

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.

- 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

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

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

APPENDIX B

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