



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
Friday January 15, 2010
8:30 a.m.

The Board of Dental Examiners of Alabama met on Friday January 15, 2010 at the Board office in Hoover, Alabama in order to conduct business.

The meeting was called to order at 8:45 a.m. and the following members were in attendance: Dr. Leo DeRosier (President), Ms. Renea Chapman, RDH (Vice President), Dr. Tom Willis, Jr. (Secretary-Treasurer), and Dr. Hunter V. Pope. Also in attendance were Dr. Donna L. Dixon (General Counsel), Dr. Mike Garver, Chair of Wellness Committee, Mr. Keith E. Warren (Interim Executive Director), Mr. Stan McAdams (Investigator), Ms. Hendon Coody (Prosecutor), Mr. Dennis Hodtwalker (Administrative Assistant), and Ms. Linda Savarese (Administrative Assistant). A quorum was present to conduct business.

The meeting was advertised on the Board's web site, www.dentalboard.org, and on the Secretary of State's web site, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

Dr. Leo DeRosier welcomed Dennis Hodtwalker and Linda Savarese to their first Board meeting.

The minutes from the December 3 and 4, 2009 meeting were presented for approval. A motion to approve the minutes as presented was made by Ms. Renea Chapman, seconded by Dr. Hunter Pope and unanimously approved by the Board.

Dr. Mike Garver reported on the active cases being monitored by the Wellness Committee: Case #2009-48: Hearing will be scheduled for April 2010.

Case #2005-153 Reinstatement of license was refused. Dr. Donna Dixon will inform the respondent in writing that the license has been permanently revoked and cannot be reinstated.

Case #2008-39: Hearing is scheduled February 2010.

Dr. Bobby Wells, Board Member, joined the meeting at 9:10 a.m.

Case #2005-129: Dr. Tom Willis made a motion to offer respondent a hearing; the motion was seconded by Dr. Hunter Pope. Dr. Tom Willis withdrew the motion; Dr. Hunter Pope seconded. The decision was made to handle this case as an application for licensure by credentials possibly today or at the February meeting. It will be an interview not a hearing.

Case #2009-37: This case will be reviewed again at the next Board meeting.

Case #2005-12: Respondent will be advised to formally petition the Board for reinstatement of license.

Case #2009-96: The Board takes no action at this time.

There was Discussion initiated by Ms. Renea Chapman regarding the need to set up a fund to help dental hygienists get treatment. This will be tabled until a future date.

Case #2009-184: Respondent will be advised to do a formal petition to the Board to reinstate the license.

Clarification on Case #2009-45: The Board takes no action at this time.

Clarification on general information: The Board determined that a case would not be taken after just one DUI but a note would be made on the license holder's record in the database regarding the DUI.

Clarification on Case #2005-61: Applicant's license will not be reinstated.

Clarification on Case #2009-52: The Board takes no action at this time.

Dr. Mike Garver asked the Board to review the current license suspension procedure for a dentist or dental hygienist who enters the Wellness Program.

At 10:10 a.m. Dr. Mike Garver left the meeting and the Board took a break. The meeting reconvened at 10:25 a.m. At this time Mr. Steve Windom, Legislative Consultant for the Board joined the meeting.

Mr. Windom addressed changes and additions to be made to the Sunset Bill legislation. Dr. Donna Dixon suggested changing Code of Alabama (1975) §34-9-18 (6) to read *is guilty of negligence or gross negligence in the practice of dentistry or dental hygiene*. On a motion made by Dr. Tom Willis and seconded by Dr. Hunter Pope proposed changes and additions to be put into a bill to amend Sections §34-9-10, §34-9-16, §34-9-18, §34-9-25, §34-9-41, and §34-9-42 Code of Alabama (1975) were unanimously approved.

Mr. Steve Windom left the meeting at 11:30AM.

Dr. Tom Willis presented and recommended the acceptance of the Treasurer's report. Dr. Bobby Wells made a motion to accept the treasurer's report through November 2009 as presented. The motion was seconded by Dr. Hunter Pope and unanimously approved by the Board.

Dr. Leo DeRosier read remarks sent to the Board by Mr. Zack Studstill, Interim Executive Director of ALDA. Dr. Tom Willis made a **motion** that these remarks be included in the minutes. The motion was seconded by Dr. Hunter Pope and unanimously approved by the Board.

Dr. Tom Willis presented correspondence from Southern Regional Testing Agency inviting the Alabama Board of Dental Examiners to become members. Discussion followed and a decision was made to table this until a later date.

Ms. Renea Chapman made a motion that Dr. Tom Willis will attend the National Dental Examiners' Advisory Forum (NDEAF) Monday April 12 in Chicago. Dr. Leo DeRosier seconded the motion and it was unanimously approved by the Board.

The Board concurred on answers for a survey from American Association of Dental Boards' (AADB) in preparation for the Association's Mid-Year Meeting. The survey will be faxed to the AADB after this meeting.

Dr. Michael Mahan recommended that a representative of the Prescription Drug Program be invited to give a 10-minute presentation to the Board to better understand how they can be used by the dentists of this state. The idea was orally approved and Dr. Michael Mahan will extend the invitation.

Dr. Donna Dixon remarked about the need for Board members to recuse themselves from a case if necessary. A verbal decision was made that when Dr. Donna Dixon issues a Notice she will copy Board members and advise them of the respondent's home city. She revealed names today of those cases set for February 2010: Robert Mendel from Mobile and Tony Davis from Tuscaloosa. None of the Board members who were present had any conflicts with these respondents.

Ms. Renea Chapman presented two proposals for the 2010-2011 Alabama Dental Hygiene Program application. Proposal A would designate the Board to provide and charge for the ADHP training materials (Dentoform, instrument). Proposal B would allow a retail vendor to provide the training materials; would raise the education fee from \$175.00 to \$250.00; raise the training permit fee from \$175.00 to \$200.00; raise the manual fee from \$60.00 to \$75.00; keep the video price at \$25.00; and add a fee of \$100.00 for mailing & supplies of instruction materials. The total fee for the 2010-2011 ADHP would be \$535.00, a \$215.00 increase from 2009-2010. The application would read *training materials will be purchased through an outside vendor....* After discussion of the proposals and fee changes, Dr. Tom Willis made a motion to accept Proposal B described above. Dr. Hunter Pope seconded the motion and it was unanimously approved by the Board.

Ms. Renea Chapman commended Kay Alexander and Hilda Johnson on their excellent performance at the ADHP session held Saturday and Sunday January 9-10, 2010. Ms. Renea

Chapman suggested dates for the ADHP exam in June. The Board will discuss plans and dates for the ADHP at the next Board meeting. Ms. Renea Chapman recommended the purchase of a new scanner to use for ADHP test scoring. She will research to see if there is an approved State of Alabama vendor and report her findings at the next Board meeting.

Ms. Renea Chapman gave a report on individuals in the Dental Hygiene Program. She informed the Board that a replacement sponsor who is a licensed instructor for a Dental Hygiene student be allowed to take Dr. Thomas Rice's place and continue with the program. The Board agreed with her judgment

Another candidate has had health problems while in the program and requested to be allowed to return January 2011 to complete her program requirements. An oral decision was made not to set a precedent but require her to retake the course when she is able to do so.

Ms. Renea Chapman presented a dental hygienist's request to approve a continuing education course on personality disorders. The oral consensus was to accept the course for continuing education.

On review of a request from Wallace State to allow a former student to refresh her skills at the College, the Board concurred that Wallace State would be responsible for incorporating the training they request as proper training in an educational program. Dr. Donna Dixon will contact Wallace State with this decision.

The Board took a break for lunch at 12:40 p.m. and reconvened at 1:25 P.M.

The Board revisited recommended dates for the 2010-2011 ADHP examination and agreed to schedule the Comprehensive exam on the morning of Thursday June 17, 2010, a clinical session Thursday afternoon and two clinical sessions Friday June 18, 2010.

Dr. Tom Willis brought up the need to edit the Board's letterhead, other forms (especially those offered on dentalboard.org) as well as voice mails greetings. An oral decision was made to remove all Board members' and General Counsel's names from letterhead and all other forms that have names and titles at the top or that include dates; remove the date and change the fees on the Dental Hygiene License by Examination form. Application for License by Examination should read *Application for Dental Licensure*. A separate license for the exam fee should be developed. Voice mail greetings will be reviewed and updated. Dr. Donna Dixon will present a draft revision of the Complaint form at the next meeting.

Dr. Tom Willis made a motion for the Board to enter Executive Session at 1:35 p.m. for the discussion of the general reputation, character and/or professional competence of licensees. The motion was seconded by Dr. Hunter Pope. Counsel orally approved. The motion was unanimously approved by the Board.

Dr. Tom Willis made a motion to adjourn Executive session at 4:15. Ms. Renea Chapman seconded the motion and it was unanimously approved by the Board.

Dr. Tom Willis made a motion for Case # 2009-50 to settle with the Respondent. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Tom Willis made a motion for Case # 2009-60 to allow respondent 3 months to pay the fine. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Tom Willis made a motion for case # 2009-62 that the Board will send a Letter of Concern to the Respondent giving him 10 days to provide proof of HBV vaccination for himself and staff and to schedule an appointment for Safe State. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Tom Willis made a motion for case #2009-9 to be dismissed. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Hunter Pope made a motion for case # 2009-87 to write a Letter of No Evidence to Sustain the complaint and no further action is required. The motion was seconded by Dr. Tom Willis and approved 4-0.

Dr. Tom Willis made a motion for case # 2009-33 to write a Letter of No Evidence to sustain the complaint and no further action is required. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Hunter Pope made a motion for case # 2009-65 to write Letter of No Evidence to sustain the complaint and no further action is required. The motion was seconded by Dr. Tom Willis and approved 4-0.

Dr. Tom Willis made a motion for case # 2009-77 to write a Letter of No Evidence to sustain the complaint and no further action is required. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Hunter Pope made a motion for case # 2009-89 to write Letter of No Evidence to sustain the complaint and no further action is required. The motion was seconded by Dr. Tom Willis and approved 4-0.

Dr. Tom Willis made a motion for case # 2009-95 to write a Letter of Concern. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Regarding case # 2009-72, the Board took no action at this time.

Dr. Tom Willis made a motion for case # 2009-76 to write Letter of No Evidence to sustain the complaint and no further action is required. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Dr. Tom Willis made a motion for cases # 2009-84 and #2009-85 to write a Letter of No Evidence to sustain the complaints and no further action is required. The motion was seconded by Dr. Hunter Pope and approved 4-0.

Regarding case # 2009-91, the Board took no action at this time.

There was discussion about creating a flowchart to better serve the need of informing Board members to review applications for License by Regional Exam and PBIS reviews in a timely manner. Mr. Warren will see that this is done before the next Board meeting.

There was discussion about creating a rule to regulate the length of time between an applicant taking an exam and applying for License by Examination and adding an inquiry to the current application to obtain this information. After a set amount of time a PBIS background check could be required. These items will be reconsidered at a later date.

Dr. Tom Willis made a motion to schedule Dr. Marc Friduse for an interview regarding his application for a Dental License. Dr. Hunter Pope seconded the motion and it was unanimously approved by the Board.

Ms. Renea Chapman made a motion to approve the dental hygiene license application for Ms. Judy Dicker. The motion was seconded by Dr. Tom Willis and unanimously approved by the Board.

Ms. Renea Chapman made a motion to approve the dental hygiene license application for Jamie Bird. The motion was seconded by Dr. Tom Willis and unanimously approved by the Board.

Ms. Renea Chapman made a motion to approve the dental hygiene license application for Candace Pardue. The motion was seconded by Dr. Tom Willis and unanimously approved by the Board.

Dr. Tom Willis made a motion to approve the dental license application for Merdi Karimipour Saryazdi. The motion was seconded by Dr. Hunter Pope and unanimously approved by the Board.

Ms. Renea Chapman made a motion to approve the dental hygiene license application for Amy Brockway. The motion was seconded by Dr. Tom Dr. Tom Willis and unanimously approved by the Board.

Ms. Renea Chapman made a motion to approve the dental hygiene license application for Ms. Marsha Pyle. The motion was seconded by Dr. Hunter Pope and unanimously approved by the Board.

Ms. Renea Chapman made a motion to approve the dental hygiene license application for Anamarie Lewis. The motion was seconded by Dr. Tom Willis and unanimously approved by the Board.

Dr. Hunter Pope made a motion to approve the dental license Application by Examination for Jennifer Brookins. The motion was seconded by Dr. Tom Willis and unanimously approved by the Board.

The request by Pamela Walter to make exception to the rule for licensure was orally dismissed because no formal application for licensure was presented.

Dr. Donna Dixon asked for Board opinion for action against dentists/dental hygienists who neglected to renew their 2010 license in a timely manner and have admitted practicing. The oral determination was that these applications for renewal be handled by counsel; applicant should be given non-disciplinary administrative action with a fine. In lieu of this they should be offered a hearing if desired. There was discussion about the need to set a time limit, possibly 1 year, for this type of renewal with just administrative action. This will be discussed at a future time.

After reviewing proposed advertisement for Dr. Robert Pierce it was orally determined to advise him that in order to forgo any misinterpretation it is the suggestion of the Board for him to add "*Services provided by a general dentist*" on his paperwork.

The next meeting of the Board will be February 4 and 5, 2010. There being no further business, Dr. Hunter Pope made a motion to adjourn the meeting at 4:40 p.m. The motion was seconded by Ms. Renea Chapman and unanimously approved by the Board.

Respectfully Submitted,



Dr. Tom Willis, Jr.
Secretary-Treasurer

Approved:
Submitted by:

	Nov 09	Budget	Oct - Nov 09	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	13,740.00	162,066.67	136,090.00	324,133.34	486,200.00
502 · Annual Hygiene Registration	15,665.00	84,586.67	96,525.00	169,173.34	253,760.00
503 · Controlled Substance Fee	6,490.00	74,251.67	63,895.00	148,503.34	222,755.00
504 · Annual Teaching Permits	600.00	1,350.00	3,150.00	2,700.00	4,050.00
505 · ADHP Certification	0.00	1,093.75	0.00	2,187.50	13,125.00
507 · Drug Log Books	7.00	41.67	7.00	83.30	500.00
508 · ADHP	0.00		0.00		63,000.00
510 · Original License Fee	0.00	458.33	325.00	916.70	5,500.00
511 · Licenses Reprint Fee	50.00	50.00	125.00	100.00	600.00
512 · Dental Hygiene Exam Fee	0.00		0.00		15,000.00
513 · Directory Fee	125.00	333.33	425.00	666.70	4,000.00
514 · Materials Fee for Exam	0.00		0.00		7,500.00
515 · Penalty Fee	350.00	500.00	800.00	1,000.00	6,000.00
516 · Privilege License Money	0.00		0.00		19,000.00
517 · Interest Inc - checking	122.40	120.00	248.83	240.00	1,440.00
518 · Parental Sedation Permit Fee	600.00	2,466.67	1,800.00	4,933.34	7,400.00
519 · Anesthesia Permit	200.00	8,400.00	5,200.00	16,800.00	25,200.00
521 · Other Income	0.00	41.67	0.00	83.30	500.00
526 · ADHP Materials	0.00		0.00		94,500.00
527 · Disciplinary Fines (Prior)	2,000.00		2,050.00		
527-1 · Administrative Costs	500.00	125.00	500.00	250.00	1,500.00
528 · Initial Anesthesia Evaluation	0.00	600.00	0.00	1,200.00	7,200.00
529 · OCS Annual Reg. Fee	550.00	5,250.00	5,300.00	10,500.00	15,750.00
530 · Licensure By Credentials	2,000.00	1,000.00	4,000.00	2,000.00	12,000.00
531 · RETURNED CHECK CHARGES	180.00	12.50	300.00	25.00	150.00
533 · Dental Lic. Bd Exam Application	0.00		0.00		14,000.00
800 · 800-OVERPAYMENTS	0.00		0.00		
Total Income	43,179.40	342,747.93	320,740.83	685,495.86	1,280,630.00
Gross Profit	43,179.40	342,747.93	320,740.83	685,495.86	1,280,630.00
Expense					
927-2 · ADPWC Expenses	0.00		936.91		

*Disciplinary Fines assessed in prior years but collected in this fiscal year.
Budgeted amount represents approx. 75% of the outstanding fines assessed in prior fiscal years.

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance

November 2009

	Nov 09	Budget	Oct - Nov 09	YTD Budget	Annual Budget
0902-0 · NPDB HIPDB License Background	0.00	33.33	0.00	66.70	400.00
0100-0 · Personnel Costs	27,014.04	31,726.04	53,410.41	63,452.10	380,712.50
0114-0 · Board Member Compensation	13,200.00	7,666.67	21,900.00	15,333.30	92,000.00
0198-0 · Bonus	0.00		0.00		1,100.00
0201-0 · Payroll Expenses	3,089.26	4,583.33	5,782.75	9,166.70	55,000.00
0202-0 · Pension Plan	0.00		0.00		43,100.00
0203-0 · Medical Insurance	0.00	2,387.50	2,388.00	4,775.00	28,650.00
0204-0 · Workman Comp. Ins.	0.00		0.00		5,500.00
0300-0 · Travel - In-State	3,919.25	3,333.33	6,822.25	6,666.70	40,000.00
0400-0 · Travel - Out-of-State	7,356.85	2,291.67	9,380.03	4,583.30	27,500.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	166.70	1,000.00
0602-1 · Rent on Building	0.00	6,842.83	13,605.66	13,685.66	82,113.96
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	770.99	795.83	1,769.75	1,591.70	9,550.00
0700-2 · Utilities - Cell Phone	0.00	462.50	0.00	925.00	5,550.00
0700-3 · Utilities - Power	519.40		1,216.25		
Total 0700-0 · Utilities & Communications	1,290.39	1,258.33	2,986.00	2,516.70	15,100.00
0800-0 · Professional Services	15,603.34	9,783.33	17,615.84	19,566.70	117,400.00
0800-1 · Membership Dues & Subscriptions	0.00	416.67	395.00	833.30	5,000.00
0801-0 · Board Attorney Fees					
0801-1 · Attorney General's Office	0.00		5,177.75		
0801-0 · Board Attorney Fees - Other	7,347.50	4,166.67	14,456.06	8,333.30	50,000.00
Total 0801-0 · Board Attorney Fees	7,347.50	4,166.67	19,633.81	8,333.30	50,000.00
0840-0 · CONSULTANTS	0.00	7,500.00	11,500.00	15,000.00	90,000.00
0899-1 · Evaluator Fees	0.00	166.67	0.00	333.30	2,000.00
0899-2 · Hearing Officer Fees	0.00	833.33	0.00	1,666.70	10,000.00
0899-4 · WITNESSES	0.00	4.17	0.00	8.30	50.00
0899-5 · A.D.H.P. Materials & Supplies	0.00		-13,001.12		94,500.00
0899-7 · ALDA	0.00		0.00		5,000.00
0900-0 · Office Expense	377.39	833.33	593.20	1,666.70	10,000.00
0900-1 · Recycle / Paper Disposal	0.00	100.00	98.42	200.00	1,200.00
0906-0 · Printing & Supplies	0.00	1,250.00	1,596.37	2,500.00	15,000.00
0910-0 · Postage	1,000.00	833.33	2,018.60	1,666.70	10,000.00

*Disciplinary Fines assessed in prior years but collected in this fiscal year.
 Budgeted amount represents apprx. 75% of the outstanding fines assessed in prior fiscal years.

BOARD OF DENTAL CLINICIANS OF ALABAMA
Profit & Loss Budget Performance
November 2009

01/2 meeting
Bank bal as of 11/30/2009
Checking \$ 867,338.33
Money Mkt \$298,507.33

	Nov 09	Budget	Oct - Nov 09	YTD Budget	Annual Budget
0924-0 - Insurance	0.00	1,000.00	10,850.00	2,000.00	12,000.00
0944 - Computer Expenses					
0944-0 - Computer Updates	0.00	2,500.00	0.00	5,000.00	30,000.00
0944-1 - Computer Support	0.00	2,500.00	2,152.28	5,000.00	30,000.00
Total 0944 - Computer Expenses	0.00	5,000.00	2,152.28	10,000.00	60,000.00
0951-0 - NSF	310.00	166.67	8,954.57	333.30	2,000.00
0999-0 - MISC.	141.89	416.67	533.58	833.30	5,000.00
1000-0 - Auto Expense	300.00		337.24		
1000-1 - Vehicle Repairs & Maint.	129.06	250.00	147.80	500.00	3,000.00
1000-2 - Vehicle Fuel	0.00	500.00	253.90	1,000.00	6,000.00
1400-0 - Equipment					
0600-3 - Equipment Rental/Lease	0.00	1,666.67	2,192.31	3,333.30	20,000.00
Total 1400-0 - Equipment	0.00	1,666.67	2,192.31	3,333.30	20,000.00
Total Expense	81,078.97	95,093.87	183,083.81	190,187.76	1,290,326.46
Net Ordinary Income	-37,899.57	247,654.06	137,657.02	495,308.10	-9,696.46
Other Income/Expense					
Other Income					
527-2 - ADPWC - Monitoring Fee	775.00	645.83	775.00	1,291.70	7,750.00
503-1 - CONTROLLED SUBSTANCE STATE FEE	560.00		5,550.00		
524 - NSF Checks	785.00		1,305.00		
Total Other Income	2,120.00	645.83	7,630.00	1,291.70	7,750.00
Net Other Income	2,120.00	645.83	7,630.00	1,291.70	7,750.00
Net Income	-35,779.57	248,299.89	145,287.02	496,599.80	-1,946.46

*Disciplinary Fines assessed in prior years but collected in this fiscal year.
Budgeted amount represents apprx. 75% of the outstanding fines assessed in prior fiscal years.