF HYGIENISTS IN PUBLIC SCHOOLS. NOW, WE ALSO KNOW THAT THE EXISTENCE OF CARIES IN THE DENTIN USUALLY CAN'T BE SEEN UNLESS THE INTEGRITY OF THE TOOTH IS BREACHED USING A DRILL OR SOME OTHER INVASIVE PROCEDURE

LIKE AN EXPLORER OR SOMETHING ELSE. SO TO ANSWER YOUR QUESTION, NO, THEY ARE NOT SUPPOSED TO DIAGNOSE. THEY ARE PROHIBITED BY LAW FROM DIAGNOSING, WHICH TAKES US BACK TO THE REASONS THAT THE PUBLIC HEALTH PROGRAM EXISTS: PREVENTATIVE CARE. SO WE LOOK, A TOOTH THAT HAS NO ENAMEL CARIES OR DENTIN CARIES, OR QUESTIONABLE CARIES OF ANY KIND CAN BE SEALED WITHOUT HARM TO THE PATIENT. AND IN FACT, IF THAT PATIENT NEVER SEES A DENTIST AGAIN, WE HAVE DONE A VERY GOOD THING FOR THAT STUDENT. IF THE CHILD DOES IN FACT SEE A DENTIST, THEN WE'VE STILL DONE A VERY GOOD THING FOR THAT CHILD. FOR THE CHILDREN IN THIS PROGRAM, IT IS A WIN/WIN SITUATION. WE KNOW THAT IF THE SEALANT IS PUT IN PLACE IT STOPS THE GROWTH OF CARIES, ARRESTS THE GROWTH OF CARIES. DR. SIMONSEN SHOWED A SERIES OF SLIDES BEFORE THE PANEL, WHICH SHOWED ON THERE FACE WHAT APPEARED TO BE TEETH WITH CARIES. BUT THEN HE SHOWED A SERIES OF PHOTOGRAPHS AS YOU DRILLED DOWN INTO THE TOOTH WHERE THE DIAGNOSIS USING THE EXPLORER, THE X-RAY, AND THE VISUAL EXAMINATION, THERE WAS NO CARIES AT ALL. IT WAS MISLEADING. AND, IN FACT, DR.

SIMONSEN TESTIFIED, AND DR. SNEED REALLY DIDN'T DISAGREE WITH THIS, THAT WHEN IT COMES TO DIAGNOSING CARIES, THERE'S REALLY NO MAGIC BULLET. WE'RE USING OUR JUDGEMENT BASED ON CLINICAL SKILLS; WE'RE USING OUR JUDGEMENT BASED ON EVALUATION OF THE MATERIAL THAT'S BEFORE YOU, THE USING OF THE LITTLE EXPLORER, THE LOOKING AT THE X-RAYS, BUT WE REALLY ARE JUST GUESSING. WE DON'T KNOW FOR SURE. IT'S NOT AN EXACT SCIENCE, ALTHOUGH IT WOULD BE NICE IF IT WERE. THERE ARE A LOT OF THINGS IN THE MEDICAL PROFESSION THAT WOULD BE NICE IF THEY WERE AN EXACT SCIENCE, BUT WE'RE ALL JUST USING OUR JUDGEMENT TO TRY TO DETERMINE. EXPECTING A HYGIENIST TO DIAGNOSE THE EXISTENCE OF DECAY, AS WELL AS THE DEGREE OF DECAY, IS WAY OUTSIDE THE SCOPE OF WHAT THIS PROGRAM IS SUPPOSED TO DO. SO THE QUESTION IS, IN THE PUBLIC SCHOOL SETTING, WHAT IS THE STANDARD OF CARE? AND WAS EXPLAINED THROUGH THE TESTIMONY FROM DHEC AND THE TESTIMONY FROM DR. SIMONSEN, AND OTHERS IS -- LET ME REFER TO THE LANGUAGE, AND AGAIN EXHIBIT NUMBER 6, THE GUIDELINES FOR SOUTH CAROLINA SCHOOL-BASED DENTAL PREVENTION PROGRAMS, WHICH IS TAB FIVE

OF RESPONDENTS' EXHIBIT NUMBER 6. THIS IS A DOCUMENT -- LET ME BACK UP. THE SCHOOL-BASED DENTAL HEALTH PROGRAM OPERATES THROUGH AGREEMENT WITH DHEC. DHEC HAS A DENTIST WHICH SUPERVISES THE PROCESS, APPROVES THE PROCEDURES THAT ARE USED, APPROVES THE EQUIPMENT WHICH IS USED AND OPERATES UNDER STANDING ORDERS THAT ARE ISSUED BY AND WITH THE APPROVAL OF DHEC. THESE GUIDELINES FOR THE SCHOOL-BASED PROGRAMS ARE APPROVED BY DHEC. AND THEY SAY, ALL PATIENTS, I'M READING FROM PAGE FOUR FOR PURPOSES OF THE RECORD, ALL PATIENTS THAT HAVE TEETH WITH STRUCTURAL CHARACTERISTICS THAT PLACE THEM AT RISK FOR DECAY SHOULD BE CONSIDERED FOR PREVENTATIVE SEALANTS. PATIENTS THAT HAVE TEETH WITH QUESTIONABLE DECAY SHOULD ALSO BE CONSIDERED FOR SEALANTS. THESE ARE REFERRED TO AS THERAPEUTIC SEALANTS. THE THIRD TYPE OF DENTAL SEALANT, INTERIM SEALANTS, MAY BE USED IN COMMUNITY AND SCHOOL-BASED PROGRAMS. NOW, THERE IS LANGUAGE HERE THAT SAYS THE SEALANTS ARE USED TO SLOW DOWN THE DECAY PROCESS IN SOME TEETH THAT HAVE DENTAL CARIES. IT GOES ON TO SAY THAT DENTAL SEALANTS SHOULD NOT BE,

OR INTERIM SEALANTS SHOULD NOT BE USED UNLESS A DENTIST EXAMINES THE PATIENT. NOW, THIS WAS WRITTEN BEFORE THERE WAS A GENERAL SUPERVISION RULE. AND IF YOU KNOW WHEN THE PROGRAM WAS ENACTED, IN 1988, WE DIDN'T HAVE ANY GENERAL SUPERVISION RULES, SO THERE HAD TO BE A DENTIST INVOLVED IN THE PROCESS AT ALL TIMES. AND THE SIZE OF THE LESION IS NOT TOO LARGE TO CONCLUDE THE PROCEDURE. WELL, I'M SORRY, AND ONE OTHER POINT, AND DETERMINES THAT THE PATIENT IS UNLIKELY TO ACCESS RESTORATIVE SERVICES IN THE NEAR FUTURE. THE TESTIMONY ON THE RECORD IN THIS CASE INDICATES THAT WHEN DETERMINING WHETHER TO SEAL, ONE THING THAT YOU WANT TO CONSIDER IS THE LIKELIHOOD THAT THESE STUDENTS ARE GOING TO RECEIVE FOLLOWUP DENTAL CARE. YOU HAVE TO. WE KNOW FROM THE SCHOOL-BASED DENTAL PROGRAM AND STATISTICS THAT WERE TESTIFIED TO IN THE RECORD THAT THE NUMBERS, UNFORTUNATELY, ARE JUST NOT THERE. DESPITE THE IMPROVEMENTS IN THE MEDICAID FUNDING FOR DENTAL CARE, THE STUDENTS JUST DON'T GO. AND SO IN DETERMINING WHETHER TO PLACE SEALANTS, INTERIM SEALANTS OR OTHERWISE, YOU HAVE TO KEEP THAT IN MIND. NOW, WE KNOW

THAT THE LIKELIHOOD THAT THESE PEOPLE ARE NOT GOING TO GET RESTORATIVE SERVICES HELPS TO MAKE THAT DECISION. AND THE SIZE OF THE LESION IS NOT TOO LARGE TO CONCLUDE THE PROCEDURE. WE SAW SLIDES DURING THE PANEL HEARING IN THESE PROCEEDINGS THAT SHOWED THAT IF THERE'S GROSS CARIES, THERE'S NOTHING FOR THE SEALANT TO STICK TO. INCIPIENT CARIES, DENTIN CARIES, WE CAN PUT SEALANTS THERE AND THEY SERVE A PURPOSE. THEY BENEFIT THE STUDENT. AND IF THEY GET FOLLOWUP DENTAL CARE AS THE LEGISLATURE INTENDED, GUESS WHAT, THE ONLY THING THE SCHOOL-BASED PROGRAM IS ALLOWED TO DO IS TO PERFORM PREVENTATIVE CARE THAT IS REVERSIBLE. AND I AM REFERRING YOU TO 40-15-110, SUBSECTION A10, REVERSIBLE. THEY ANTICIPATE THAT IF A SEALANT IS PUT ON A TOOTH THAT HAS SOME CARIES IN IT AND IF THEY ARE FORTUNATE ENOUGH FOR THE STUDENT TO GET TO A DENTIST, GUESS WHAT, ALL WE HAVE TO DO IS REMOVE IT. EVERY DENTIST THAT TESTIFIED INDICATED THERE'S NO PAIN INVOLVED IN THAT PROCESS, NO HARM AT ALL BY PLACING THE SEALANT THERE. THE ONLY HARM THAT ANYONE TALKED ABOUT AT ALL CAME FROM THIS SMOKING GUN E-MAIL THAT

APPARENTLY WAS EXCHANGED BETWEEN DR. SIMONSEN AND DR. SNEED SOME YEAR OR SO PRIOR TO THIS HEARING IN WHICH IT WAS SUGGESTED THAT THERE COULD BE A FALSE SENSE OF SECURITY IN PLACING SEALANTS OVER INCIPIENT CARIES. THAT'S NOT A STANDARD OF CARE ISSUE. THE GENERAL ASSEMBLY THROUGH DHEC AND THROUGH THE SCHOOL-BASED PROGRAM HAS ALREADY SAID WE CAN USE THE SEALANT, AND WE CAN USE IT BECAUSE IT'S REVERSIBLE. HOPEFULLY, THEY'LL GO TO A DENTIST. IF THEY DON'T, WE'VE STILL BENEFITTED THEM. EVERY DENTIST THAT TESTIFIED, THE COMPLAINING DENTIST, DR. SNEED, THEY ALL TESTIFIED THAT IF THE GROWTH OF THE LESIONS ARE SLOWED BY THE PLACEMENT OF THE SEALANTS, THEN WE HAVE BENEFITTED THE CHILD. ESPECIALLY IF THE CHILD DOES NOT RECEIVE FOLLOWUP CARE. SO WHERE AM I GOING WITH THIS? THE STANDARD OF CARE IS DIFFERENT. IT HAS TO BE. THE GENERAL ASSEMBLY SAID SO. THE PURPOSE OF THE PROGRAM IS ENTIRELY DIFFERENT THAN THE PURPOSE OF THE DENTAL HYGIENISTS WHO WORK IN THE PRIVATE PRACTICE. THEY'RE DOING DIFFERENT THINGS, SO THE STANDARD OF CARE HAS TO BE DIFFERENT. IN ATTEMPTING TO GET AROUND

THE ISSUE BY SAYING THAT THE STANDARD APPLIES REGARDLESS OF SETTING, THE PANEL DUCKED THE ISSUE. BECAUSE IF THEY SAID THERE WAS A DIFFERENT STANDARD OF CARE, THEY WOULD HAVE TO EXPLAIN WHY. AND THEN WE WOULD GET INTO ANALYSIS OF WHAT THE SCHOOL-BASED DENTAL HEALTH PROGRAM IS ALL ABOUT, AND WE KNOW THAT ALL THOSE ISSUES ARE OUT THERE. FOR WHATEVER REASON, THERE'S HOSTILITY WITH THE SCHOOL-BASED PROGRAM IN A NUMBER OF THE PRIVATE DENTISTS. BUT IN DETERMINING WHAT THE STANDARD OF CARE IS, THIS BOARD, YOU'RE SO LUCKY, YOU GET TO DECIDE THAT FOR THE FIRST TIME IN SOUTH CAROLINA. BUT IN DECIDING THAT, YOU HAVE TO KEEP IN MIND WHAT THE LEGISLATURE ALREADY SAID. AND THE LEGISLATURE'S ALREADY SAID THAT THE PURPOSE IS DIFFERENT: IT'S PREVENTATIVE, NOT RESTORATIVE. IF WE WERE LOOKING AT SEALING OVER CARIES IN A DENTAL OFFICE, IN A PRIVATE PRACTICE, YOU BET YOU WE'D BE HERE. BUT IN THE PUBLIC HEALTH SETTING, IT'S AN ENTIRELY DIFFERENT ISSUE.

DR. ASSEY: QUESTION?

MS. BALLARD: YES?

DR. ASSEY: WHEN THE PROGRAM WAS SET UP AND THE

GUIDELINES WERE ESTABLISHED, DID THE HYGIENISTS AT THAT TIME HAVE THE INDEPENDENCE THAT THEY HAVE NOW?

MS. BALLARD: THE PROGRAM WAS INITIALLY ESTABLISHED IN 1988, BUT IT REALLY WAS VERY -- IT WASN'T VERY -- IT DIDN'T GO ANYWHERE.

DR. ASSEY: SO IS IT REASONABLE TO THINK THAT THE GENERAL ASSEMBLY SET UP THE PARAMETERS UNDERSTANDING THAT A DENTIST WAS GOING TO BE INVOLVED?

MS. BALLARD: NO, BECAUSE THE LEGISLATION OF COURSE HAS BEEN AMENDED IN 2000 AND 2003 TO ELIMINATE THE REQUIREMENT THAT THE DENTIST BE ON PREMISES AND TO ENACT THE LANGUAGE REGARDING GENERAL SUPERVISION. SO THE GENERAL ASSEMBLY, IN AMENDING THE STATUTE, IS PRESUMED TO KNOW WHAT'S IN THE EXISTING STATUTES WHEN THEY ADDRESS THE ISSUES. SO THE GENERAL ASSEMBLY, BY VIRTUE OF THE LAW APPLICABLE TO STATUTORY CONSTRUCTION, THE GENERAL ASSEMBLY IS PRESUMED TO HAVE ATTENDED THE READING OF THE OVERALL PROVISIONS THAT ARE SPELLED OUT IN THE STATUTES. WE CAN'T PRESUME THAT, WELL, WHEN THEY ENACTED THIS, THEY FORGOT TO, BUT THEY ALREADY ENACTED THAT; WE HAVE TO PRESUME THAT

THE LEGISLATIVE ACTS ARE SUPPOSED TO WORK TOGETHER. SO WE HAVE TO PRESUME, FOR PURPOSES OF THE STANDARD OF CARE, THAT THE GENERAL ASSEMBLY UNDERSTOOD THAT AND KNEW THAT THESE STANDARDS THAT THEY WERE SETTING FORTH WERE GOING TO BE USED IN THE FIELD OF GENERAL SUPERVISION RATHER THAN DIRECT SUPERVISION. I DON'T WANT TO DWELL TOO TERRIBLY LONG ON THE STANDARD OF CARE, ALTHOUGH IT IS A TREMENDOUSLY IMPORTANT ISSUE. AS I SAID TO THE PANEL AND I WILL SAY TO YOU, IF THIS BOARD DECIDES THAT THE STANDARD OF CARE IN THE PUBLIC HEALTH SCHOOL PROGRAM IS THE SAME AS IN A PRIVATE, THE PRIVATE PRACTICE OF DENTISTRY, YOU MAY WELL BE SOUNDING A DEATH BELL FOR THE SCHOOL-BASED PROGRAM, BECAUSE YOU WON'T FIND HYGIENISTS WHO ARE GOING TO BE WILLING TO MAKE THESE DECISIONS FOR FEAR OF DISCIPLINARY PROCEEDINGS. THE DHEC STANDARDS HAVE TOLD THEM THEY CAN SEAL OVER CARIES, AND THEY CAN. BUT SOMEBODY MIGHT BRING CHARGES AGAINST THEM. SO IF ANY SANCTIONS AT ALL ARE IMPOSED, IN RE: ANONYMOUS OR OTHERWISE, DESPITE WHAT THE GENERAL ASSEMBLY HAS SAID, YOU WILL ESSENTIALLY BE ABOLISHING THE PROGRAM. NOW,

CAN YOU DO THAT? NO, YOU CAN'T. THE GENERAL ASSEMBLY IS THE ONE THAT DECIDES WHAT CAN AND CAN'T BE DONE. IF YOU ALL WERE TO SET A STANDARD OF CARE THAT EQUATED THE STANDARD OF CARE IN THE PUBLIC HEALTH PROGRAM TO THE SAME AS THE PRIVATE PRACTICE OF DENTISTRY, YOU WOULD IN ESSENCE, I BELIEVE BE ENGAGING IN LEGISLATIVE ACTIVITY. IT WOULD BE AN UNLAWFUL DELEGATION OF LEGISLATIVE POWER TO AN ADMINISTRATIVE BODY, WHICH IS LEGAL LINGO FOR YOU CAN'T DO THAT. BECAUSE THIS ADMINISTRATIVE BODY IS PART OF THE EXECUTIVE BRANCH OF GOVERNMENT. AND IT IS NOT YOUR, IT IS NOT WITHIN THE SCOPE OF YOUR ABILITY TO, OR YOUR AUTHORITY RATHER, TO DECIDE LEGISLATIVE ISSUES. THE GENERAL ASSEMBLY HAS ALREADY DONE THAT. WE MAY NOT LIKE IT, BUT WE'RE STUCK WITH IT. THE SCHOOL-BASED DENTAL HEALTH PROGRAM EXISTS. THE GENERAL ASSEMBLY SAID SO, AND WE HAVE TO DEAL WITH IT, LIKE IT OR NOT. IN DEFINING THE STANDARD OF CARE, YOU CANNOT TREAT THEM THE SAME. THEY AREN'T THE SAME. THEY ARE DIFFERENT ANIMALS, AND I WOULD RESPECTFULLY SUBMIT THAT THE PANEL'S ATTEMPT TO DEAL WITH THE STANDARD OF CARE ISSUE WAS

TOO LITTLE TOO LATE. AND UNFORTUNATELY, THIS BOARD IS STUCK WITH THAT ISSUE. WE'VE GOT TO HAVE A DECISION THAT DECIDES THAT ISSUE. AGAIN, OVERALL, NOT WITH REFERENCE TO THE SPECIFIC CASES, BUT AS ALL OF THEM, I ARGUED IN MY MEMORANDUM THAT IN DISCIPLINARY PROCEEDINGS THERE HAS TO BE SOME DEGREE OF HARM. MR. WOODINGTON DISAGREES WITH THAT POINTING US TO A MALPRACTICE CASE AS OPPOSED TO A DISCIPLINARY CASE. BUT LET'S LOOK AT WHERE THE ADMINISTRATIVE BODIES OBTAIN THEIR AUTHORITY TO LICENSE PROFESSIONALS TO BEGIN WITH AND TO DISCIPLINE THEM. THE ONLY REASON THAT THE STATES ARE ALLOWED TO REGULATE PROFESSIONS, IT ARISES UNDER THE POLICE POWER OF THE STATE. THE POLICE POWER IS TO PREVENT HARM. THE POLICE POWER CAN'T BE EXERCISED TO TRY TO REGULATE PHILOSOPHICAL DIFFERENCES IN HOW THINGS SHOULD BE DONE. THE POLICE POWER IS TO PROTECT THE PUBLIC. THE GENERAL ASSEMBLY HAS TALKED ABOUT, I'M SORRY, THE SUPREME COURT -- I'M SORRY I CAN'T FIND MY REFERENCE HERE. THE SUPREME COURT HAS TALKED ABOUT THE ENABLING LEGISLATION FOR THE DENTAL PRACTICES ACT AND WHAT IT AUTHORIZES THE

DENTAL BOARD TO DO. AND I WOULD REFER YOU TO 40-1-40, WHICH IS ONE OF THE FIRST STATUTES DEALING WITH THE DENTAL BOARD. THE PURPOSES OF THE DECISION OF PROFESSIONAL AND OCCUPATIONAL LICENSING, SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION IS TO PROTECT THE PUBLIC THROUGH THE REGULATION OF PROFESSIONAL AND OCCUPATIONAL LICENSES AND THE ADMINISTRATION OF A BOARD CHARGED WITH THE REGULATION OF PROFESSIONAL AND OCCUPATIONAL PRACTITIONERS. THE GENERAL ASSEMBLY HAS ACKNOWLEDGED THAT THE AUTHORITY TO LICENSE AND TAKE AWAY ARISES SOLELY OUT OF POLICE POWER, WHICH EXISTS BECAUSE OF PROTECTION OF THE PUBLIC. WITH THAT IN MIND, ANY KIND OF REGULATION OR POLICY ADOPTED BY AN ADMINISTRATIVE AGENCY HAS TO BEAR SOME RATIONAL RELATION FOR THE END TO BE OBTAINED, THAT IS TO PROTECT THE PUBLIC. I WOULD REFER YOU TO A UNITED STATES SUPREME COURT CASE, DENT VERSUS WEST VIRGINIA, WHICH WAS DECIDED, BELIEVE IT OR NOT IN 1889, WHICH TALKS ABOUT THE REGULATIONS MUST BE REASONABLE AND BEAR SOME RELATION TO THE END, OR THE OBJECT TO BE OBTAINED, WHICH IS TO PROTECT THE PUBLIC FROM

BEING MISTREATED, OR DEALT WITH BY INCOMPETENT OR UNSCRUPULOUS PROFESSIONALS. THE PURPOSE OF THE POLICE POWER IS NOT TO SAY WE DON'T LIKE WHAT YOU DO, WE WISH YOU'D DO IT A DIFFERENT WAY. THE PURPOSE OF THE POLICE POWER IS SOLELY LIMITED TO DEALING WITH ISSUES THAT COULD POTENTIALLY CAUSE HARM AND NOTHING MORE. I WOULD RESPECTFULLY SUBMIT THAT, SINCE THE POWER TO LICENSE AND DISCIPLINE ARISES OUT OF POLICE POWER, IT'S OBVIOUS THERE'S GOT TO BE SOME HARM OR POTENTIAL FOR HARM BEFORE PROFESSIONAL DISCIPLINE CAN BE IMPOSED. OBVIOUSLY, THIS IS NOT A MALPRACTICE CASE. IT'S MORE IMPORTANT THAN THAT. AND I WOULD RESPECTFULLY SUBMIT THAT WITHOUT A SHOWING OF RISK OF HARM, NOT JUST HARM, BUT RISK OF HARM, WE'RE DONE, WE'RE DISMISSED, WE GO HOME. NOW, WITH REFERENCE TO ONE LAST GENERAL ISSUE, IS THE BURDEN OF PROOF, AND I GAVE YOU AD NAUSEAM THE AUTHORITIES ON THE ISSUE OF THE BURDEN OF PROOF. AND THERE'S BEEN SOME, THERE'S BEEN QUITE A BIT OF LITIGATION IN THE STATE AS TO WHETHER OR NOT THE BURDEN OF PROOF IN PROFESSIONAL LICENSING CASES IS CLEAR AND CONVINCING EVIDENCE, WHICH IS A HIGHER

STANDARD, THE PREPONDERANCE OF THE EVIDENCE. AND THE APPELLATE COURTS HAVE DETERMINED, WHICH I DON'T LIKE, BUT THEY HAVE DETERMINED THAT THE BURDEN, THAT THE STANDARD OF PROOF IS PREPONDERANCE OF THE EVIDENCE. WHAT DOES THAT MEAN? I PROVIDED YOU WITH SOME JURY INSTRUCTIONS AND SOME CITATIONS OF AUTHORITY IN MY MEMORANDUM THAT TALK ABOUT WHAT THE PREPONDERANCE OF THE EVIDENCE IS. AND WHAT IT MEANS IS, AND I'M REFERRING TO A LANGUAGE IN THE CASES, IS THE PREPONDERANCE OF THE EVIDENCE MEANS IF YOU HAVE A SET OF SCALES, YOU START OUT, THE SCALES ARE EVEN, AND THE PERSON WHO HAS THE BURDEN OF PROOF, AND IN THIS CASE BEING THE BOARD, IF THEY TIP THE SCALES EVER SO SLIGHTLY WITH THEIR EVIDENTIARY PRESENTATION, THEN THEY'VE ESTABLISHED THEIR BURDEN OF PROOF. IT'S NOT PREPONDERANCE, IT'S NOT -- AND IT'S NOT BEYOND A REASONABLE DOUBT AS IT IS IN A CRIMINAL COURT WHERE THE SCALE HAS TO GO ALL THE WAY THE OTHER WAY. IT IS PREPONDERANCE OF THE EVIDENCE. THE REASON THAT'S IMPORTANT IS, IF YOU LOOK AT THE PANEL REPORTS, WHAT THEY DO IS THEY GO THROUGH THE TESTIMONY, DR. SNEED SAID THIS, DR. SIMONSEN

SAID THIS, AND WE FIND THAT THERE WAS A VIOLATION OF THE STANDARD OF CARE. FINDING THAT YOU HAVE EXPERTS ON BOTH SIDES WHO SAY THE SAME THINGS DOESN'T CARRY THE BURDEN OF PROOF EVEN TO A PREPONDERANCE OF THE EVIDENCE. WE HAVE A COUPLE OF THINGS THAT ARE UNDISPUTED: THE SEALANTS CAUSED NO HARM; THAT YOU HAVE TO HAVE SOME HARM UNDER THE POLICE POWER IN ORDER TO IMPOSE DISCIPLINE; AND YOU HAVE TO PROVE BOTH MISCONDUCT BY A PREPONDERANCE OF THE EVIDENCE BEFORE YOU CAN IMPOSE DISCIPLINE. BY NOT ADDRESSING THE BURDEN OF PROOF, SLIGHT THOUGH IT IS, BURDEN OF PROOF, PREPONDERANCE OF THE EVIDENCE, THE PANEL HAS FAILED TO SATISFY ITS OBLIGATION TO THOROUGHLY ANALYZE THE EVIDENCE. IT IS NOT SUFFICIENT. I HAVE SET FORTH THE AUTHORITIES THAT SAY SO. IT'S NOT SUFFICIENT TO SAY IN A FACT FINDING PROCESS THAT THESE PEOPLE SAID THIS, THESE PEOPLE SAID THIS, AND THEREFORE OUR CONCLUSION IS THIS. YOU HAVE TO SAY WHY; THE PANEL DIDN'T DO THAT. I WOULD RESPECTFULLY SUBMIT THAT, IF ANY MISCONDUCT IS FOUND, IT WILL BE NECESSARY FOR THIS BOARD TO ADDRESS THAT ISSUE IN DETAIL AND ANALYZE WHY

THEY CHOSE TO BELIEVE DR. SNEED'S TESTIMONY OVER THAT OF DR. SIMONSEN. THERE'S GOING TO HAVE TO BE SOME ANALYSIS OF THAT. WHY DON'T YOU BELIEVE WHAT DR. SIMONSEN SAID? YOU HAVE TO DO THAT IN ORDER TO SATISFY THE BURDEN OF PROOF. NOW, FINALLY, TO THE INDIVIDUAL CASES AND I KNOW THAT'S WHY WE'RE HERE, AND I'M SORRY IT TOOK ME SO LONG TO GET HERE, THE PANEL FOUND WITH REFERENCE TO HYGIENIST 2 THAT SHE HAD SEALED OVER CLINICALLY OBVIOUS DECAY. NOT ONLY IS THERE NO TESTIMONY TO THAT EFFECT, THE FIRST QUESTION THAT CAME TO MIND WHEN I READ THAT IS, WELL, WHAT IS CLINICALLY OBVIOUS DECAY? THERE'S NOTHING IN THE RECORD THAT REALLY TALKS ABOUT THAT. SO WHERE DO YOU GO IF THERE'S NOTHING IN THE RECORD THAT TALKS ABOUT THAT? YOU GO TO THE LEGAL AUTHORITIES. AND I WAS SURPRISED TO FIND THAT THE SOUTH CAROLINA COURT OF APPEALS HAS ACTUALLY TALKED ABOUT ISSUES RELATED TO CLINICAL DIAGNOSIS. WE KNOW FROM THE STATUTE THAT WE TALKED ABOUT EARLIER THAT THE HYGIENISTS ARE NOT ALLOWED TO DIAGNOSE DECAY. SO IN ORDER TO DETERMINE IF THEY WERE SEALING OVER CLINICALLY OBVIOUS DECAY, THEY WOULD HAVE HAD TO MAKE THE

DIAGNOSIS OF SOME SORT IN ORDER TO HAVE ACTED WITH THE REQUISITE MENS REA TO HAVE VIOLATED THE STANDARD OF CARE. IN NELSON VERSUS TAYLOR DECIDED BY THE COURT OF APPEALS IN 2001, JUDGE GULSBY'S DISSENTING OPINION MADE REFERENCE TO BLACK'S LAW DICTIONARY WHEN HE WAS TRYING TO DEFINE CLINICAL DIAGNOSIS. AND WHEN HE WENT TO THE BLACK'S LAW DICTIONARY, WHICH IS KIND OF A, THE BIBLE FOR THE LEGAL COMMUNITY IN DETERMINING WHAT TERMINOLOGY IS, THE BLACK'S LAW DICTIONARY DEFINED CLINICAL DIAGNOSIS AS A DIAGNOSIS FROM THE STUDY OF SYMPTOMS ONLY. AND I CHECKED WITH THE BLACK'S LAW DICTIONARY, AND THAT'S EXACTLY WHAT IT SAYS: A DIAGNOSIS FROM THE STUDY OF SYMPTOMS ONLY. WE CAN'T DIAGNOSE. WE'RE NOT ALLOWED TOO. WHAT WE'RE ALLOWED TO DO IS FOLLOW THE GUIDELINES THAT ARE SET FORTH IN THE AGREEMENT WITH DHEC, WHICH SAYS WE USE SEALANTS IF THERE'S INCIPIENT DECAY; WE USE SEALANTS IF THERE'S ANYTHING OTHER THAN SUCH A DEGREE OF DECAY THAT THERE'S NOTHING FOR THE SEALANT TO STICK TO. SO I WOULD RESPECTFULLY SUBMIT THAT THE PANEL ERRED IN FINDING THAT HYGIENIST 2 SEALED OVER CLINICALLY OBVIOUS DECAY. DENTISTS IN

PRIVATE PRACTICE WILL HAVE THE BENEFIT OF X-RAYS. HE WILL HAVE THE BENEFIT OF THE DIAGNODENT, WHICH I WORKED REALLY HARD TO PRONOUNCE CORRECTLY FOR YOU. HE'LL HAVE THE BENEFIT OF ALL THE TOOLS HE NEEDS TO BOTH DIAGNOSE AND TO, IF NECESSARY, EMPLOY RESTORATIVE DENTISTRY. THAT'S NOT WHAT WE DO. IT'S NOT AT ALL WHAT WE DO. SO A FINDING THAT HYGIENIST 2 OR HYGIENIST 1 SEALED OVER CLINICALLY OBVIOUS DECAY INDICATES A TOTAL MISUNDERSTANDING OF WHAT THE PROGRAM DOES, OF WHAT THE HYGIENISTS ARE LEGALLY ALLOWED TO DO AND THE TOOLS THAT ARE AVAILABLE TO THEM WHEN THEY ARE OUT DOING THEIR JOBS. I ATTACHED IN BOTH CASES THE PHOTOGRAPHS THAT WERE INTRODUCED INTO EVIDENCE. AND IN BOTH CASES, I'M A LAY PERSON AS IS MR. WOODINGTON. SO WE DON'T KNOW WHAT'S CLINICALLY OBVIOUS. BUT LOOK AT DR. ADAM'S TESTIMONY WITH REFERENCE TO THE HYGIENIST 2 CASE. HE SAID THAT HE SAW A HALO, BUT ONLY AFTER HE BORE INTO THE TOOTH AND DID A FISSUROTOMY WAS HE ABLE TO CONFIRM THE EXISTENCE OF WHAT HE BELIEVED TO BE DECAY. WELL, WE CAN'T DO THAT. WE'RE NOT ALLOWED TO DO THAT. HE THOUGHT IT WAS, WHICH IS ALL

WE'RE ABLE TO DO. SO IT WASN'T CLINICALLY OBVIOUS TO DR. ADAMS. AND IF IT WASN'T CLINICALLY OBVIOUS TO DR. ADAMS, HOW IN THE WORLD WOULD IT BE CLINICALLY OBVIOUS TO HYGIENIST 2? WITH REFERENCE TO HYGIENIST 1, THE LANGUAGE WAS A LITTLE DIFFERENT. THE LANGUAGE IN HYGIENIST 1'S CASE WAS THAT HYGIENIST 1 SEALED OVER OBVIOUS DECAY ON SEVERAL TEETH. AGAIN, NO DIAGNOSIS OF DECAY; WE CAN'T DO THAT. THE PHOTOGRAPHS SPEAK FOR THEMSELVES. THERE'S SOME DARKNESS IN SOME OF THE TEETH, BUT WE'RE NOT ALLOWED TO DIAGNOSE THAT. WE'RE ALLOWED TO USE OUR BEST JUDGEMENT AS DENTISTS ARE IN APPLYING THE SKILLS THAT WE'VE BEEN ALLOWED TO USE THROUGH THE GUIDELINES ESTABLISHED BY DHEC. NOW, I POINTED OUT IN MY MEMO THAT THE CHARGES IN HYGIENIST 1'S CASE WEREN'T SUFFICIENT TO EVEN TELL US WHAT TEETH WERE SUPPOSEDLY THE SUBJECT OF THE DISCIPLINE. MR. WOODINGTON IN HIS RESPONSE, IN HIS PRESENTATION, OVERLOOKED THE FACT THAT I MENTIONED THE CHARGES. HE SAID SURELY THE TESTIMONY SHOWS YOU WHAT IT WAS, LOOK AT THE NUMBERS ON THESE PHOTOGRAPHS. THE TESTIMONY DOES, BUT CHARGES DIDN'T. HOW ARE

WE SUPPOSED TO KNOW COMING INTO THE DEFENSE OF THE DISCIPLINARY PROCEEDINGS WHAT TEETH ARE THE SUBJECT OF THESE CHARGES? THE FORMAL CHARGES SAID SEVERAL TEETH. WELL, THAT'S NOT SUFFICIENT NOTICE TO US TO KNOW WHAT TO DEFEND AGAINST. IT'S NOT SUFFICIENT UNDER THE NOTICE PROVISIONS OF THE CONSTITUTION TO FIGURE IT OUT AS WE GO ALONG, WHICH IS WHAT MR. WOODINGTON WANTS YOU TO DO. WELL, WE MAY NOT HAVE SAID WHAT TEETH WERE INVOLVED, BUT ONCE THE DOCTOR TESTIFIED, WE LOOKED AT THE NUMBERS ON THE PHOTOGRAPHS AND WE COULD FIGURE IT OUT FOR OURSELVES. IN FACT, HIS MEMO SAYS YOU .. FIGURE OUT FOR YOURSELVES. WE DON'T GET THERE -- THERE'S GOT TO BE AN ALLEGATION SUFFICIENT TO TELL US WHAT THE CHARGES WERE. AND A CHARGE THAT WE SEALED OVER SEVERAL TEETH AND A FINDING OF SEALING OVER OBVIOUS DECAY ON SEVERAL TEETH IS NOT SUFFICIENT. THE SAME ISSUE WITH THE BURDEN OF PROOF THAT'S APPLICABLE TO HYGIENIST 1'S CASE. THE SAME ISSUE REGARDING STANDARD OF CARE AND THE EXISTENCE OF HARM ARE APPLICABLE TO HYGIENIST 1'S CASE. I TOLD THE PANEL THIS AND I WANT TO TELL YOU, TOO. WHEN I FIRST GOT OUT OF LAW

SCHOOL, I CLERKED IN THE COURT SYSTEM. FIRST, I CLERKED FOR A TRIAL COURT JUDGE WHO'S NOW IN THE COURT OF APPEALS, THEN I CLERKED FOR BUBBA NESS, WHO SOME OF YOU MAY REMEMBER WHEN HE WAS THE CHIEF JUSTICE AND HE HAD THE BENEFIT, OR THE DETRIMENT, DEPENDING ON WHAT THE CASE MAY BE, OF DECIDING THE CASE THAT ABOLISHED SOVEREIGN IMMUNITY IN THE STATE OF SOUTH CAROLINA. IT'S A HUGE ISSUE. GLOOM AND DOOM WERE PREDICTED, BUT IT DIDN'T COME TO PASS. THE LEGISLATURES DID WHAT THEY HAD TO DO. THEY ENACTED LEGISLATION TO SAY OKAY, IF THERE'S NO SOVEREIGN IMMUNITY, THEN THIS IS WHAT WE DO, THIS IS HOW WE HANDLE IT AND THE WORLD WENT ON. THIS IS NEW. IT'S A LITTLE SCARY. IT'S COMPLICATED AS THE DEVIL, AND AS I SAID, YOU ALL ARE BLESSED WITH THE OPPORTUNITY TO ADDRESS THESE DIFFICULT AND NOVEL ISSUES. BUT I WOULD RESPECTFULLY SUBMIT THAT ALL OF THE TESTIMONY, ALL OF THE EVIDENCE DO NOT SUPPORT THE IMPOSITION OF SANCTION IN ANY OF THESE CASES, PARTICULARLY THE LACK OF HARM. AND I WOULD SAY AGAIN THAT THESE ARE PEOPLE WHO HAVE TO GO ON AND CONTINUE WITH THEIR PRACTICES AFTER WHATEVER THE DECISION IS

THAT'S MADE BY THIS BOARD AND SUBSEQUENT BOARDS. AND I WOULD ASK YOU TO SET ASIDE ANYTHING THAT I MAY HAVE SAID OR DONE THAT MAY HAVE ALIENATED YOU OR OFFENDED YOU. I'M DOING MY JOB. THESE LADIES ARE HERE BEFORE YOU TODAY FOR JUSTICE, AND WE WOULD ASK THAT THE ONLY WAY TO ACCOMPLISH THAT IS FOR DISMISSAL OF ALL THESE CHARGES.

DR. BRAGDON: MR. WOODINGTON, DO YOU HAVE ANYTHING TO ADD?

MR. WOODINGTON: I WILL CERTAINLY TRY TO BE MERCIFULLY BRIEF HERE. IT'S NOW ABOUT FIVE AFTER FIVE, AND IT'S FRIDAY AFTERNOON, AND I'M GOING TO TRY TO HOLD THIS TO FIVE MINUTES OR LESS IF I POSSIBLY CAN.

MS. BALLARD: DO YOU WANT ME TO TIME YOU?

MR. WOODINGTON: NO.

MS. BALLARD: OKAY (LAUGHTER).

MR. WOODINGTON: FIRST OF ALL, I, I, I -- THE MAIN ISSUE THAT WAS RAISED BY MS. BALLARD THAT I HAVEN'T ADDRESSED PREVIOUSLY I WOULD SUGGEST IS THIS ISSUE ABOUT WHETHER A HYGIENIST CAN DIAGNOSE DECAY BY STATUTE OR NOT. WELL, OF COURSE THEY CAN'T. IN ONE SENSE AND ONLY IN ONE SENSE. IT MEANS THAT YOU CAN'T TELL THE

PARENT OR, IN AN ADULT CASE, TELL THE ADULT, I HAVE LOOKED AT YOUR TEETH AND I FIND THAT YOU HAVE DECAY ON THE SURFACE ON NUMBER SO AND SO, AND SO FORTH AND ON DOWN THE LINE. THAT IS DIAGNOSING DECAY. TO USE ANOTHER ONE OF MY SIMPLISTIC ILLUSTRATIONS, IF SOMEBODY IS ON THE FLOOR HAVING AN EPILEPTIC SEIZURE, I'M NOT A MEDICAL DOCTOR. I CAN'T DIAGNOSE IF THEY ARE HAVING AN EPILEPTIC SEIZURE, BUT BY THE SAME TOKEN I SHOULDN'T ROLL HIM UP IN A BLANKET AND SMOTHER HIM EITHER, WHICH IS WHAT'S GOING ON WITH THESE DECAYED TEETH. MAYBE THEY CAN'T DIAGNOSE IT TO THE PARENT, MAYBE THEY CAN'T, MAYBE THAT'S BEYOND THEIR SCOPE, BUT IT'S STILL WITHIN THEIR SCOPE TO USE THEIR OWN EYES TO SEE WHAT THEY SEE AND TO NOT SMOTHER, OR COVER UP DECAY AND KEEP IT THERE AND MAKE IT WORSE. AND THAT'S, THAT'S THE WHOLE ARGUMENT. WE'RE NOT TALKING ABOUT INCIPIENT DECAY. WE'RE NOT TALKING ABOUT CASES WHERE THERE'S NO DECAY. WE'RE NOT EVEN TALKING ABOUT CASES WHERE'S THERE'S QUESTIONABLE DECAY BETWEEN THE ENAMEL, AND NO DECAY AT ALL. WE'RE TALKING ABOUT THE GROSS CASES, THE OBVIOUS CASES, THE FRANK CASES, ANY

NUMBER OF TERMS USED, EVEN THOUGH MS. BALLARD QUIBBLES WITH THE CLINICALLY OBVIOUS TERMINOLOGY. FRANK, OBVIOUS, VISIBLE TO THE EYE, DISCOVERABLE BY THE EXPLORER, ANY OF THOSE, ANY OF THOSE PHRASES WOULD COVER THE KIND OF DECAY WE'RE TALKING ABOUT HERE. THAT'S THE KIND OF DECAY THAT SHOULDN'T BE SEALED BY HYGIENISTS. AND IT'S PROBABLY NOT ALL THAT COMMON. BUT IF IT IS SO MUCH THE WORSE BECAUSE DR. SNEED SAID TO COVER THAT UP DOES CREATE A FALSE SENSE OF SECURITY. SO HOW WOULD THAT BE PREVENTATIVE DENTISTRY IF YOU PUT A SEALANT OVER SOMETHING, A SEALANT THAT CAN EASILY BREAK PARTIALLY LOOSE, AND AS DR. SNEED TESTIFIED, IN ALL TOO GRAPHIC OF DETAILS FOR ME TO TELL YOU THE TRUTH, JUST CREATE A NICE LITTLE ATMOSPHERE IN THERE FOR THE GROWTH OF ALL KINDS OF NICE THINGS TO CAUSE YOUR TEETH TO GET WORSE. THAT'S NOT PREVENTATIVE DENTISTRY; THAT'S PROVOCATIVE DENTISTRY. IT'S REALLY ACCELERATING THE CONDITION THAT WOULD HAVE BEEN BETTER OFF WITHOUT THE SEALANT PLACED ON THERE. AND IF THE PATIENT IS LUCKY AND A BAD SEAL IS OBTAINED, THE SEALANT WILL QUICKLY FALL OFF. AND I GUESS, IN THAT CASE,

YOU'VE NOT DONE ANY HARM, BUT STILL IT'S A BAD SITUATION AND ONE THAT SHOULDN'T HAPPEN AND ONE THAT SHOULDN'T BE AUTHORIZED BY THIS BOARD. AGAIN, IT'S NOT AN ABSTRACT ISSUE AND OUT IN THE GREAT, ANOTHER WORLD SOMEWHERE ABOUT WHAT SHOULD AND SHOULDN'T BE DONE. IT'S JUST A QUESTION OF WHETHER YOU SEE GROSS, VISIBLE DECAY OBVIOUS TO THE EYE OR THE EXPLORER, SHOULD YOU SEAL OVER IT, AND THE ANSWER IS NO. AND REALLY THESE CASES STAND FOR THE PROPOSITION THAT THE HYGIENISTS OR AT LEAST THE PANEL'S RECOMMENDATIONS STAND FOR THE PROPOSITION THAT THE HYGIENISTS WILL GET THE BENEFIT OF THE DOUBT EVERY TIME, EXCEPT IN THE MOST OBVIOUS CASES. A COUPLE OF OTHER THINGS, GLOOM AND DOOM, AND SO FORTH OF ABOLISHING THE PROGRAM, IF THERE ARE THAT MANY CASES OF GROSS DECAY OUT THERE AND THAT MANY WORRISOME CASES, IT'S HARD TO SEE HOW THE PUBLIC HEALTH IS IMPROVED IN SOUTH CAROLINA BY THE INDISCRIMINATE PLACING OF SEALANTS OVER GROSS DECAY IN GREAT AMOUNTS. DON'T, DON'T THINK IT CAN BE CORRECT. AND THIS IDEA ABOUT WHETHER YOU CAN, WHETHER YOU NEED TO DO HARM OR NOT, MY ILLUSTRATION IN THE BRIEF OF A

CONTRAINDICATED MEDICINE, LET'S SAY YOU'VE GOT SOME DOCTOR OUT THERE, NOT A DENTIST, BUT A DOCTOR WHOSE JUST, WHO JUST FOR SOME REASON HAS A COMPLETELY MISTAKEN IDEA ABOUT WHAT YOU, SAY WHAT YOU GIVE TO A DIABETIC PERSON OR SOMETHING AND GIVES THEM, IS JUST DISPENSING CONTRAINDICATED PRESCRIPTIONS LEFT AND RIGHT, AND FOR SOME REASON PEOPLE GET LUCKY, AND THEY EITHER DON'T FILL THE PRESCRIPTION AND THEY DON'T GET HURT, DOES THAT MEAN THAT THE MEDICAL BOARD SHOULD JUST LEAVE THE DOCTOR ALONE AND LET HIM KEEP DOING IT? OF COURSE NOT. THAT'S NOT -- THE ROLE OF THESE BOARDS IS TO PREVENT SUBSTANDARD CARE, WHETHER THE PATIENT GETS LUCKY OR NOT IS NOT THE QUESTION. AND IN THESE CASES, OF COURSE, I THINK IN BOTH CASES, IN ONE I THINK THE SEALANTS WERE COMPLETELY REMOVED IN A MATTER OF WEEKS. AND THE OTHER ONE, SOME WERE AND SOME PROBABLY NEVER WERE, OR AT LEAST THE PATIENT NEVER CAME BACK. WE DON'T KNOW WHAT HAPPENED. THE QUESTION ABOUT SPECIFIC TEETH BEING NAMED IN THE CHARGES, WE DID, WE EXCHANGED EXHIBITS LONG BEFORE THE HEARING IN THIS. WE GAVE THE -- MS. BALLARD THE CHARTS OF THE DENTISTS. WE

GAVE ALL THE PHOTOGRAPHS. THERE WAS NEVER ANY QUESTION COMING INTO THE HEARING ABOUT WHICH TEETH WERE BEING TALKED ABOUT AND WHICH TEETH WERE IMPROPERLY SEALED. AND IF THERE IS ANY QUESTION ABOUT THE PANEL'S RECOMMENDATIONS, I'LL REITERATE AGAIN THAT THE BOARDS ARE JUST MAKING FINDINGS ABOUT THE SPECIFIC TEETH THAT WERE IMPROPERLY SEALED. AND UNLESS THERE ARE QUESTIONS, AND I'LL BE HAPPY TO ANSWER SOME, THAT CONCLUDES MY REPLY PRESENTATION.

DR. BRAGDON: IS THERE ANYTHING FURTHER?

MS. BALLARD: MERCIFULLY, I HAVE NOTHING FURTHER UNLESS THERE ARE ANY QUESTIONS.

DR. BRAGDON: MERCIFULLY, THANKS FOR MERCY. DOES ANYBODY WANT TO ASK THE RESPONDENTS SPECIFIC QUESTIONS?

DR. ASSEY: I WOULD.

DR. BRAGDON: ALL FOUR OF THEM?

DR. ASSEY: NO. I GUESS, LET'S SEE, MAYBE IN THE CASE OF HYGIENIST 2 AND HYGIENIST 1.

MR. ROSEN: WOULD IT BE OKAY FOR THEM TO COME FORWARD AND WE WILL QUESTION THEM?

MS. BALLARD: SURE, SURE. DID YOU WANT THEM AT THE SAME TIME?

DR. ASSEY: YEAH.

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MR. BRAGDON: THAT WOULD BE EASIER.

DR. ASSEY: THIS IS KIND OF A GENERAL QUESTION.

MS. BALLARD: WE CAN USE ONE OF THOSE CHAIRS. DO YOU MIND IF THEY SIT?

HYGIENISTS 1 AND 2: NO, WE'RE FINE STANDING.

WHEREUPON,

HYGIENIST 1 AND HYGIENIST 2, BEING DULY SWORN AND CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

COURT REPORTER: AND WOULD YOU EACH STATE YOUR NAME FOR THE RECORD?

HYGIENIST 2: I'M HYGIENIST 2.

HYGIENIST 1: HYGIENIST 1.

EXAMINATION OF HYGIENISTS 1 AND 2 BY THE PANEL:

DR. ASSEY: LADIES, THE GUIDELINES -- AGAIN, I'M JUST TRYING TO GET BACK TO THE MEAT OF THE ISSUE. IN INSTANCES WHERE THERE APPEARS TO BE DECAY THAT YOU WOULDN'T FEEL COMFORTABLE SEALING, I KNOW ONE OF YOU, I'M NOT SURE WHICH ONE, WHICH NOTED THAT, AND SAW AN AREA ON THE TOOTH AND AVOIDED THAT AND TYPE OF THING, WHAT WOULD, WHAT'S THE PROTOCOL AT THAT POINT TO GET THE STUDENT THE CARE THEY NEED? WHAT ARE Y'ALL --

HYGIENIST 1: WE HAVE A FORM, IT'S A STANDARD FORM AND IT'S -- I CALL IT A TREATMENT DONE FORM BECAUSE WE HAVE TO ORDER MORE. IT IS A FORM THAT SAYS THE NAME OF THE STUDENT AND IT'S ADDRESSED TO THE PARENT OR GUARDIAN. IT SAYS THE NAME OF THE STUDENT, WHAT WORK WAS DONE. AND THERE'S ONLY THREE THINGS: WE WOULD EITHER CHECK THAT WE DID A PROPHY, FLUORIDE, OR SEALANT OR A COMBINATION OF THOSE. THE NEXT IS THAT WE SAW NOTHING OBVIOUS, AND WE WOULD CHECK THAT, OR THAT THERE IS SOMETHING WRONG, AND THEY NEED --

HYGIENIST 2: OBVIOUS PROBLEMS.

HYGIENIST 1: -- AND THEY NEED TO GO URGENTLY AND THAT'S USUALLY IF THE CHILD IS IN PAIN OR THERE'S SOME SWELLING. THE OBVIOUS PROBLEM IS THE ONE THAT GIVES US TROUBLE, BECAUSE WE CAN'T SAY THAT YOU HAVE SOME DECAY. I MEAN I'D LIKE TO SCRATCH THAT OUT AND SAY POSSIBLE DECAY, BUT WE HAVE TO SAY OBVIOUS PROBLEM. AND USUALLY THE PARENTS, THAT MAKES THEM ANXIOUS BECAUSE THEY'RE THINKING, WELL, IF MY CHILD HAS SOME DECAY, WHY CAN'T YOU SAY DECAY. YOU SAY OBVIOUS PROBLEM, I'M THINKING THEY MUST HAVE A TUMOR OR SOMETHING. AND THEN WE

HAVE HIGHLIGHTED IN BOLD FACE THAT IF YOU DO NOT HAVE A DENTIST AND IT WASN'T LISTED ON YOUR CONSENT FORM, WE WILL ATTACH A LIST OF DENTISTS, BUT WE, YOU KNOW, RECOMMEND THAT YOU TAKE YOUR CHILD TO THE DENTIST. IF YOU HAVE ANY QUESTIONS, CALL US. WE ALL LEAVE OUR CELL NUMBERS AND OUR NAMES. WE MAKE IT AS PLAIN, BUT YET AS EASY TO READ, AND ON THEIR LEVEL AS POSSIBLE, SO WE CAN'T GET VERY CLINICAL BECAUSE A LOT OF PARENTS STRUGGLE WITH THE WAY, WITH THE TERMINOLOGY, SO WE HAVE TO MAKE IT REAL SIMPLE AND PLAIN.

MS. BALLARD: THERE IS IN THE RECORD A COPY OF THE FORM THAT IS SENT, BUT I'D BE HAPPY FOR PURPOSES OF THIS TO HAND IT UP IF YOU'D LIKE.

DR. ASSEY: NO, THAT'S GOOD. I JUST WANTED TO MAKE SURE THERE WAS SOME OPPORTUNITY FOR YOU TO STILL --

HYGIENIST 2: WE ALSO RECOMMEND THAT THEY SEE A DENTIST ONCE A YEAR.

HYGIENIST 1: IF THEY HAVE NO PROBLEMS AT ALL, WE STILL CHECK, IF THEY HAVE NO PROBLEM, WE CHECK WHERE IT SAYS X-RAYS AND AN APPOINTMENT WITH A DENTIST ARE NEEDED AT LEAST ONCE A --

HYGIENIST 2: ONCE A YEAR.

HYGIENIST 1: -- YEAR. SO THOSE ARE THE CHILDREN WHERE WE DON'T SEE ANYTHING ON.

DR. ASSEY: DO YOU FEEL, I KNOW WITHOUT THE ABILITY, WITHOUT THE ABILITY TO DIAGNOSE, YOUR HANDS ARE TIED. AND SAY YOU'RE MAKING A JUDGEMENT CALL AND YOU'RE LOOKING AT THESE KIDS, AND GOODNESS ME, YOU ARE DOING IT IN A SETTING THAT'S VERY DIFFERENT. YOU'VE BOTH WORKED IN PRIVATE OFFICES, RIGHT?

MS. BALLARD: WE KNOW THE DIFFERENCE.

HYGIENIST 1: OH, YEAH.

DR. ASSEY: AND I APPLAUD ALL THE HYGIENISTS BY THE WAY WHO ARE PART OF THE PROGRAM LIKE THIS. I REALLY DO. YOU KNOW AS A HYGIENIST WHEN YOU'RE TRAINED, I MEAN YOU'RE TRAINED TO DO A THOROUGH JOB. AND Y'ALL ARE ALL VERY METICULOUS, AND YOU'RE ABOUT AS OCD AS WE ARE. AND IT MUST BE CONCERNING WHEN YOU'RE ASKED TO PROVIDE A SERVICE THAT YOU BELIEVE IS THE RIGHT THING TO DO, BUT YET YOU CAN'T BE SURE OF EXACTLY HOW CLEAN THAT TOOTH MIGHT BE. AND I'M NOT TRYING TO GO ANYWHERE IN PARTICULAR WITH THIS. I'M JUST SORT OF TALKING, THINKING OUT LOUD. MY POINT IS, IF YOU -- ARE YOU ASKED TO SEAL ALL TEETH, ALL PERMANENT MOLARS?

IS THAT PART OF THE, IS THE PROGRAM ASKING YOU TO DO THAT?

HYGIENIST 1: NO. ARE YOU TALKING ABOUT HEALTHY TEETH OR --

DR. ASSEY: WHEN SEALANTS ARE APPLIED ON SIX-YEAR MOLARS AND 12-YEAR MOLARS, FOR INSTANCE. I ASSUME Y'ALL AREN'T DOING PRE-MOLARS AND YOU CAN'T DO PRE-MOLARS.

HYGIENIST 1: WE DON'T USUALLY.

HYGIENIST 2: MOLARS.

DR. ASSEY: MOLARS, OKAY. I MEAN YOUR GOAL WOULD BE TO -- LET'S SAY YOU'RE DEALING WITH A 12 YEAR OLD. YOUR GOAL WOULD BE TO SEAL EIGHT TEETH?

HYGIENIST 1: IF THEY'RE NEEDED.

HYGIENIST 2: IF THEY HAVE NO DECAY.

DR. ASSEY: YOU WOULD MAKE A JUDGEMENT --

HYGIENIST 1: YES.

DR. ASSEY: I'M TRYING TO PUT MYSELF IN Y'ALL'S PLACE NOW, SO THAT I CAN BETTER UNDERSTAND, SO THAT WE CAN BETTER DISCUSS THIS. AND LET'S SAY SEVEN OF THEM SEEM TO BE OKAY AND THERE'S ONE, YOU DON'T FEEL PRESSURED TO SEAL THAT EIGHTH TOOTH?

HYGIENIST 2: NO.

DR. ASSEY: DO YOU FEEL THAT SEALING THAT EIGHTH

TOOTH IS MORE COMPLETE IN SOME WAY OR DO YOU FEEL LIKE, YOU KNOW, AS LONG AS I IDENTIFY TO THE PATIENT, TO THE PARENT, THAT THIS TOOTH NEEDS TREATMENT THAT YOU'VE BEEN COMPLETE IN THAT WAY?

HYGIENIST 2: YES.

HYGIENIST 1: I THINK WHAT IS IMPORTANT IS, IS THIS TOOTH, BECAUSE I KNOW THIS HAPPENED IN ONE OF MINE. ONE OF THE TEETH THERE WAS AN AREA THAT THERE WAS OBVIOUSLY NO, THERE WAS OBVIOUSLY A PLACE WHERE NO SEALANT WOULD BOND, SO I WOULDN'T WANT TO GO THERE ANYWAY. WHY WOULD I DO THAT?

DR. ASSEY: BECAUSE THE INTEGRITY OF THE TOOTH.

HYGIENIST 1: THERE WAS ENOUGH DECAY THAT I DID NOT THINK THERE WAS ENOUGH TOOTH STRUCTURE THAT WOULD WARRANT ME TO PUT A SEALANT ON THERE, BUT, AND I DON'T REMEMBER IF THAT WAS THE DISTILL PART OR THE MESIAL PART, BUT THERE WAS A PART, THOUGH IT WAS DARK AND I WAS SO GLAD THAT DR. SIMONSEN SHOWED US THOSE TEETH, BECAUSE WHEN HE SHOWED US THE POWERPOINT OF THOSE TEETH, EVERYBODY -- I KNOW ALL THE PANEL, AND ALL OF US SAID, THOSE HAVE DECAY.

HYGIENIST 2: YES.

HYGIENIST 1: THOSE HAVE DECAY, WHEN HE SHOWED AND HE SAID, NO, THEY DIDN'T. I THOUGHT WELL THAT'S HOW I ENCOUNTER TEETH LIKE THAT.

DR. ASSEY: RIGHT.

HYGIENIST 1: AND SO THERE'S A TOOTH THAT MAY BE DARK OR STAINED, AND I CALLED, AND I EVEN PUT IN MY, ON MY CHART STICKY, STICKY, WELL, I'M NOT GOING TO SET THERE, AND PRESS, AND TRY TO CAVITATE, BUT HOW MANY DENTISTS SEE STICKY, AND PUT A WATCH ON IT? HOW MANY TIMES HAVE I TOLD THE DENTIST I SEE SOMETHING THERE AND HE HAS SAID, WELL, LET'S LEAVE IT ALONE FOR A WHILE? SO, IN MY JUDGEMENT, I SAID WELL, THAT'S A LITTLE STICKY, BUT THERE'S NO -- I DON'T FEEL ANYTHING ELSE, SO YES, I'M GOING TO GO AHEAD AND COVER THAT. BUT HERE THERE'S NOT ENOUGH MATERIAL, TOOTH STRUCTURE TO WARRANT PUTTING A SEALANT ON, SO I'M GOING TO LEAVE THAT ALONE. SO THAT'S THE KIND OF JUDGEMENT I MAKE. IT'S NOT BASED ON COMPLETENESS. IT'S DOES THIS MAKE SENSE TO ME? DOES IT MAKE SENSE TO PUT SOMETHING THAT MAY ADHERE? DOES IT MAKE SENSE NOT TO PUT SOMETHING ON THAT MAY NOT ADHERE? SO THAT'S KIND OF JUDGEMENT THAT I USE IN THAT. AND I WOULD HAVE TO SAY THAT

GOING INTO THIS PROGRAM I WAS, DON'T GO NEAR, DON'T GO NEAR SOMETHING THAT EVEN LOOKS LIKE A CAVITY, DON'T GO NEAR IT. AND THEN I BEGAN TO GET THIS PREPONDERANCE OF EVIDENCE FROM FOLKS LIKE DR. SIMONSEN, ET CETERA THAT BEGAN TO MAKE ME, EVEN THOUGH IT WAS UNCOMFORTABLE, I BEGAN TO UNDERSTAND THAT I WAS DOING THE RIGHT THING TO SEAL IT, AND THAT I WAS ACTUALLY INCOMPLETE IF I LEFT SOMETHING JUST SITTING RIGHT THERE, AND THAT CHILD WOULD NEVER GO TO THE DENTIST OR I WOULDN'T KNOW THAT THEY WOULD GO TO THE DENTIST. ESPECIALLY IF IT'S A CHILD THAT HAD NEVER EVEN BEEN TO THE DENTIST. BECAUSE WE ASK THEM ON THEIR CONSENT, WELL, WHO'S YOUR DENTIST, PUT DOWN NONE. SO I FIND THAT WE'RE IN BETWEEN A ROCK AND A HARD PLACE. I THINK WE'RE IN A VERY UNCOMFORTABLE POSITION.

HYGIENIST 2: OR SOME PUT A DENTIST DOWN AND THEN YOU GET IN THERE, AND THEY HAVE ALL THESE CAVITIES, AND I DON'T THINK THEY'VE EVER BEEN TO A DENTIST. I THINK THEY JUST -- THEY'RE EMBARRASSED. THE PARENTS ARE EMBARRASSED.

HYGIENIST 1: UH-HUH.

HYGIENIST 2: AND THEY ARE JUST GOING TO PUT DOWN A

DENTIST.

DR. ASSEY: WELL, I'VE HAD THE HONOR TO WORK WITH A LOT OF EXCELLENT HYGIENISTS IN MY PRACTICE, AND I KNOW THAT THEY CAN'T DIAGNOSE, BUT I CAN TELL YOU THEY KNOW DECAY. AND I WOULD CHALLENGE HYGIENISTS IN THE PUBLIC HEALTH SETTING TO STILL USE JUST THEIR EYES AND NOT NECESSARILY RELY ON RESEARCH THAT'S HARD TO QUANTIFY AND QUALIFY. YOU KNOW, SOMETIMES YOUR GUT JUST TELLS YOU WHAT'S RIGHT JUST BECAUSE SOMEBODY SAYS, OH, YOU SEALED DECAY OR WHATEVER, YOU KNOW, YOU KIND OF, IT'S A FEEL THING. AND I APPRECIATE THE OPPORTUNITY TO BE ABLE TO ASK A LITTLE BIT AND BE ABLE TO UNDERSTAND A LITTLE BIT MORE ABOUT WHAT YOU DO.

MS. BALLARD: DOES ANYBODY ELSE HAVE ANY QUESTIONS OF THEM?

MS. DUNCAN: YOU HAD MENTIONED -- I DO, ONE.

MS. BALLARD: YOU HAD MENTIONED THAT YOU GIVE THE CHILDREN YOUR CELL PHONE NUMBER?

HYGIENIST 1: WELL, IT'S ACTUALLY GIVEN TO THE CHILD TO TAKE TO THE PARENT. THE NOTE GOES HOME TO THE PARENT.

HYGIENIST 2: IF THEY HAVE ANY QUESTIONS, THEY CAN

CONTACT US.

MS. DUNCAN: THEY CAN CALL YOU AT ANY TIME?

HYGIENIST 1: UH-HUH.

HYGIENIST 2: YES, MA'AM. I HAVE HAD SOME WHERE I WOULD FINISH AT THIS SCHOOL, AND I GO ON TO ANOTHER SCHOOL, AND THAT PARENT CALLED ME WITH QUESTIONS.

DR. ASSEY: THAT'S GOOD.

DR. BRAGDON: I HAVE TWO QUESTIONS, AND I GUESS THAT WILL RAP UP OUR QUESTIONS UNLESS SOMEBODY HAS SOME. YOU MENTIONED A DIAGNODENT. WHY DON'T Y'ALL HAVE ONE AT YOUR DISPOSAL AND USE?

HYGIENIST 1: I'LL LET MS. BYRD ADDRESS THAT BECAUSE I DON'T KNOW THE ANSWER TO THAT. MS. BYRD IS ONE OF THE CO-OWNERS OF HEALTH PROMOTIONS SPECIALISTS. THIS IS TAMMI BYRD.

MR. ROSEN: YOU HAVE TO GET HER SWORN IN.

DR. BRAGDON: WE HAVE TO GET HER SWORN IN.

WHEREUPON,

TAMMI BYRD, BEING DULY SWORN AND CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

COURT REPORTER: WOULD YOU STATE YOUR FULL NAME, PLEASE?

WITNESS: TAMMI OXNER BYRD

DIRECT TESTIMONY BY

MS. BYRD: ONE OF THE REASONS WE DO NOT UTILIZE THE DIAGNODENT -- I REALLY STAY ON TOP OF THE RESEARCH AND THE EVIDENCE CASES THAT WE RUN THIS PROGRAM ON. I HAVE BEEN TO FOUR DIFFERENT CONFERENCES IN THE PAST YEAR BY SEVERAL MEMBERS OF THE PANEL THAT CDC EXPERT PANEL OF THE SCHOOL-BASED SEALANT PROGRAMS THAT'S GETTING READY TO HOPEFULLY RELEASE THE NEW GUIDELINES SUNDAY OR MONDAY. AND WITH THAT, THE PRESENTATIONS HAVE BEEN GIVEN AND THE TOPIC CAME UP ABOUT THE DIAGNODENT. THE RESEARCH DOES NOT SUPPORT UTILIZING A DIAGNODENT IN A PUBLIC HEALTH PROGRAM. ACTUALLY OUT OF THE RESEARCH THAT'S DONE BY LUCY AND USED ONLY BY THE CAVO WEBSITE FOR DIAGNODENT, SHOWED THAT OUT OF 179 CHILDREN THERE WERE 133 FALSE POSITIVES. THOSE ARE CHILDREN THAT WOULD HAVE NEVER BEEN SEALED IN A PUBLIC HEALTH PROGRAM. THEY WOULD HAVE BEEN LEFT WITHOUT SEALANTS AND LEFT THOSE TEETH SUSCEPTIBLE TO DECAY IF WE HAD USED A DIAGNODENT. MARGHERITA FONTANA IS ONE OF THE TOP CARIOLOGISTS IN THE COUNTRY AND ACTUALLY IN THE WORLD. SHE'S FROM NEW ZEALAND, BUT

TEACHES AT THE UNIVERSITY OF INDIANA NOW, AND SHE IS ONE WHO HAS SPOKEN EXTENSIVELY ON THAT AND WILL BE LECTURING AGAIN AT THE NATIONAL ORAL HEALTH CONFERENCE ON MONDAY ABOUT THIS. AND WHEN POINT BLANK ASKED, BECAUSE ONE LADY FROM ANOTHER STATE STATED, WELL, YOU KNOW, IN OUR STATE THEY ARE WANTING US TO TRY TO US A DIAGNODENT, SHE SAID, IT WOULDN'T BE PRACTICAL. SHE SAID, YOU WOULD LEAVE THE MAJORITY OF CHILDREN WITHOUT SEALANTS THAT NEED THE SEALANTS IF YOU UTILIZED THE DIAGNODENT. SHE SAID, IT IS NOT A DIAGNOSTIC, IT IS NOT TO BE USED FOR THE WHOLE DIAGNOSIS. YOU MUST USE IT WITH EVERYTHING ELSE OUT THERE AND IT'S NOT RELIABLE, ESPECIALLY IN A PUBLIC HEALTH PROGRAM.

DR. BRAGDON: THE SECOND QUESTION HAS TO DO, AND ANYBODY CAN ANSWER THIS, IS THE SEQUENCE OF YOUR TREATMENT IN THE SCHOOL, 1, 2, 3, 4, WHAT DO YOU DO, AND I'M NOT TALKING ABOUT, THEN I SIT DOWN, AND THEN I, I MEAN AS FAR AS THE, WHAT YOU PROVIDE: SEALANTS, FLUORIDE, PROPHIES? I MEAN, WHAT'S YOUR SEQUENCE?

MS. BALLARD: HYGIENIST 1, ARE YOU COMFORTABLE ANSWERING?

HYGIENIST 1: I'M COMFORTABLE. I THINK BASICALLY THE FIRST THING IS WE'RE GOING TO TALK TO THEM FIRST, SEE WHERE THEY ARE WITH DENTAL HYGIENE. THAT'S ALWAYS THE FIRST THING. AND THEN USUALLY FOR ME, IT'S AFTER LOOKING OVER WITH AN, DOING AN EXAMINATION TO DETERMINE THE HEALTH OF THE TEETH, THE AMOUNT OF PLAQUE, IF THERE IS SOMETHING THAT LOOKS LIKE DECAY, ALL OF THIS I WILL CHART ON MY CHART AND THEN --

DR. BRAGDON: YOU'RE MAKING THIS TOO HARD, EXCUSE ME.

HYGIENIST 1: OKAY. I CLEAN FIRST --

DR. BRAGDON: YES, THAT'S WHAT I WANT.

HYGIENIST 1: CLEAN FIRST, FLOSS, THEN, I MEAN PROPHY THEN POLISH, THEN FLOSS. I DO NOT POLISH THE OCCLUSALS OF THOSE TEETH THAT WE'RE GOING TO SEAL.

DR. BRAGDON: YOU DON'T POLISH THEM?

HYGIENIST 1: NO. NOT WITH PROPHY PASTE, BECAUSE I WANT TO MAKE SURE THAT WE DON'T -- WE HAVE PROBLEMS WITH RETENTION IF WE USE THE PROPHY PASTE ON THEM.

DR. BRAGDON: HOW ABOUT FLUORIDE?

HYGIENIST 1: A VARNISH, THAT'S THE LAST THING WE DO IS A FLUORIDE VARNISH.

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DR. BRAGDON: AFTER YOU PUT THE SEALANTS ON?

HYGIENIST 1: CORRECT.

DR. BRAGDON: IN EVERYTHING THAT I READ IT WAS ALWAYS PROPHY, FLUORIDE, SEALANT.

HYGIENIST 1: YES, THAT'S TRUE.

DR. BRAGDON: YOU KNOW, I MEAN I LOOKED ALL THE WAY THROUGH EVERYBODY'S SEQUENCE AND I THOUGHT -- AND THEN IN STUDYING FOR THIS, I READ UP ON AN AWFUL LOT OF SEALANT STUFF. YOU KNOW, THERE'S EVIDENCE BOTH WAYS ABOUT THE TIMING OF THAT, BUT I WAS JUST CURIOUS. AND SO I WASN'T TRYING TO MAKE IT A HARD QUESTION.

HYGIENIST 2: I ACTUALLY SCALE AND THEN I HAVE THE LITTLE OCCLUSAL BRUSH TO CLEAN OUT THE OCCLUSAL SURFACE, DO MY SEALANTS, THEN I DO MY POLISHING, AND THEN FLOSS AND FLUORIDE.

DR. BRAGDON: OKAY. THANK YOU.

MS. BALLARD: WOULD YOU LIKE TO HEAR FROM THE OTHER HYGIENISTS, HYGIENIST 4 AND HYGIENIST 3 ON THESE ISSUES?

DR. BRAGDON: NO. THEY ANSWERED PRETTY WELL.

MS. BALLARD: OKAY.

DR. ASSEY: UNLESS THEY FEEL LIKE THEY NEED TO SAY SOMETHING, THEN WE'LL HEAR THEM.

MS. BALLARD: HYGIENIST 3, DO YOU AND HYGIENIST 4

WANT TO SAY ANYTHING?

HYGIENIST 3: UNLESS YOU HAVE QUESTIONS OR THINGS, SOMETHING THAT YOU MIGHT WANT TO --

DR. BRAGDON: WE HAVE TO SWEAR YOU IN. MS. RIFFE HAS ONE QUESTION. DO WE NEED TO SWEAR HER IN?

MS. RIFFE: (TO HYGIENIST 3) IT'S NOT FOR YOU, IT'S FOR HYGIENIST 1. HYGIENIST 1?

MS. BALLARD: HYGIENIST 1, CAN YOU COME BACK UP HERE?

MS. RIFFE: SORRY, YOU GOT AWAY. JUST, ONLY BECAUSE IF I GOT THIS RIGHT IN YOUR TESTIMONY AND YOU DID MAKE THIS STATEMENT, THAT HAVING COME FROM PRIVATE PRACTICE, WHICH IS THE IDEAL SITUATION, AND YOU ONLY AT THAT POINT SEALED LIKE VIRGIN TEETH, HAVING BEEN IN PUBLIC HEALTH, WHICH IS VERY DIFFERENT, BUT YOU SAID THAT YOU WERE GIVEN THE WORKSHOP, CONTINUING EDUCATION, RESEARCH, AND LITERATURE TO HELP VALIDATE HOW THE PROGRAM WORKS --

HYGIENIST 1: ABSOLUTELY.

MS. RIFFE: YOU HAVE BECOME VERY COMFORTABLE WITH THAT PROTOCOL?

HYGIENIST 1: ABSOLUTELY.

MS. RIFFE: OKAY. AND SINCE THESE ALL, APPARENTLY ALL THIS HAPPENED IN 2003, HAS ANY OF THIS

CHANGED THE PROTOCOL OR THE WAY YOU FEEL ABOUT THE SELECTION OF YOUR SEALANTS?

HYGIENIST 1: I THINK IT'S GIVEN ME MORE CONFIDENCE. I THINK BEFORE I WAS DOING IT AND FEELING, GOING AGAINST THE WAY I WAS TAUGHT MAYBE AND FEELING A LITTLE GUILTY. LIKE THE MORE INFORMATION THAT CAME TO ME, ESPECIALLY WHEN WE MET WITH THE PANEL AND WITH DR. SIMONSEN, I BECAME MORE CONFIDENT, AND I NEEDED THAT BADLY. THANK YOU.

MS. RIFFE: THANK YOU.

DR. BRAGDON: DOES ANYBODY HAVE A QUESTION FOR HYGIENIST 4?

MS. BALLARD: THIS IS HYGIENIST 3.

DR. BRAGDON: OH, OKAY.

MS. BALLARD: (TO COURT REPORTER) HAS SHE BEEN SWORN YET?

COURT REPORTER: NO.

MS. BALLARD: OKAY. GO AHEAD AND SUBMIT YOUR QUESTION.

DR. BRAGDON: DO WE HAVE A QUESTION? WE DON'T NEED TO SWEAR HER IN IF WE DON'T HAVE A QUESTION.

MS. BALLARD: WELL, OKAY. JUST GO AHEAD AND SAY WHATEVER YOU WANT TO SAY.

HYGIENIST 3: WELL, I JUST WONDERED IF ANYBODY HAD

ANY QUESTIONS. I MEAN I'LL BE GLAD TO ANSWER ANY QUESTIONS.

DR. ASSEY: I'VE GOT ABOUT A THOUSAND, BUT I WON'T GO THERE.

HYGIENIST 3: I MEAN, AT THE LAST HEARING, THEY WANTED TO KNOW WHAT OUR UNIT WAS LIKE, IF WE HAD PROPER LIGHTING, IF WE, YOU KNOW, IF WE --

DR. BRAGDON: WE'VE GOT ALL OF THAT.

MS. RIFFE: YEAH. WE'VE READ ALL THAT.

MR. WOODINGTON: IT'S IN THE TRANSCRIPT.

MS. RIFFE: WE'VE HEARD IT ALL.

DR. BRAGDON: I'M SURE IT'S A VERY NICE UNIT.

MS. RIFFE: AND IT'S NICE YOUR HUSBAND HELPS YOU CARRY YOURS, TOO.

MS. BALLARD: YOU REALLY DID READ IT?

MS. RIFFE: YES, MA'AM.

MS. BALLARD: I DON'T HAVE ANYTHING FURTHER.

DR. BRAGDON: OKAY. IN THAT CASE, WE ARE GOING TO GO INTO -- DO I HEAR A MOTION TO GO INTO EXECUTIVE SESSION?

DR. ASSEY: I MOTION THAT WE GO INTO EXECUTIVE SESSION.

MS. RIFFE: SECOND.

DR. BRAGDON: ALL THOSE IN FAVOR SAY, AYE.

(ALL BOARD MEMBERS SAY, AYE)

(OFF THE RECORD; EXECUTIVE SESSION 5:30 - 6:55 P.M.)

DR. BRAGDON: BACK INTO OPEN SESSION. DO I HEAR A MOTION FOR THE DISPOSITION OF THESE FOUR CASES?

DR. ASSEY: MR. PRESIDENT, I MAKE A MOTION THAT WE ACCEPT THE PANEL'S RECOMMENDATIONS WITH THE FOLLOWING PROVISIONS: THE, HYGIENIST 1 AND HYGIENIST 2 WOULD NOT BE IDENTIFIED, SO IT WOULD BE ANONYMOUSLY SANCTIONED; IS THAT THE PROPER TERM?

MR. ROSEN: (NODS HEAD).

DR. ASSEY: THERE WILL BE SOME CLARIFICATION OF TEETH NUMBERS IN THAT PARTICULAR INSTANCE WHERE THAT NEEDS TO BE DONE. THERE WILL BE NO FINE.

MS. BALLARD: NO WHAT?

MS. RIFFE: FINE.

DR. ASSEY: FINE. AND THE BOARD REMAINS SUPPORTIVE OF DR. SNEED'S POSITION ON DECAY AND NOT SEALING OBVIOUS DECAY.

DR. BRAGDON: IS THERE A SECOND TO THAT MOTION?

DR. DIXON: I'LL SECOND.

DR. BRAGDON: ALL THOSE IN FAVOR SAY, AYE.

(ALL BOARD MEMBERS SAY, AYE, EXCEPT MS. DUNCAN)

DR. BRAGDON: OPPOSED, LIKE SIGN?

(MS. DUNCAN OPPOSED)

DR. BRAGDON: SO THE VOTE WAS FOUR TO ONE WITH MS. DUNCAN IN OPPOSITION, AND THAT'S IT.

MR. ROSEN: RECESS --

DR. BRAGDON: YES, WE WILL RECESS UNTIL TOMORROW.

DR. ASSEY: IT'S A WRAP.

DR. BRAGDON: DO I HEAR A MOTION TO ADJOURN UNTIL TOMORROW MORNING?

DR. DIXON: I MOTION TO ADJOURN UNTIL TOMORROW MORNING.

DR. BRAGDON: DO I HEAR A SECOND?

MS. RIFFE: SECOND.

DR. ASSEY: I'D LIKE TO COMPLIMENT COUNSEL ON BOTH SIDES.

DR. BRAGDON: THIS MEETING'S ADJOURNED.

MR. WOODINGTON: THANK YOU.

MS. BALLARD: I APPRECIATE THAT.

(WHEREUPON, AT 7:00 P.M. THE HEARING WAS CONCLUDED).

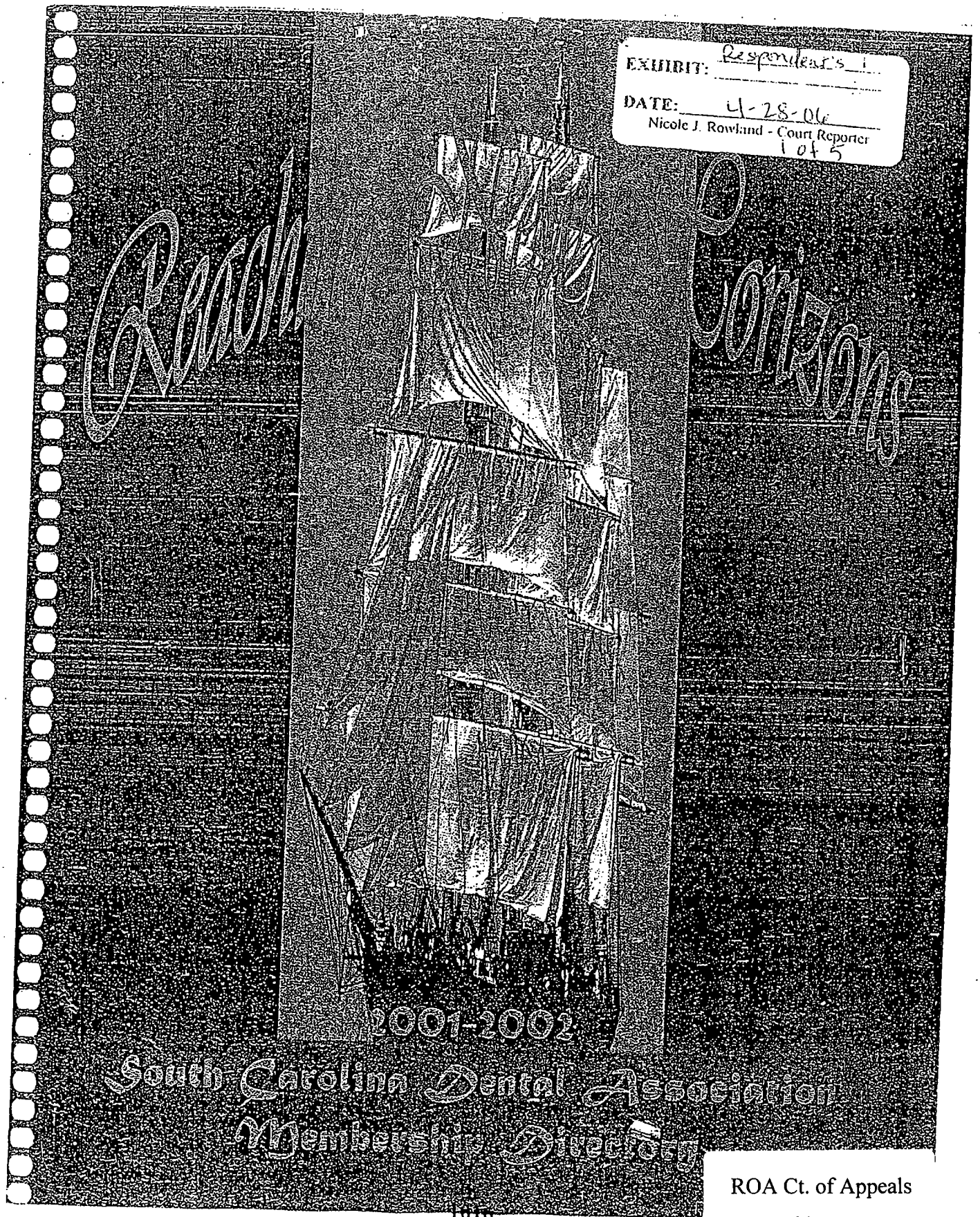


EXHIBIT: Respondent's 1
DATE: 4-28-06
Nicole J. Rowland - Court Reporter
1 of 5

ROA Ct. of Appeals
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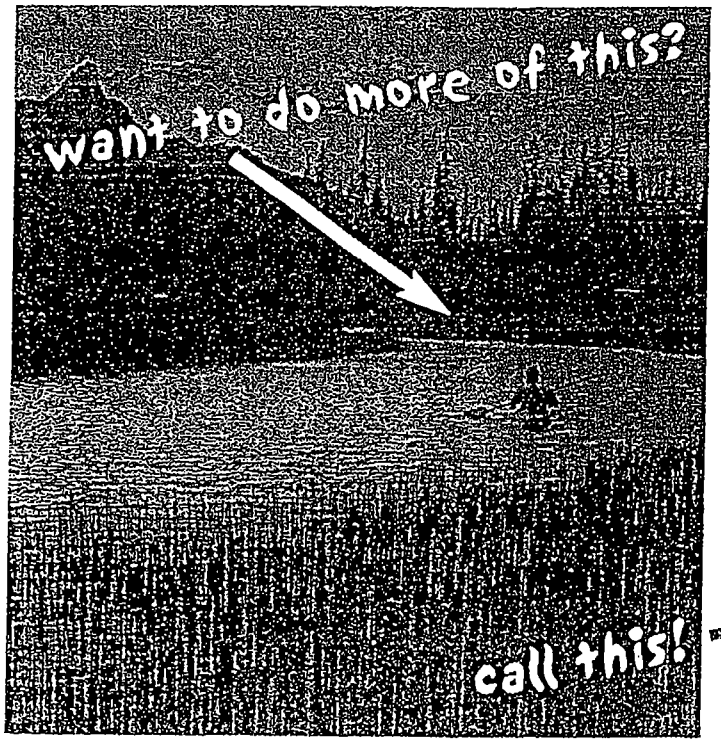
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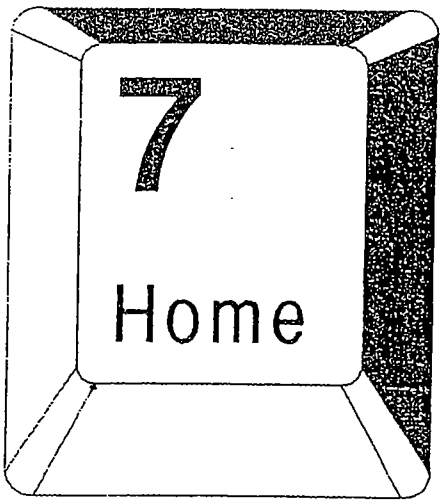
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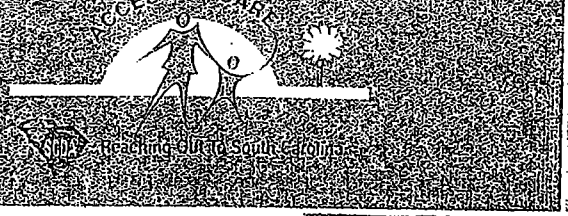


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Nicole J. Rowland - Court Reporter

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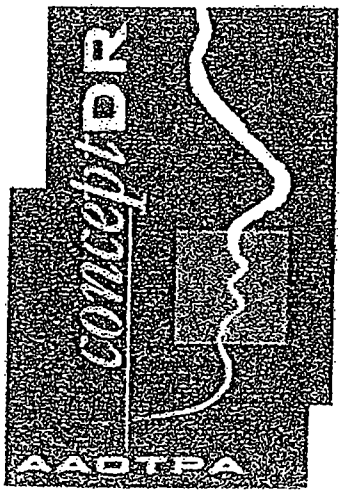
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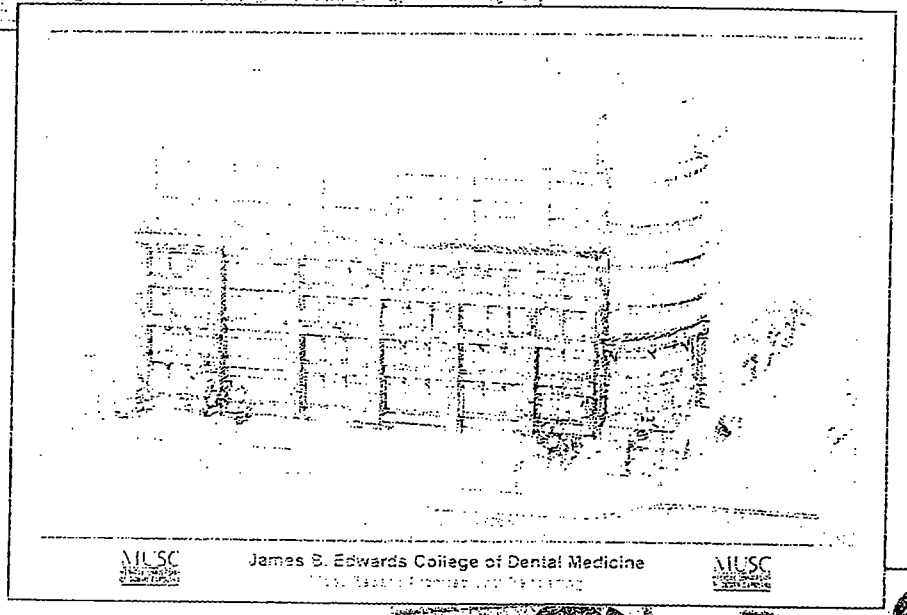
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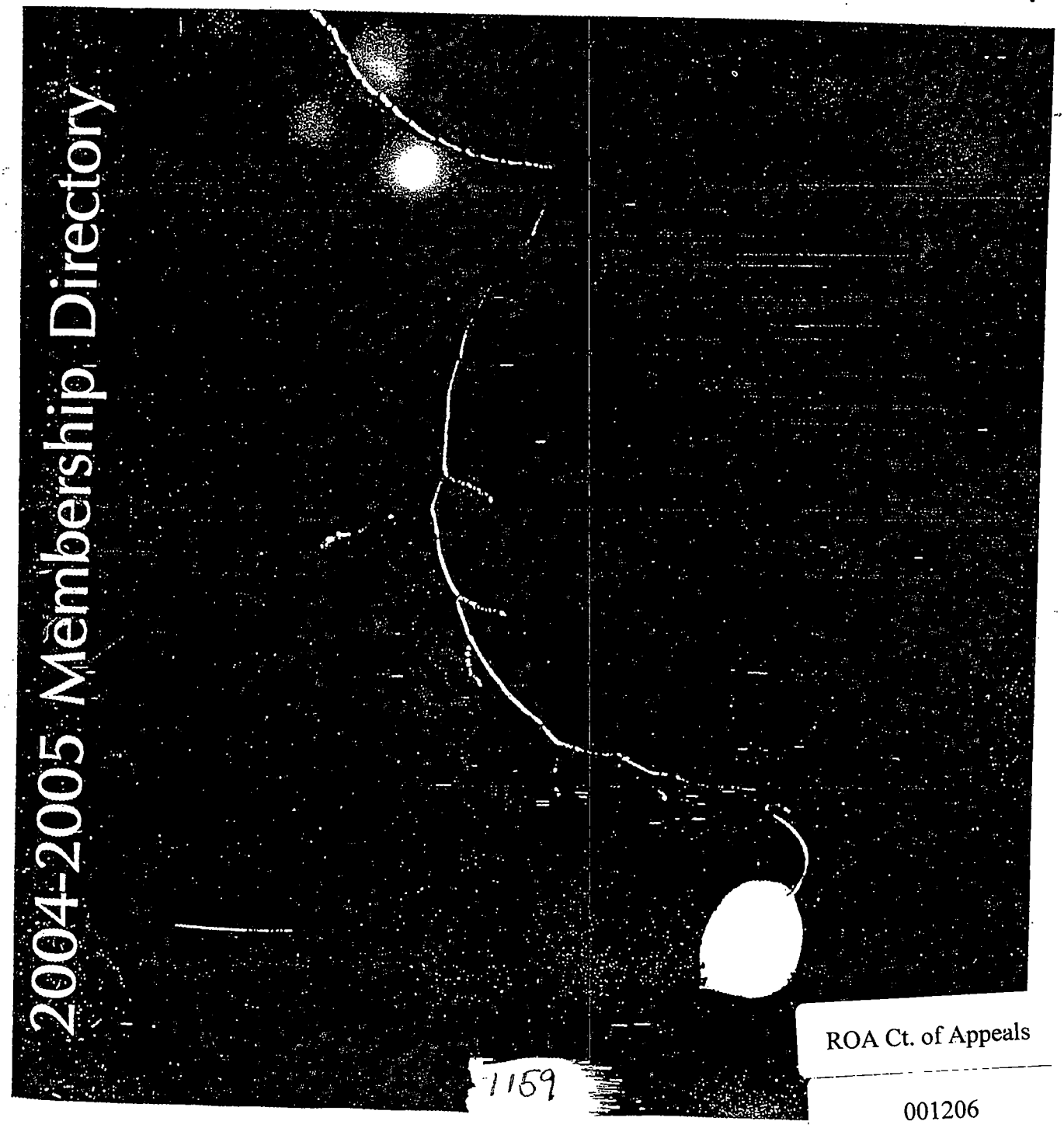
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Nicole J. Rowland - Court Reporter

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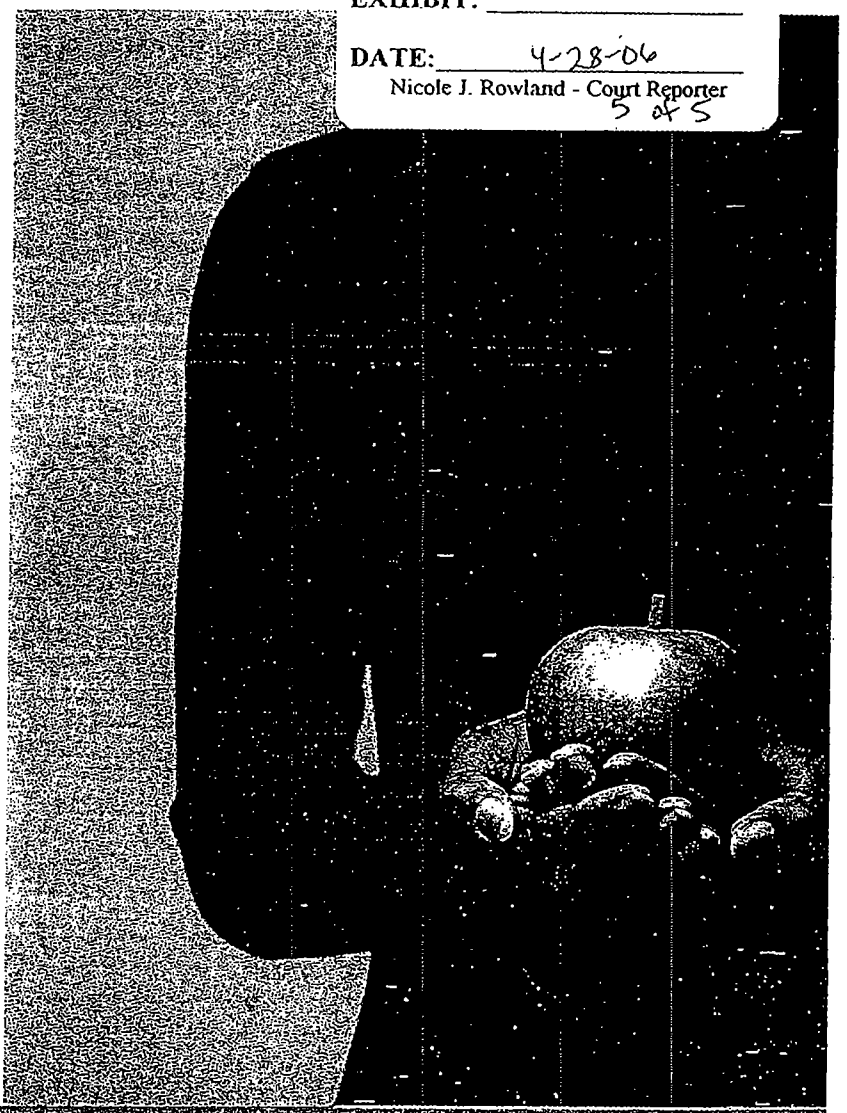
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DATE: 4-28-06

Nicole J. Rowland - Court Reporter

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2005-2006 Membership Directory

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Woodson, James D
Greenville Technical College
506 Pleasantburg Dr
Greenville, SC 29606
(O) (864)250-8330
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558 Powdersville Main
Easley, SC 29642
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(E) david.woodson@gvltec.edu
D 00 48 74 165

Wooster, Jay S (Janet)
1 Sherington Dr #H
Bluffton, SC 29910-6019
(O) (843)815-7844
(F) (843)815-7846
142 Spanish Point Dr
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(H) (843)524-0006
B 00 58 84 042

Workman, Joseph B III (Dayle)
533 St Matthews Rd
Swansea, SC 29160-9004
(O) (803)568-2077
1029 Nature Ln
Gilbert, SC 29054-9753
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A 00 46 73 165

Worrell, Henry P (Hallett)
1314 N Main St
Marion, SC 29571-2011
(O) (843)423-4611
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403 Woodland Dr
Marion, SC 29571-2831
(H) (843)423-4857
C 00 42 67 125

Worrell, John D III (Gail)
201 Medical Cir
West Columbia, SC 29169-3653
(O) (803)796-7343
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126 E Circle Dr
Lexington, SC 29072-9795
(H) (803)359-5363
A 00 45 71 165

Wright, James E Jr
119 Village Dr
Greer, SC 29651-1236
(O) (864)879-1120
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11 Meadow Springs Ln
Greer, SC 29650-1005
(H) (864)877-9856
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D 00 60 87 165

Wright, Stanley (Cynthia)
4735 88th St E
Bradenton, FL 34211
(H) (941)751-1449
(E) dr.braceface@verizon.net
B RET 40 64 140

Wright, William G (Janice)
PO Box 36516
Rock Hill, SC 29732-0509
(O) & (H) (803)366-4410
3286 Homestead Rd
Rock Hill, SC 29732-9265
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A 10 49 74 165

Wrobleski, Jan W (Francette)
389 Johnnie Dodds Blvd
Mt Pleasant, SC 29464-2950
(O) (843)884-7041
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6155 Caravelle Ct
Awendaw, SC 29429-6027
(H) (843)928-3800
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B 30 48 73 150

Wych, Gregory J (Rebecca)
7505 Saint Andrews Rd
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(O) (803)781-1600
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6 Paddock Pl
Columbia, SC 29223
(H) (803)865-1808
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A 00 58 84 133

Wyles, Bruce K
134 Ladys Island Dr #D
Beaufort, SC 29907
(O) (843)522-2077
(F) (843)522-2996
10 Judge Island Dr
Beaufort, SC 29907
H) (843)522-2075
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B 00 54 83 133

Wynn, Kenneth R (Ruth)
156 Half Mile Rd
Moore, SC 29369-9512
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D 00 34 60 149

Wyont, Charles E (Karen)
3320 Whiskey Rd
Aiken, SC 29803
(O) (803)642-4564
(F) (803)642-4515
333 Savannah Dr
Aiken, SC 29803-7522
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A 00 47 76 165

Wyss, Neil F (Kathy)
206 Elliott Rd
Lyman, SC 29365-1620
(O) (864)439-6559
(F) (864)439-7017
349 Wilkshire Loop
Moore, SC 29369-8907
(H) (864)587-9752
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D 00 44 69 125

-Y-

Yampolsky, Mark F (Ellen)
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Charleston, SC 29407
(O) (843)556-8778
(F) (843)556-7003
1593 Spinnaker Ln
Charleston, SC 29407
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B 40 57 86 006

Yaniszewski, Valerie L (Scott)
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(O) (803)285-7645
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117 Shade Tree Cir
Fort Mill, SC 29715
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A 00 77 03 165

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100 Commerce Dr #A
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Yeargin, Karen M (Thomas)
827 Oyster Park Rd
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Yon, Luther M
349-A Folly Rd
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Youmans, Charles P (Linda)
712 Saint Andrews Blvd
Charleston, SC 29407-7141
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3944 Chisolm Rd
Johns Island, SC 29455-7715
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B 20 36 63 148

Young, Bradley H
602 E Main St #E
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(O) (803)957-2440
(F) (803)957-2547
213-B Ashley Oaks Dr
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A 00 71 99 165

Young, J Ernest Jr (Nancy)
355 W Cambridge Ave
Greenwood, SC 29646-2191
(O) (864)229-1715
106 Amherst Dr
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(H) (864)229-6719
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Young, Richard H (Melody)
701 17th Ave South
North Myrtle Beach, SC 29582
(O) (843)272-2536
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4558 Wedgewood Dr
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C 40 59 86 165

Yung, Richard C (Shirley)
PO Box 21810
Columbia, SC 29221-1810
(O) (803)798-3204
(F) (803)750-0258
156 Char Oak Dr
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(H) (803)781-5950
(E) RicYung@yahoo.com
A 00 54 80 148

-Z-

Zaglin, Charles F (Charlotte)
4018 E North St
Greenville, SC 29615-2349
(O) (864)268-0936
(F) (864)322-5503
10 Stonefield Ct
Greenville, SC 29615-4238
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D 00 42 68 125

Zetz, Micheal R Jr (Elizabeth)
611 O'Neil Ct
Columbia, SC 29223
(O) (803) 736-3330
3009 Baltimore Rd
Charleston, SC 29412
899 Island Park Dr
Charleston, SC 29494
(O) (843)278-1902
(E) drzetz@hotmail.com
A 20 70 97 165

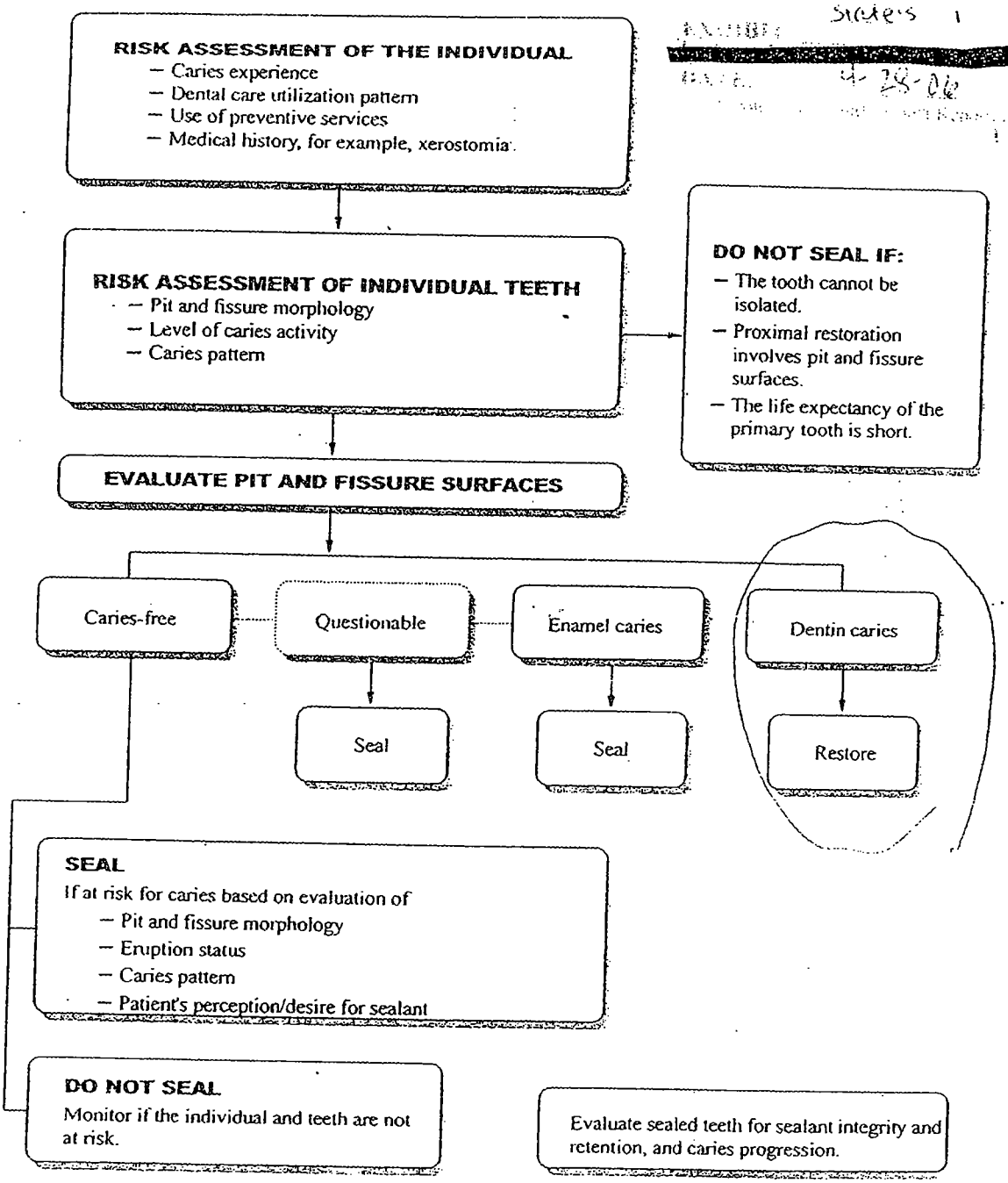
Zimmerman, Michael A (Lori)
233 E Blackstock Rd #B
Spartanburg, SC 29302
(O) (864)595-1203
(F) (864)587-2879
305 Beech Springs Rd
Duncan, SC 29301
(H) (864)949-3425
D 15 72 01 171

Zybak, Catherine M (James)
2565 Lindo Ct
Sumter, SC 29150
(O) (803)905-5280
(F) (803)905-5283
62 Lake Marion Dr
Elloree, SC 29047-9802
(H) (843)897-2402
(E) zybak@ftc-i.net
C 00 59 89 165

ROA Ct. of Appeals

001299

Decision - Tree
for
Pit and Fissure Treatment



Adapted from: Workshop on guidelines for sealant use—recommendations. *J Public Health Dent* 55(5 Spec No):263-73, 1995.

RESPONDENTS' (HYGIENISTS')
EX. 6, TAB 6

ROA Ct. of Appeals

001300

State of South Carolina
Lobbyist's Principal Disclosure Statement

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

REPORTING PERIOD:
JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

EXHIBIT Respondent's 2
DATE: 4-28-06
Nicole J. Rowland

CALENDAR YEAR: 2001

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia, South Carolina 2921
City State Zip

3. Business Mailing Address: 120 Stonemark Ln Columbia, South Carolina 2921
City State Zip

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I.	TOTAL PAID TO LOBBYISTS (from Schedule A):	$ 13,325.93
	EXPENDITURES (from Schedules B-G):	
	A. Supplies (from Schedule B):	$
	B. Rent (from Schedule B):	$
	C. Utilities (from Schedule B):	$
	D. Compensation of Support Personnel (from Schedule B):	$
	E. Other Expenditures (from Schedule B):	$
	F. Expenditures Made on Behalf of Public Official (from Schedule C):	$
	G. Expenditures Made on Behalf of Judiciary (from Schedule D):	$
	H. Speaking Engagements (from Schedule E):	$
	J. Contributions (from Schedule F):	$
	TOTAL OTHER EXPENDITURES: (II)	$
III.	TOTAL: (I+II)	$ 13,325.93

RECEIVED
APR 10 2001
STATE ETHICS COMMISSION

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zoan Jr.
Signature of Lobbyist Principal

James H. Zoan Jr 4/2/01
Printed Name Date

Sworn to be a true statement before me this 2nd day of April 2001

Kimia Stuckey
Notary Public for the State of: South Carolina

My Commission expires: October 11, 2009

FOR OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SECLSA.2(9/24/99)

SC Dental Assn/ Hal Zorn
Name of Lobbyist's Principal

SCHEDULE A -TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Jan 1 - Mar 31	Richard F. Davis	$13,325.93	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$13,325.93	

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
		TOTAL AMOUNT	

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SEC LSA.2(9/24/99)

State of South Carolina
Lobbyist's Principal Disclosure Statement

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

REPORTING PERIOD:
JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

CALENDAR YEAR: 2001

57034960 OCT - 4

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia, South Carolina 2921(
City State Zip

3. Business Mailing Address: 120 Stonemark Ln Columbia, South Carolina 2921(
City State Zip

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A): $16,349.21

EXPENDITURES (from Schedules B-G):

A. Supplies (from Schedule B): $
B. Rent (from Schedule B): $
C. Utilities (from Schedule B): $
D. Compensation of Support Personnel (from Schedule B): $
E. Other Expenditures (from Schedule B): $
F. Expenditures Made on Behalf of Public Official (from Schedule C): $
G. Expenditures Made on Behalf of Judiciary (from Schedule D): $
H. Speaking Engagements (from Schedule E): $
I. Contributions (from Schedule F): $

OCT 10 2001
STATE ETHICS COMMISSION

TOTAL OTHER EXPENDITURES: (II) $ 0

III. TOTAL: (I+II) $16,349.21

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zorn Jr.
Signature of Lobbyist Principal

James H. Zorn Jr. 10/8/01
Printed Name Date

Sworn to be a true statement before me this 8th day of October 2001

Laura Stuckey
Notary Public for the State of: South Carolina

My Commission expires: October 11, 2009

FOR OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SEC1.5A.2(9/24/99)

ROA Ct. of Appeals

SC Dental Assn/ Hal Zorn
Name of Lobbyist's Principal

SCHEDULE A -TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Apr 1- Sept 30	Richard F. Davis	$16,349.21	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$16,349.21	

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
		TOTAL AMOUNT	

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SEC LSA.2(9/24/99)

State of South Carolina
Lobbyist's Principal Disclosure Statement

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

REPORTING PERIOD:
JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

CALENDAR YEAR: 2002

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia, South Carolina 2921
City State Zip

3. Business Mailing Address: 120 Stonemark Ln Columbia, South Carolina 2921
City State Zi

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A): **NOTE: Includes income from Oct., Nov., Dec., 2001** $ 19,371.34

EXPENDITURES (from Schedules B-G):

A. Supplies (from Schedule B):	$
B. Rent (from Schedule B):	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures Made on Behalf of Public Official (from Schedule C):	$
G. Expenditures Made on Behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$

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APR 10 2002
STATE ETHICS COMMISSION

TOTAL OTHER EXPENDITURES: (II) $

III. TOTAL: (I+II) $ 19,371.34

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zorn, Jr.
Signature of Lobbyist Principal

James H. Zorn, Jr. 4-10-02
Printed Name Date

Sworn to be a true statement before me this 10th day of April 2002

Laura Stuckey
Notary Public for the State of: South Carolina

My Commission expires: Oct. 11, 2009

FOR OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SECL5A.2(9/24/99)

ROA Ct. of Appeals

SC Dental Assn/ Hal Zorn
Name of Lobbyist's Principal

SCHEDULE A -TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Jan 1- Mar 31	Richard F. Davis	$19,371.34	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$19,371.34	

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
		TOTAL AMOUNT	

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SEC L5A.2(9/24/99)

SCHEDULE D - EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT

TOTAL AMOUNT

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	FULL NAME OF RECIPIENT	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

SEC L5A.2(9/24/99)

ROA Ct. of Appeals

001307

Lobbyist's Principal Disclosure Statement

JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

CALENDAR YEAR: 2002

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia, South Carolina 2921
City State Zip

3. Business Mailing Address: 120 Stonemark Ln Columbia, South Carolina 2921
City State Zip

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A): $ 18,474.91

II. EXPENDITURES (from Schedules B-G):

A. Supplies (from Schedule B):	$
B. Rent (from Schedule B):	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures Made on Behalf of Public Official (from Schedule C):	$
G. Expenditures Made on Behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$

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OCT 10 2002
STATE ETHICS COMMISSION

III. TOTAL: (I+II) $ 18,474.91

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zorn
Signature of Lobbyist Principal

James H. Zorn Jr. 10-8-02
Printed Name Date

Sworn to be a true statement before me this 8th day of Oct 2002

Laura Stuckey

Notary Public for the State of: ~~Oct~~ South Carolina

My Commission expires: Oct. 11, 2009

F OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SECL5A.2(9/24/99)

5703971460

SC Dental Assn/ Hal Zorn
Name of Lobbyist's Principal

SCHEDULE A -TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Apr 1- Sep 30	Richard F. Davis	$18,474.91	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$18,474.91	

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
		TOTAL AMOUNT	

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SEC L5A.2(9/24/99)

SCHEDULE D - EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT

TOTAL AMOUNT

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	FULL NAME OF RECIPIENT	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

SEC L5A.2(9/24/99)

State of South Carolina
Lobbyist's Principal Disclosure Statement

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

REPORTING PERIOD:
JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

CALENDAR YEAR: 2003

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia (City) South Carolina (State) 2921((Zip)

3. Business Mailing Address: 120 Stonemark Ln Columbia, (City) South Carolina (State) 2921((Zip)

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A): $ 21,622.41

EXPENDITURES (from Schedules B-G):

A. Supplies (from Schedule B): $
B. Rent (from Schedule B): $
C. Utilities (from Schedule B): $
D. Compensation of Support Personnel (from Schedule B): $
E. Other Expenditures (from Schedule B): $
F. Expenditures Made on Behalf of Public Official (from Schedule C): $
G. Expenditures Made on Behalf of Judiciary (from Schedule D): $
H. Speaking Engagements (from Schedule E): $
I. Contributions (from Schedule F): $

RECEIVED
APR 10 2003
STATE ETHICS COMMISSION

TOTAL OTHER EXPENDITURES: (II) Dinners $ 5,015.76

III. TOTAL: (I+II) ~~$ 21,622.41~~ # 26,638.17

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Lobbyist Principal

James H. Zorn Jr 4/3/03
Printed Name Date

Sworn to be a true statement before me this 3rd day of April 2003

Vicki A Logan

Notary Public for the State of: SC

My Commission expires: 6/11/03

FOR OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SECL5A.2(9/24/99)

ROA Ct. of Appeals

001311

SC Dental Assn/ Hal Zorn
Name of Lobbyist's Principal

SCHEDULE A - TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Jan 1- Mar 31	Richard F. Davis	$21,622.41	

TOTAL PAID OR PROMISED TO LOBBYISTS $21,622.41

Other

~~SCHEDULE B - ITEMIZED~~ EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
2/19/03	Vista Brewing Co. - Columbia	Dinner for Senate Maj Appeals Cm.	1,372.95
3/4/03	Al's Keystone Rest. - W. Col/A	Dinner Senate Finance Committee	3,642.81

TOTAL AMOUNT 5,015.76

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT

TOTAL AMOUNT

SEC L5A.2(9/24/99)

ROA Ct. of Appeals

001312

SCHEDULE D - EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT

TOTAL AMOUNT

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	FULL NAME OF RECIPIENT	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

SEC L5A.2(9/24/99)

ROA Ct. of Appeals

001313

State of South Carolina
Lobbyist's Principal Disclosure Statement

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

REPORTING PERIOD:
JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

CALENDAR YEAR: 2003

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia, South Carolina 2921
City State Zip

3. Business Mailing Address: 120 Stonemark Ln Columbia, South Carolina 2921
City State Zi

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A): $ 17,825.76

EXPENDITURES (from Schedules B-G):

RECEIVED
OCT 10 2003
STATE ETHICS COMMISSION

A. Supplies (from Schedule B):	$
B. Rent (from Schedule B):	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures Made on Behalf of Public Official (from Schedule C):	$
G. Expenditures Made on Behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$
III. TOTAL: (I+II)	$ 17,825.76

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zorn Jr.
Signature of Lobbyist Principal

James H. Zorn Jr. 10/2/03
Printed Name Date

Sworn to be a true statement before me this 2 day of Oct 2003
Diane North
Notary Public for the State of: S.C.
My Commission expires: 9-24-2003

FOR OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SECL5A.2(9/24/99)

ROA Ct. of Appeals
001314

SC Dental Assn/ Hal Zorn
Name of Lobbyist's Principal

SCHEDULE A -TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Apr 1- Sep 30	Richard F. Davis	$17,825.76	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$17,825.76	

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
		TOTAL AMOUNT	

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SEC L5A.2(9/24/99)

ROA Ct. of Appeals
001315

SCHEDULE D - EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT

TOTAL AMOUNT

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	FULL NAME OF RECIPIENT	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

State of South Carolina
Lobbyist's Principal Disclosure Statement

State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201
(Pursuant to S.C. Code Section 2-17-35)

5703944400

REPORTING PERIOD:
JAN 1- MAR 31
APR 1- SEP 30
OCT 1- DEC 31

CALENDAR YEAR: 2003

1. Lobbyist's Principal Name: South Carolina Dental Association / Hal Zorn

2. Business Street Address: 120 Stonemark Ln. Columbia (City) South Carolina (State) 29210 (Zip)

3. Business Mailing Address: 120 Stonemark Ln Columbia (City) South Carolina (State) 29210 (Zip)

4. Business Phone: (803) 750-2277

5. Name of Lobbyist(s) Employed by Lobbyist's Principal: Richard F. Davis and Adrienne Huffman

6. Name, Number or Description of Legislation, Agency Action or Gubernatorial Action for Which Lobbyist Engaged in Lobbying During This Reporting Period: Any issue dealing with the oral health of the public of South Carolina

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby:
Any public entity or office with power over legislation, regulation and enforcement.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A): $5,868.26

II. EXPENDITURES (from Schedules B-G):

A. Supplies (from Schedule B):	$
B. Rent (from Schedule B):	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures Made on Behalf of Public Official (from Schedu	$
G. Expenditures Made on Behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$

RECEIVED JAN - 7 2004 STATE ETHICS COMMISSION

III. TOTAL: (I+II) $ 5,868.26 RW

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zorn Jr.
Signature of Lobbyist Principal

James H. Zorn Jr. 12/22/03
Printed Name Date

Sworn to be a true statement before me this 22 day of Dec 2003

Notary Public for the State of: S.C.

My Commission expires: 9-24-2013

FOR OFFICE USE ONLY: COMPLETE INCOMPLETE ENTERED SCANNED SECL5A.2(9/24/99)

SC Dental Assn/ Hal Zorn

ROA Ct. of Appeals
001317

Name of Lobbyist's Principal

SCHEDULE A -TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS	AMOUNT PAID	AMOUNT PROMISED
Oct 1- Dec 31	Richard F. Davis	$5,868.26	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$5,868.26	

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
		TOTAL AMOUNT	

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SEC LSA.2(9/24/99)

ROA Ct. of Appeals

001318

Hal Zorn
Name of Lobbyist's Principal

SCHEDULE D - EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT

TOTAL AMOUNT

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	FULL NAME OF RECIPIENT	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT

TOTAL AMOUNT

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

SEC LSA.2(9/24/99)

ROA Ct. of Appeals
001319

_√_ January 1 – May 31 (Due Jun 30th)

___ June 1 – December 31 (Due Jan 31st)

___ Amendment

RECEIVED 2004 JUN 30 PM 4:46 STATE ETHICS COMMISSION

LOBBYIST'S PRINCIPAL DISCLOSURE STATEMENT

SC State Ethics Commission, 5000 Thurmond Mall, Suite 250, Columbia, SC 29201 • (Office) 803/253-4192

(Pursuant to S. C. Code Section 2-17-30)

Calendar Year: 2004 *No FEES are required (Disclosure ONLY)*

1. Lobbyist's Principal Name: SC Dental Association
(company or organization)

2. Business street address: 120 Stonemark Lane, Columbia, SC 29210

3. Business mailing address: Same

4. Business Phone: (803) 750-2277

5. Name of lobbyist's employed by lobbyist's principal: Richard F. Davis & Adrienne D. Huffman

6. Name, number or description of Legislation, Agency Action or Gubernatorial Action for which lobbyist engaged in lobbying during this reporting period: All Legislation relating to the oral health of the public of South Carolina.

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby: The South Carolina General Assembly and all state agencies.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A-Amount Paid):	$ 15,368.38
II. EXPENDITURES (from Schedules B-G):	
A. Supplies (from Schedule B):	$
B. Rent (from Schedule B:	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures made on behalf of Public Official (from Schedule D):	$
G. Expenditures made on behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$
III. TOTAL: (I & II)	$ 15,368.38

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Lobbyist's Principal Contact

James H. (Hal) Zoan, Jr. Ex. Dir.
Printed Name and Title

June 30, 2004
Date

Subscribed and sworn before me this 30th day of June, 2004

Notary Public Donald Nott

My Commission expires on: September 24, 2013

OFFICE USE ONLY ___ Complete ___ Incomplete ___ Entered

SCHEDULE A – TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS FOR THIS REPORTING PERIOD	AMOUNT PAID	AMOUNT TO BE PAID
1/1 – 5/31	Richard F. Davis/Adrienne D. Huffmann	$15,368.38	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$15,368.38	

*Must equal amount in I (TOTAL PAID TO LOBBYIST on page 1)

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
	TOTAL AMOUNT		

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
	TOTAL AMOUNT		

ROA Ct. of Appeals

001321

ROA Ct. of Appeals
001321

SCHEDULE D – EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	NAME OF RECIPIENT	ADDRESS	AMOUNT
		TOTAL AMOUNT	

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT
		TOTAL AMOUNT	

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

SCDA 120 Stonemark Lane Columbia, SC 29210 (803) 750-2277, (800) 327-2598 office (803) 750-1644 fax

FAX for you...

From: Deanna

To: Steve Lanker

Co:

Phone: 576-3716 Fax: 779-0016

Date: 4/8/06 Time:

Message:

Steve,

I could not find Oct-Dec 01 or Oct-Dec 02 in Hal's file. Richard Davis should have a copy of these because Hal used to mail it to him Sorry about that. Do you need to to try and recreate them?

ROA Ct. of Appeals

001323

SC DENTAL ASSOC 8037581644 04/28/2006 09:28 PAGE 01

ROA Ct. of Appeals
001323

REPORTING PERIOD

___January 1 – May 31 (Due Jun 30th)

_x_ June 1 – December 31 (Due Jan 31st)

___Amendment

LOBBYIST'S PRINCIPAL DISCLOSURE STATEMENT

SC State Ethics Commission, 5000 Thurmond Mall, Suite 250, Columbia, SC 29201 • (Office) 803/253-4192

(Pursuant to S. C. Code Section 2-17-30)

Calendar Year: 2004 *NO FEES are required (Disclosure ONLY)*

COPY

1. Lobbyist's Principal Name: SC Dental Association *(company or organization)*

2. Business street address: 120 Stonemark Lane City Columbia State SC Zip 29210

3. Business mailing address: same

4. Business Phone: (803) 750-2277

5. Name of lobbyist's employed by lobbyist's principal: Richard F. Davis & Adrienne D. Huffman

6. Name, number or description of Legislation, Agency Action or Gubernatorial Action for which lobbyist engaged in lobbying during this reporting period: All Legislation relating to the oral health of the public of South Carolina.

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby: The South Carolina General Assembly and all state agencies.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A-Amount Paid):	$ 21,437.50
II. EXPENDITURES (from Schedules B-G):	$
A. Supplies (from Schedule B):	$
B. Rent (from Schedule B:	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures made on behalf of Public Official (from Schedule D):	$
G. Expenditures made on behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$
III. TOTAL: (I & II)	$ 21,437.50

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Lobbyist's Principal Contact

James H. Lord Jr., Ex. Dir

Printed Name and Title

1/31/05

Date

Subscribed and sworn before me this 30th day of June, 2004

Notary Public _____

My Commission expires on: September 24, 2013

OFFICE USE ONLY

___Complete ___Incomplete ___Entered

ROA Ct. of Appeals

001324

06/28/2006 09:28 8037501644 SC DENTAL ASSOC PAGE 02

ROA Ct. of Appeals
001324

SCHEDULE A – TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS FOR THIS REPORTING PERIOD	AMOUNT PAID	AMOUNT TO BE PAID
1/1 – 5/31	Richard F. Davis	$21,437.50	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$27,437.50	

*Must equal amount in I (TOTAL PAID TO LOBBYIST on page 1)

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
	TOTAL AMOUNT		

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
	TOTAL AMOUNT		

ROA Ct. of Appeals

001325

SCHEDULE D – EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	NAME OF RECIPIENT	ADDRESS	AMOUNT
		TOTAL AMOUNT	

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT
		TOTAL AMOUNT	

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

ROA Ct. of Appeals

001326

ROA Ct. of Appeals
001326

X January 1 – May 31 (Due Jun 30th)

___June 1 – December 31 (Due Jan 31st)

___Amendment

LOBBYIST'S PRINCIPAL DISCLOSURE STATEMENT

SC State Ethics Commission, 5000 Thurmond Mall, Suite 250; Columbia, SC 29201 - (Office) 803/253-4192

Calendar Year: 2005 (Pursuant to S. C. Code Section 2-17-30)
NO FEES are required (Disclosure ONLY)

1. Lobbyist's Principal Name: SC Dental Association
(company or organization)

2. Business street address: 120 Stonemark Lane City Columbia State SC Zip 29210

3. Business mailing address: Same City _____ State _____ Zip _____

4. Business Phone: (803) 750-2277

5. Name of lobbyist's employed by lobbyist's principal: Richard F. Davis & Adrienne D. Huffma

6. Name, number or description of Legislation, Agency Action or Gubernatorial Action for which lobbyist engaged in lobbying during this reporting period: _____

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby: _____

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A-Amount Paid):	$15,625.00
II. EXPENDITURES (from Schedules B-G):	
A. Supplies (from Schedule B):	$
B. Rent (from Schedule B:	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures made on behalf of Public Official (from Schedule D):	$
G. Expenditures made on behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$
III. TOTAL: (I & II)	$
	$15,625.00

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James H. Zorn

Signature of Lobbyist's Principal Contact

James H. Zorn Jr Executive Director

Printed Name and Title

10/6/05

Date

OFFICE USE ONLY

___Complete ___Incomplete ___Entered

ROA Ct. of Appeals

001327

ROA Ct. of Appeals
001327

SC Dental Association
Name of Lobbyist's Principal

SCHEDULE A – TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS FOR THIS REPORTING PERIOD	AMOUNT PAID	AMOUNT TO BE PAID
1/1-5/31/05	Richard F. Davis	$15,625.00	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$15,625.00	

*Must equal amount in I (TOTAL PAID TO LOBBYIST on page 1)

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
	TOTAL AMOUNT		

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
	TOTAL AMOUNT		

ROA Ct. of Appeals

001328

ROA Ct. of Appeals
001328

SC Dental Association
Name of Lobbyist's Principal

SCHEDULE D – EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
	TOTAL AMOUNT		

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	NAME OFRECIENT	ADDRESS	AMOUNT
	TOTAL AMOUNT		

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT
	TOTAL AMOUNT		

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

ROA Ct. of Appeals

001329

ROA Ct. of Appeals
001329

___January 1 – May 31 (Due Jun 30th)

_X_June 1 – December 31 (Due Jan 31st)

___Amendment

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LOBBYIST'S PRINCIPAL DISCLOSURE STATEMENT

SC State Ethics Commission, 5000 Thurmond Mall, Suite 250, Columbia, SC 29201 - (Office) 803/253-4192

(Pursuant to S. C. Code Section 2-17-30)

Calendar Year: 2005 *NO FEES are required (Disclosure ONLY)*

1. Lobbyist's Principal Name: SC Dental Associaion
(company or organization)

2. Business street address: 120 Stonemark Lane City Columbia State SC Zip 29210

3. Business mailing address: same as above

4. Business Phone: (803) 750-2277

5. Name of lobbyist's employed by lobbyist's principal: Richard F. Davis & Andrienne D. Huffman

6. Name, number or description of Legislation, Agency Action or Gubernatorial Action for which lobbyist engaged in lobbying during this reporting period: All legislation relating to oral health of the public of South Carolina.

7. Office(s) or Public Body(s) for which you have authorized the lobbyist(s) named above to lobby: The South Carolina General Assembly and all state agencies.

SUMMARY OF LOBBYING EXPENDITURES

I. TOTAL PAID TO LOBBYISTS (from Schedule A-Amount Paid):	$22,053.37
II. EXPENDITURES (from Schedules B-G):	
A. Supplies (from Schedule B):	$
B. Rent (from Schedule B:	$
C. Utilities (from Schedule B):	$
D. Compensation of Support Personnel (from Schedule B):	$
E. Other Expenditures (from Schedule B):	$
F. Expenditures made on behalf of Public Official (from Schedule C):	$
G. Expenditures made on behalf of Judiciary (from Schedule D):	$
H. Speaking Engagements (from Schedule E):	$
I. Contributions (from Schedule F):	$
TOTAL OTHER EXPENDITURES: (II)	$
III. TOTAL: (I & II)	$22,053.37

CERTIFICATION: I CERTIFY THAT THE CONTENTS OF THIS STATEMENT ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Lobbyist's Principal Contact

James H. Zorn Jr - Executive Director
Printed Name and Title

1/3/06
Date

RECEIVED
JAN – 5 2006
STATE ETHICS COMMISSION

OFFICE USE ONLY
___Complete ___Incomplete ___Entered

ROA Ct. of Appeals
001330

Revised 6/2005

ROA Ct. of Appeals
001330

SCHEDULE A – TOTAL PAID TO LOBBYISTS

DATE	PROFESSIONAL FEES & REIMBURSEMENTS PAID OR PROMISED TO LOBBYISTS FOR THIS REPORTING PERIOD	AMOUNT PAID	AMOUNT TO BE PAID
6/1-12/31/05	Richard F. Davis	$22,053.37	
	TOTAL PAID OR PROMISED TO LOBBYISTS	$22,053.37	

Must equal amount in I (TOTAL PAID TO LOBBYIST on page 1)

SCHEDULE B - ITEMIZED EXPENDITURES

DATE	FULL NAME AND ADDRESS OF PAYEE OR BUSINESS	PURPOSE OF EXPENDITURE	AMOUNT
	TOTAL AMOUNT		

SCHEDULE C - EXPENDITURES MADE ON BEHALF OF PUBLIC OFFICIAL

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
	TOTAL AMOUNT		

ROA Ct. of Appeals

001331

ROA Ct. of Appeals
001331

SCHEDULE D – EXPENDITURES MADE ON BEHALF OF MEMBER OF JUDICIARY:

DATE	FULL NAME OF RECIPIENT	EVENT	AMOUNT
		TOTAL AMOUNT	

SCHEDULE E - SPEAKING ENGAGEMENTS:

DATE	NAME OF RECIPIENT	ADDRESS	AMOUNT
		TOTAL AMOUNT	

SCHEDULE F - CONTRIBUTIONS

DATE	NAME OF PUBLIC OFFICIAL/CANDIDATE	ADDRESS	AMOUNT
		TOTAL AMOUNT	

SCHEDULE G - VOLUNTARY MEMBERSHIP ORGANIZATION:

DATE	NAME OF MEMBER	ADDRESS	AMOUNT

SCHEDULE H - DIRECT BUSINESS RELATIONSHIP

NAME OF PUBLIC OFFICIAL	TYPE OF BUSINESS ASSOCIATION

ROA Ct. of Appeals

001332

005

ROA Ct. of Appeals
001332

Steve Lenker

From: RDavis1087@aol.com
Sent: Friday, April 28, 2006 10:42 AM
To: Steve Lenker
Subject: reports

Steve, You inquired about lobbying disclosure forms for the periods, October-December, 2001, and October-December, 2002. In checking our archives, there were no reports filed for that time because no lobbying activities with the South Carolina General Assembly were performed during that period. We are paid by the Dental Association on a twelve month contract period and the money paid for those respective months was reported on the next filing disclosure form which was allowed by the State Ethics Commission. Since that time, the reporting period and disclosure times have changed.

Let me know if I can be of further assistance.

Richard F. Davis
Capitol Consultants, Inc.
PO Box 1763
Columbia, SC 29202
803-252-1087
Fax 803-252-0589

ROA Ct. of Appeals
001333

ROA Ct. of Appeals
001333

THE STATE OF SOUTH CAROLINA
Administrative Law Court

APPEAL FROM THE SOUTH CAROLINA
STATE BOARD OF DENTISTRY

Docket No. 06-ALJ-11-0562-AP
[In Re: Case No. 04-45]
Docket No. 06-ALJ-11-0563-AP
[In Re: Case No. 03-104]

Anonymous No. 1, R.D.H., and Anonymous No. 2, R.D.H. ..... Appellants,

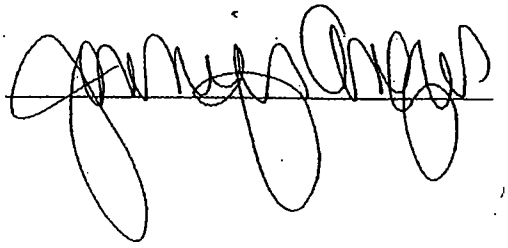
v.

South Carolina Department of Labor, Licensing and Regulation,
South Carolina Board of Dentistry, ... Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson, Morrison & Lindemann, P.A., attorneys for the Respondent, does hereby certify that service of the **Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 20th day of September, 2006, addressed as follows:

Desa Ballard, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, South Carolina 29169



ROA Ct. of Appeals
001334

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UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Deborah Platt Majoras, Chairman
Pamela Jones Harbour
Jon Leibowitz
William E. Kovacic
J. Thomas Rosch

In the Matter of	)	
SOUTH CAROLINA STATE BOARD OF DENTISTRY	)	Docket No. 9311

DECISION AND ORDER

The Federal Trade Commission ("Commission") having heretofore issued its Complaint charging South Carolina State Board of Dentistry ("the Board"), hereinafter sometimes referred to as "Respondent," with violating Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; and

Respondent, its attorneys, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order ("Consent Agreement"), containing an admission by Respondent of all the jurisdictional facts set forth in the Complaint, a statement that the signing of the Consent Agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been violated as alleged in such Complaint, or that the facts as alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter withdrawn this matter from adjudication in accordance with Section 3.25(f) of the Commission's Rules, 16 C.F.R. § 3.25(f), and the Commission having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, and having duly considered the comments filed thereafter by interested persons pursuant to Section 3.25 of its Rules, now in further conformity with the procedure described in Section 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and issues the following Decision and Order ("Order"):

1. Respondent is organized, exists, and transacts business under and by virtue of the laws of South Carolina, with its principal office at Synergy Business Park, Kingstree Building, 110 Centerview Dr., Columbia, South Carolina 29210.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondent, and the proceeding is in the public interest.

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ORDER

I.

IT IS ORDERED that, as used in this Order, the following definitions shall apply:

A. "South Carolina State Board of Dentistry" or "the Board" means South Carolina State Board of Dentistry, its members, officers, directors, committees, representatives, agents, employees, and successors, including, but not limited to, its executive director and investigators; and

B. "Dental hygienist" means a person who practices dental hygiene, as defined in S.C. Code of Laws § 40-15-80.

II.

IT IS FURTHER ORDERED that Respondent shall provide written notice to the Commission at least (30) thirty days prior to the promulgation of any proposed or final rule, regulation, policy, issuance of a formal complaint in a disciplinary action, or other action of the Board, relating to the provision by dental hygienists of preventive dental services in a public health setting pursuant to S.C. Code Ann. § 40-15-110(A)(10), or any recodification thereof, including, but not limited to, an action concerning a dentist who authorizes, supervises, or bills for, the provision by dental hygienists of preventive dental services in a public health setting.

PROVIDED, HOWEVER, that if protection of the public health prevents Respondent from notifying the Commission thirty days in advance of an action, then Respondent shall provide the notice required by this Paragraph as soon as is reasonably practicable.

III.

IT IS FURTHER ORDERED that Respondent shall:

A. Within thirty (30) days after the date on which this Order becomes final, distribute by first-class mail or electronic mail a notice in the form set forth in Appendix A of this Order, with a copy of the Order and Complaint attached, to:

1. each Board member;

2. each officer, director, representative, agent, and employee of the Board; and

3. each person licensed to practice dentistry or dental hygiene in South Carolina.

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B. Within thirty (30) days after the date on which this Order becomes final, distribute by first-class mail a notice in the form set forth in Appendix A of this Order, with a copy of the Order and Complaint attached, to the superintendent of each school district listed in Appendix B.

C. Within thirty (30) days after the date on which this Order becomes final, publish a notice in the form set forth in Appendix A of this Order, along with a link to a copy of the Order and Complaint, on the South Carolina State Board of Dentistry website, and maintain these materials on the website for three (3) years from the date this Order becomes final.

D. Publish a notice in the form set forth in Appendix A of this Order in the first South Carolina State Board of Dentistry newsletter to be published after the date this Order becomes final, and annually thereafter for three (3) years.

E. For a period of three (3) years after the date this Order becomes final, distribute by first-class mail or electronic mail a notice in the form set forth in Appendix A of this Order, and attaching a copy of the Order and Complaint, to:

1. any person who becomes a member of the Board, within thirty (30) days of the time his or her membership begins;

2. any person who becomes an officer, director, representative, agent, or employee of the Board, within thirty (30) days of the time that he or she assumes such responsibility with the Board; and

3. any person who becomes licensed to practice dentistry or dental hygiene in South Carolina, within thirty (30) days of the time he or she becomes licensed.

IV.

IT IS FURTHER ORDERED that within thirty (30) days after the date this Order becomes final, annually thereafter for three (3) years on the anniversary of the date this Order becomes final, and at such other times as the Commission may by written notice require, the Board shall submit to the Commission a verified written report detailing the manner and form in which the Board has complied and is complying with this Order.

V.

IT IS FURTHER ORDERED that, for purposes of determining or securing compliance with this Order, and upon written request with reasonable notice, Respondent shall permit any duly authorized representative of the Commission:

A. Access, during office hours of Respondent and in the presence of counsel, to all facilities to inspect and copy all books, ledgers, accounts, correspondence, memoranda and all

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other records and documents in the possession or under the control of Respondent related to compliance with this Order; and

B. Upon five (5) days' notice to Respondent and without restraint or interference from Respondent, to interview officers, directors, or employees of Respondent, who may have counsel present, regarding such matters.

VI.

IT IS FURTHER ORDERED that Respondent shall notify the Commission at least thirty (30) days prior to any change in the Board's authority to regulate the practice of dentistry and dental hygiene in South Carolina that may affect compliance obligations arising out of this Order, such as the complete or partial assumption of that authority by another governmental entity, or the dissolution of the Board.

VII.

IT IS FURTHER ORDERED that this Order shall terminate on September 6, 2017.

By the Commission.

Donald S. Clark
Secretary

ISSUED: September 6, 2007
SEAL

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APPENDIX A

[date]

NOTICE

The South Carolina State Board of Dentistry has entered into a consent agreement with the Federal Trade Commission. In connection with the Commission's order issued pursuant to that agreement, which became final on [date], the Board is publishing this notice concerning the delivery of preventive dental services in public health settings:

The 2003 amendments to the Dental Practice Act (Act No. 45 of 2003) provide that the Board may not, directly or indirectly, require that a dentist conduct an examination of a patient as a condition of a dental hygienist who is working in a public health setting pursuant to S.C. Code Ann. § 40-15-110(A)(10), which pertains to licensed dental hygienists employed within or contracted through the public health system, or any recodification thereof, performing oral prophylaxis or applying sealants or topical fluoride to that patient.

The Board is in full agreement with the legislative policy set forth in the 2003 amendments as recited above.

_____

President
South Carolina State Board of Dentistry

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APPENDIX B

Abbeville	Aiken	Allendale	Anderson 1	Anderson 2	Anderson 3
Anderson 4	Anderson 5	Bamberg 1	Bamberg 2	Barnwell 19	Barnwell 29
Barnwell 45	Beaufort	Berkeley	Calhoun	Charleston	Cherokee
Chester	Chesterfield	Clarendon 1	Clarendon 2	Clarendon 3	Colleton
Darlington	Dillon 1	Dillon 2	Dillon 3	Dorchester 2	Dorchester 4
Edgefield	Fairfield	Florence 1	Florence 2	Florence 3	Florence 4
Florence 5	Georgetown	Greenville	Greenwood 50	Greenwood 51	Greenwood 52
Hampton 1	Hampton 2	Horry	Jasper	Juvenile Justice	Kershaw
Lancaster	Laurens 55	Laurens 56	Lee	Lexington 1	Lexington 2
Lexington 3	Lexington 4	Lexington 5	Marion 1	Marion 2	Marion 7
Marlboro	McCormick	Newberry	Oconee	Orangeburg 3	Orangeburg 4
Orangeburg 5	Pickens	Richland 1	Richland 2	Saluda	Spartanburg 1
Spartanburg 2	Spartanburg 3	Spartanburg 4	Spartanburg 5	Spartanburg 6	Spartanburg 7
Sumter 17	Sumter 2	Union	Williamsburg	York 1	York 2
York 3	York 4				

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STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

The Honorable Carolyn C. Matthews, Administrative Law Judge

Case Nos. 06-ALJ-11-0562-AP and 06-ALJ-11-0563-AP

Anonymous No. 1, R.D.H., and
Anonymous No. 2, R.D.H.,

Appellants,

v.

South Carolina Department of Labor,
Licensing and Regulation, State Board
of Dentistry,

Respondents.

CERTIFICATE OF COUNSEL

Counsel for Appellants hereby certify that the **Record on Appeal** contains all material proposed to be included by any of the parties and not any other material.

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ATTORNEYS FOR APPELLANTS

September 17, 2008

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