

**October 2, 2008**  
**6:30 PM**

**Administrative Office**  
**Hoover, Alabama**

The Board of Dental Examiners of Alabama met to conduct business. Members present were Drs. Busby, McCaffery, DeRosier, Mahan, Willis and Ms. Chapman. Also present was Stan McAdams, Mary Ann Wilkinson and Peyton Zarzour

Dr. Busby called the meeting to order at 6:55 PM and welcomed Mr. Wayne McMahan.

**Sunset Report** – Ms. Wilkinson reported updates on the actions by the Board to resolve the pending significant items have been provided to both the Department of Examiners of Public Accounts and the Sunset Committee. Ms. Mary Ruth Davis, secretary for the Sunset Committee confirmed that members of the Board were not expected to attend the meeting Wednesday, October 15, 2008. Mr. John Norris of the Department of Examiners of Public Accounts will report to the Committee.

Dr. DeRosier reported that radiographic scanner to allow duplication of all types of radiographs for investigative records was needed. He has secured three bids on equipment that would allow duplication, storage of images and printing quality for investigative records. The Board agreed for Dr. DeRosier to complete the purchase of this equipment.

On motion by Dr. DeRosier, seconded by Dr. Mahan, Dr. Willis was requested to attend the **AADE Liaison meeting October 15, 2008 in San Antonio**. Vote 6-0. Motion carried.

On motion by Dr. Mahan, seconded by Dr. Willis, based on the 2007 inspection report and current CODA approval status of the **Faulkner Dental Assisting Program** is granted for 2008-2009. Vote 6-0. Motion carried.

On motion by Dr. McCaffery, seconded by Dr. Busby, pursuant to Rule 270-X-4.04 the following continuing education courses submitted by **Dr. Andre Ferreira, Dr. Deborah Sema, and Dr. Christos Valchos** were approved as presented:

Current Techniques in Orthodontics – one hour

Early Treatment of Orthodontics - one hour

Preprosthetic – Adjunctive Orthodontic Treatment – one hour

Diagnosis and Management of Temporomandibular Disorders – one hour

Vote 6-0. Motion carried.

The Board discussed a letter from **Dr. John B. Miller** expressing his concern that the following question on the annual dental registration form may discourage individuals from seeking voluntary treatment for abuse of a legal substance:

“Have you undergone treatment for any substance or alcohol abuse problems?”

Dr. Miller requested that the question be revised to state:

“Have you undergone mandated treatment for substance of alcohol abuse?”

It was the Board’s opinion that no revision is recommended at this time. The adoption of the Alabama Dental Professionals Wellness Committee deferral agreement program both encourages and supports a licensee’s decision to voluntarily seek treatment.

Dr. Busby reviewed the dates for the upcoming meetings of the Alabama Dental Association. All meeting are scheduled in Montgomery.

October 5, 2008 ALDA Special Committee on Legislation

October 24, 2008 ALDA Council on Licensure

November 7, 2008 ALDA Board of Trustees

Representation of the Board at each of the meeting to be available to discuss the Board’s position on matters concerning the ALDA House of Delegates Resolutions regarding legislative recommendations was requested. Dr. Karen McCaffery, Dr. Leo DeRosier and Ms. Renea Chapman previously agreed to meet with the ALDA Special Committee, chaired by Dr. Zack Studstill.

Dr. Busby stated, although previously approved, he will not be available to attend the November 7, 2008 meeting.

On motion by Ms. Chapman, seconded by Dr. Willis, the President or Vice President of the Board of Dental Examiners of Alabama will attend the ALDA Board of Trustees meeting in Montgomery on November 7, 2008; although this meeting conflicts with the regular meeting of the Board of Dental Examiners of Alabama. Due to the absence of a current Board member, a past Board member will need to be scheduled to be present for the Board of Dental Examiners of Alabama disciplinary hearing already scheduled in Hoover on November 7, 2008. Vote 6-0. Motion carried.

On motion by Ms. Chapman, seconded by Dr. Mahan, the election of officers for the Board of Dental Examiners of Alabama should precede the election of any new board member, with said officer elections to commence annually, beginning in September 2009. Nominations shall be offered by the outgoing president, with addition of any nominations from the floor before calling for the current Board members to vote. Dr. Busby called for the vote. Dr. Busby –aye, Dr. McCaffery –aye, Dr. DeRosier – aye, Dr. Mahan – aye, Dr. Willis – aye, Ms. Chapman – aye. Motion carried.

Dr. Busby offered the following nomination for officers of the Board of Dental Examiners of Alabama for 2008-2009.

Dr. Karen A. McCaffery	President
Dr. Leo J. DeRosier	Vice President
Dr. S. Michael Mahan, Jr.	Secretary Treasurer

A motion was made by Ms. Chapman, seconded by Dr. Mahan, to close the nominations and accept the nominations as presented. Dr. Busby called for the vote. (Dr. Busby –aye, Dr. McCaffery – aye, Dr. DeRosier – aye, Dr. Mahan – aye, Dr. Willis – aye, Ms. Chapman – aye.) Motion carried.

**Prescription Drug Monitoring Program** – Dr. McCaffery reported the next meeting of the PDMP committee is November 21, 2008. Having served on this committee for many years, Dr. McCaffery requested the Board appoint a new member to serve in this capacity.

On motion by Dr. DeRosier, seconded by Dr. Willis, Dr. Mike Mahan was appointed to be the Board’s representative on the Prescription Drug Monitoring Program Committee.

Dr. Busby called for the vote. (Dr. Busby –aye, Dr. McCaffery – aye, Dr. DeRosier – aye, Dr. Mahan – aye, Dr. Willis – aye, Ms. Chapman – aye.) Motion carried.

On motion by Dr. McCaffery, seconded by Dr. DeRosier, the meeting was adjourned at 8:15 PM, and will reconvene at 9:00 AM on Friday. Vote 6-0. Motion carried.

### **October 3, 2008**

The Board of Dental Examiners of Alabama met to conduct business. Members present were Drs. Busby, McCaffery, DeRosier, Mahan, Willis and Ms. Chapman. Also present was Joe Wilson of WARD & WILSON, LLC, Stan McAdams, Mary Ann Wilkinson, and Peyton Zarzour.

Dr. Busby called the meeting to order at 9:05 AM.

A motion was made by Dr. Mahan, seconded by Ms. Chapman, for the Board of Dental Examiners of Alabama to retire to executive session based upon the following allowable statutory reasons:

1. Discussion of the general reputation, character and/or professional competence of licensees.

2. A declaration by Board counsel, Joe Wilson, a licensed attorney in the State of Alabama that the executive session is for the purpose of settling pending cases.

3. An administrative disciplinary hearing authorized by the Alabama Dental Practice Act involving the following case:

**2007-82**

Dr. Busby announced the time as 9:10 AM and will reconvene the public session at 11:00 AM. Dr. Busby called for the vote. (Dr. Busby-Aye, Dr. McCaffery-Aye, Dr. DeRosier – Aye, Dr. Mahan – Aye, Dr. Willis – Aye, Ms. Chapman – Aye). Motion carried.

Dr. Busby reconvened the public meeting at 11:00 AM.

On motion by Dr. McCaffery, seconded by Dr. Mahan, pursuant to information provided by Mr. Matt Bledsoe, Assistant Attorney General regarding review of a complaint received by the Office of the Attorney General, Ms. Wilkinson was instructed to seek the assistance of past board members to sit for any members requiring recusal from discussions on this matter as provided in Code of Alabama, (1975) § 34-9-41,. Dr. McCaffery, aye, Dr. DeRosier – aye, Dr. Mahan – aye, Dr. Busby - recused, Dr. Willis – recused. Motion carried.

On motion by Dr. Willis, seconded by Dr. DeRosier, the Board accepts and approves the terms of settlement authorized to be communicated to and which if agreed upon by the licensee in resolution of the following pending case, the terms of which are to be incorporated in a Consent Order.

**2007-82**

Dr. Busby called for the vote. (Dr. Busby-Aye, Dr. McCaffery-Aye, Dr. DeRosier – Aye, Dr. Mahan – Aye, Dr. Willis – Aye) Motion carried

On motion by Dr. McCaffery, seconded by Dr. Mahan, Ms. Wilkinson was instructed to notify the following complainant and dentist that the matters raised are **outside the jurisdiction** of the Board and the complainant may wish to pursue the complaint through the Alabama Dental Associations' Peer review process.

**2008-109**

Vote 5-0. Motion carried.

On motion by Dr. Mahan, seconded by Dr. DeRosier, Mr. Wilson was instructed to request a **letter of explanation** from the following resulting from complaints received.

**2007-107**

**2008-108**

**2008-110**

**2008-69**

Vote 5-0. Motion carried.

On motion by Dr. Mahan, seconded by Dr. McCaffery, Mr. Wilson was instructed to notify the following dentists of the Board's final attempt for a response to the Boards' prior requests for a letter of explanation regarding complaints received:

**2007-48**

**2008-71**

**2008-73**

Vote 5-0. Motion carried.

On motion by Dr. DeRosier, seconded by Dr. Willis, the following cases are closed with no further action.

**2008-54**

**2008-79**

Vote 5-0. Motion carried.

On motion by Dr. Willis seconded by Dr. Mahan, Ms. Wilkinson was instructed to issue a **letter of concern** to the following dentists related to matters raised in the complaints received.

**2008-58**

Vote 5-0. Motion carried.

On motion by Dr. McCaffery, seconded by Dr. DeRosier, Ms. Wilkinson was instructed to submit to the Contact Review Committee the following Legal Services Contracts:

**Hearing Officer for disciplinary hearing, two year contract, \$120/hr**

D. Patrick Harris (Harris & Harris, LLC)

James F. Hampton

Randolph P. Reaves, PC

Vance L. Alexander, PC

**Drafting Rules, drafting legislation opinions, general representation and advice; two year contract, \$125.00**

Ward & Wilson, LLC

Dr. Busby called for the vote. (Dr. Busby-Aye, Dr. McCaffery-Aye, Dr. DeRosier – Aye, Dr. Mahan – Aye, Dr. Willis – Aye, Ms. Chapman – Aye). Motion carried.

On motion by Dr. McCaffery, seconded by Dr. Mahan, the professional services contract with Dr. Mike Koslin, Anesthesia Committee Chairman, is approved. Dr. Busby called for the vote. (Dr. Busby-Aye, Dr. McCaffery-Aye, Dr. DeRosier – Aye, Dr. Mahan – Aye, Dr. Willis – Aye, Ms. Chapman – Aye). Motion carried.

On motion by Dr. Willis, seconded by Dr. Mahan, a legislative draft defining tooth whitening / bleaching within the definition of the practice of dentistry is needed. Vote 6-0. Motion carried.

Dr. Busby provided a copy of the advertising rule adopted by the Chiropractic Board for the Board's review. It was the consensus of the Board that discussion with the Alabama Dental Association Legislative Committee should be initiated to determine if revision to the advertising regulations found in the Alabama Dental Practice Act is appropriate at this time.

**Approval of minutes** – On motion by Dr. McCaffery, seconded by Dr. Willis the minutes of September 11-12, 2008 were approved. Vote 6-0. Motion carried.

**Approval of financial** – On motion by Dr. DeRosier, seconded by Dr. Mahan, the financial report through August 2008 was approved. Vote 6-0. Motion carried.

On motion by Dr. Busby, seconded by Dr. McCaffery, the 2008-2009 budget was adopted. Dr. Busby called for the vote. (Dr. Busby-Aye, Dr. McCaffery-Aye, Dr. DeRosier – Aye, Dr. Mahan – Aye, Dr. Willis – Aye, Ms. Chapman – Aye). Motion carried

Dr. Busby announced the Board would recess until 3:00 PM and turned the gavel over to Dr. McCaffery

Ms. Chapman thanked Dr. Busby for his dedication to the Board, evidenced by his willingness to once again serve as the Board's President.

Dr. McCaffery, reconvened the meeting at 3:10 PM and reported that she and Dr. Mahan, accompanied by Stan McAdams and Ms. Wilkinson, picked up the ballots at First Commercial Bank, Trace Crossing. Dr. Mahan received the ballots, which had been secured at the Trace Crossing Branch, from the bank personnel.

Dr. McCaffery reported 2250 ballots were printed, 2054 ballots mailed with the dental annual registration forms. 196 ballots were returned to the Board unused, 13 ballots were mailed to licenses requiring a duplicate annual registration forms, leaving 183 ballots unused.

Also present for the canvassing of the ballots were:

Wayne McMahan

Dr. David Northcutt

Dr. Lee Chaumoun

Dr. Lee Ferguson

Dr. Tom Barnes

Res. 12RCS  
Res. 13RCS  
Res. 15RCS

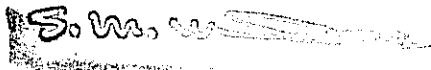
NEW AMENDMENT: Due to a recent ruling by auditors that the Board needed to have a statute allowing the Board to recover costs associated with instructional materials distributed to hygiene students by the Board, the following motion was made:

On motion by Ms. Chapman, seconded by Dr. DeRosier, amend Code of Alabama, (1975) § 34-9-16(fees) to add ADHP Instructional Materials Fee \$500.00 - \$950.00. Vote 6-0. Motion carried.

Dr. McCaffery announced the next meeting of the Board is scheduled November 6-7, 2008.

On motion by Dr. Willis, seconded by Dr. Mahan, the meeting was adjourned at 5:35 PM

Respectfully submitted,



S. Michael Mahan, Jr.  
Secretary - treasurer

Approved: *Nov 7, 2008*  
Submitted by: Mary Ann Wilkinson

3:52 PM  
11/05/08  
Cash Basis

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
September 2008

	Sep 08	Budget	Oct '07 - Sep 08	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
650 · Admin. Fees (Deferred Agreement	0.00		5,000.00		
501 · Annual Dental Registration	-130.00		302,760.00	309,500.00	309,500.00
502 · Annual Hygiene Registration	0.00		199,640.00	201,500.00	201,500.00
503 · Controlled Substance Fee	0.00		187,700.00	190,000.00	190,000.00
504 · Annual Teaching Permits	0.00		4,200.00	3,000.00	3,000.00
505 · ADHP Certification	0.00		11,925.00	13,000.00	13,000.00
507 · Drug Log Books	0.00	37.50	469.00	450.00	450.00
508 · ADHP	0.00		58,675.00	70,000.00	70,000.00
509 · Dental Exam Fee	0.00		18,900.00	22,500.00	22,500.00
510 · Original License Fee	0.00		5,465.00	5,500.00	5,500.00
511 · Licenses Reprint Fee	0.00	83.37	550.00	1,000.00	1,000.00
512 · Dental Hygiene Exam Fee	0.00		16,225.00	16,000.00	16,000.00
513 · Directory Fee	0.00	333.37	5,262.75	4,000.00	4,000.00
514 · Materials Fee for Exam	0.00	666.67	19,775.00	23,000.00	23,000.00
515 · Penalty Fee	0.00	19,000.00	6,350.00	8,000.00	8,000.00
516 · Privilege License Money	0.00	900.00	0.00	19,000.00	19,000.00
517 · Interest Inc - checking	479.79		7,676.91	10,800.00	10,800.00
518 · Parental Sedation Permit Fee	0.00		6,800.00	7,500.00	7,500.00
519 · Anesthesia Permit	0.00		23,400.00	22,000.00	22,000.00
520 · Refunds	0.00		7.62		
521 · Other Income	0.00	41.67	0.00	500.00	500.00
523 · ADHP Appl Fee	0.00		5,100.00	5,500.00	5,500.00
525 · Dent Hyg Bd Appl	0.00		4,225.00	4,000.00	4,000.00
526 · ADHP Materials	0.00		81,538.00	80,000.00	80,000.00
527 · Disciplinary Fines (Prior)*	0.00	10,666.67	84,400.00	128,000.00	128,000.00
527-1 · Administrative Costs	0.00	125.00	1,000.00	1,500.00	1,500.00
528 · Initial Anesthesia Evaluation	0.00	500.00	2,250.00	6,000.00	6,000.00
529 · OCS Annual Reg. Fee	0.00		16,300.00	13,000.00	13,000.00
530 · Licensure By Credentials	0.00	4,166.70	26,000.00	50,000.00	50,000.00
531 · RETURNED CHECK CHARGES	0.00	8.33	145.00	100.00	100.00
533 · Dental Lic. Bd Exam Application	0.00		11,600.00	14,500.00	14,500.00
800 · 800-OVERPAYMENTS	-125.00		48.00		
<b>Total Income</b>	<b>224.79</b>	<b>36,529.28</b>	<b>1,113,387.28</b>	<b>1,229,850.00</b>	<b>1,229,850.00</b>
<b>Gross Profit</b>	<b>224.79</b>	<b>36,529.28</b>	<b>1,113,387.28</b>	<b>1,229,850.00</b>	<b>1,229,850.00</b>

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

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
 September 2008

3:52 PM  
 11/05/08  
 Cash Basis

	Sep 08	Budget	Oct '07 - Sep 08	YTD Budget	Annual Budget
<b>Expense</b>					
66900 · Reconciliation Discrepancies	0.01		0.01		
927-2 · ADPWC Expenses	1,850.09		10,565.93		
0902-0 · NPDB HIPDB License Background	0.00		390.00		
0100-0 · Personnel Costs	22,819.72	25,000.00	271,057.04	300,000.00	300,000.00
0114-0 · Board Member Compensation	17,100.00	7,500.00	102,300.00	90,000.00	90,000.00
0198-0 · Bonus	0.00		700.00	1,000.00	1,000.00
0201-0 · Payroll Expenses	3,065.94	2,916.66	32,546.45	35,000.00	35,000.00
0202-0 · Pension Plan	0.00		34,271.40	43,000.00	43,000.00
0203-0 · Medical Insurance	2,763.00	1,360.00	14,031.00	16,320.00	16,320.00
0204-0 · Workman Comp. Ins.	0.00		10,487.00	5,500.00	5,500.00
0300-0 · Travel - In-State	3,295.07	3,750.00	49,317.96	45,000.00	45,000.00
0400-0 · Travel - Out-of-State	799.99	2,500.00	18,730.36	30,000.00	30,000.00
0500-0 · Repairs & Maintenance	0.00	41.66	467.00	500.00	500.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	115.83	1,977.13	1,390.00	1,390.00
0602-1 · Rent on Building	4,816.05	5,083.33	57,256.42	61,000.00	61,000.00
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	1,385.29	795.83	10,033.63	9,550.00	9,550.00
0700-2 · Utilities - Cell Phone	0.00	220.00	2,182.83	2,640.00	2,640.00
0700-3 · Utilities - Power	445.86	462.50	4,912.69	5,550.00	5,550.00
<b>Total 0700-0 · Utilities &amp; Communications</b>	<b>1,831.15</b>	<b>1,478.33</b>	<b>17,129.15</b>	<b>17,740.00</b>	<b>17,740.00</b>
0800-0 · Professional Services	11,760.84	10,416.66	149,337.72	125,000.00	125,000.00
0800-1 · Membership Dues & Subscriptions	790.00	333.33	5,295.00	4,000.00	4,000.00
0801-0 · Board Attorney Fees	9,551.91	10,416.66	129,887.20	125,000.00	125,000.00
0840-0 · CONSULTANTS	0.00	41.66	0.00	500.00	500.00
0899-1 · Evaluator Fees	0.00	250.00	559.96	3,000.00	3,000.00
0899-2 · Hearing Officer Fees	3,657.97	2,500.00	30,627.03	30,000.00	30,000.00
0899-4 · WITNESSES	0.00	16.66	25.10	200.00	200.00
0899-6 · A.D.H.P. Materials & Supplies	0.00	6,166.67	84,401.47	74,000.00	74,000.00
0899-7 · ALDA	0.00				
0900-0 · Office Expense	2,489.05	666.66	12,500.00	5,000.00	5,000.00
0900-1 · Recycle / Paper Disposal	0.00	83.33	12,481.16	8,000.00	8,000.00
0901-0 · Cita Exam Fees	12,427.30		1,043.46	1,000.00	1,000.00
0906-0 · Printing & Supplies	885.67	2,916.66	62,965.30	35,000.00	35,000.00
0910-0 · Postage	2,000.00	1,000.00	47,146.83	12,000.00	12,000.00
0924-0 · Insurance	0.00		16,017.39	10,200.00	10,200.00
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	2,083.33	20,010.64	25,000.00	25,000.00
0944-1 · Computer Support	790.28	6,250.00	22,343.37	75,000.00	75,000.00
<b>Total 0944 · Computer Expenses</b>	<b>790.28</b>	<b>8,333.33</b>	<b>42,354.01</b>	<b>100,000.00</b>	<b>100,000.00</b>
0951-0 · NSF	120.00	208.33	7,205.00	2,500.00	2,500.00
0999-0 · MISC.	89.68	83.33	1,869.54	1,000.00	1,000.00
1000-0 · Auto Expense	0.00		22,923.10	20,000.00	20,000.00
1000-1 · Vehicle Repairs & Maint.	44.22	250.00	2,559.47	3,000.00	3,000.00
1000-2 · Vehicle Fuel	839.36	750.00	10,470.41	9,000.00	9,000.00

*Approved Nov 5 7 and*

BOARD OF DENTAL EXAMINERS OF ALABAMA  
 Profit & Loss Budget Performance  
 September 2008

	Sep 08	Budget	Oct '07 - Sep 08	YTD Budget	Annual Budget
1400-0 - Equipment					
0800-3 - Equipment Rental/Lease	1,972.86	1,208.33	15,187.58	14,500.00	14,500.00
1400-0 - Equipment - Other	0.00	41.66	-142.03	500.00	500.00
Total 1400-0 - Equipment	1,972.86	1,249.99	15,045.55	15,000.00	15,000.00
Total Expense	105,760.16	95,429.08	1,286,275.55	1,229,850.00	1,229,850.00
Net Ordinary Income	-105,535.37	-58,899.80	-172,888.27	0.00	0.00
Other Income/Expense					
Other Income					
527-2 - ADPWC - Monitoring Fee	0.00				
503-1 - CONTROLLED SUBSTANCE STATE FEE	13,740.00				
524 - NSF Checks	0.00				
Total Other Income	13,740.00		14,207.00		
Net Other Income	13,740.00		14,207.00		
Net Income	-91,795.37	-58,899.80	-158,681.27	0.00	0.00