



BOARD OF DENTAL EXAMINERS OF ALABAMA

Stadium Parkway Office Center-Suite 112
5346 Stadium Trace Parkway
Hoover, Al 35244-4583
PHONE 205-985-7267
FAX 205-985-0674
e-mail: bdental@dentalboard.org

MINUTES

Board Meeting

Thursday, April 1, 2010

6:30 p.m.

The Board of Dental Examiners of Alabama met on Thursday, April 1, 2010 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 6:30 p.m. with the following members in attendance: Dr. Leo J. DeRosier, President, Ms. Renea P. Chapman, RDH, Vice President, Dr. Thomas T. Willis, Jr., Secretary-Treasurer, Dr. S. Michael Mahan, Jr., Dr. J. David Northcutt, III, Dr. Bobby R. Wells, and Dr. Hunter V. Pope. Also in attendance were Mr. Keith E. Warren, Interim Executive Director, Dr. Donna L. Dixon, General Counsel, Mr. Stanley McAdams, Investigator, Mr. Dennis Hodtwalker, Complaints/Administrative Assistant, and Ms. Linda Savarese, Administrative Assistant. A quorum was present to conduct business.

Dr. DeRosier welcomed all present including guests.

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. Willis presented the Treasurer's report through February 2010 and distributed copies to the guests. He recommended the acceptance of the report. Dr. Northcutt made a motion to accept the Treasurer's report as presented. The motion was seconded by Dr. Mahan and unanimously approved by the Board.

Dr. Dixon reported that both bills submitted to the Alabama Legislature have passed and are awaiting the Governor's signature. She said that a representative from the Governor's office called with some questions regarding changes that were made to the Alabama Dental Practice Act. She explained the need for a fee for Examination by Regional Exam. Mr. Warren announced that he had emailed Mr. Steve Windom, Legislative Consultant for the Board, and

asked him to notify the Board as soon as the bills are signed by the Governor so the Board can immediately begin making law changes to coincide with the bill.

Dr. DeRosier will write the American Association of Dental Boards (AADB) and thank them for providing continuing education courses for dental professionals. He will also advise them that there is a link on the Alabama Dental Board's website to the AADB.

In response to a letter from Dr. Lee Chamoun, the Board orally approved to allow continuing education credit for courses that will help practitioners provide care to non-English-speaking and hearing-impaired patients.

There was discussion regarding clarification of Rule 270-X-2.19 (2)(i). The Rule states that an applicant must have practiced at least 5,000 hours in the 5 years preceding his/her application for licensure. In order to facilitate confirmation of practice time, Dr. Dixon will draft a letter requesting verification of hours of employment for applicants of Licensure by Credentials and send it to Dr. DeRosier for his review.

Ms. Chapman asked to table the proposed Rule change for 270-X-4.04 until the May 2010 meeting.

Mr. Warren requested articles for the Board's Newsletter which has been retired since May 2008. Dr. Northcutt distributed his draft of an article about the authority of the Board to propose legislation. Dr. Mahan and Dr. DeRosier each agreed to submit an article. Mr. Warren will ask Dr. Garver to prepare an article. There is a May 1st deadline set for the submission of articles in hopes the Newsletter will be ready to be printed and mailed this summer. There was discussion about what information will be printed.

A Site Evaluation form for inspection of dental facilities was distributed as well as copies of 2009 assignments for the inspection of facilities. In the past, facilities where UAB students were working were inspected every year or every two years. Discussion ensued. Dr. Willis will draft a questionnaire that can be sent to all non-dentist owned facilities that will assist in the labor-intensive effort of inspecting them. There will be more discussion about this when the report is given for the 501 (c)(3) Committee meeting.

The Board orally approved Dr. Pope to attend the North East Regional Board (NERB) Conference in Washington, D.C., June 18-19, 2010. NERB pays for travel and hotel accommodations. If Dr. Pope is unable to attend Dr. Wells will attempt to replace him.

Dr. Willis gave the report on the 501(c)(3) Committee meeting held earlier this day. Ms. Dottie Pope from Sarrell Dental Clinic was a guest at that meeting. Meeting attendees discussed the need for a survey of non-dentist owned facilities in order to categorize them and bring them under the authority of the Alabama Dental Practice Act. Dr. Willis hopes to present a draft survey for approval at the next board meeting. The timeline for completed and returned surveys is June or, at latest, July of this year.

Dr. Northcutt gave the report on the Access to Care – Expanded Duties Auxiliaries Committee meeting held earlier this day. He referenced an article from a popular Internet site that pointed out how the new health care law will affect dentistry in the future especially regarding the mid-level provider. Alabama could be a standard in this category of *access to care* if the Board is

proactive. Alabama began the Alabama Dental Hygiene Program (ADHP) in the 1950s and is now being admired as innovative and brilliant.

Dr. Northcutt made a motion to adjourn the meeting at 8:30 p.m. and resume Friday, April 2, 2010 at 8:30 a.m. Dr. Michael Mahan seconded the motion and it was unanimously approved by the Board.

MINUTES
Board Meeting
Friday, April 2, 2010
8:40 a.m.

The Board of Dental Examiners of Alabama met on Friday, April 2, 2010 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 8:40 a.m. with the following members in attendance: Dr. Leo J. DeRosier, President, Ms. Renea P. Chapman, RDH, Vice President, Dr. Thomas T. Willis, Jr., Secretary-Treasurer, Dr. S. Michael Mahan, Jr., Dr. J. David Northcutt, III, Dr. Bobby R. Wells, and Dr. Hunter V. Pope. Also in attendance were Mr. Keith E. Warren, Interim Executive Director, Dr. Donna L. Dixon, General Counsel, Mr. Stanley McAdams, Investigator, Mr. Dennis Hodtwalker, Complaints/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.

Ms. Chapman made a motion to approve the minutes for the March 2010 meeting as presented. Dr. Willis seconded the motion and it was unanimously approved by the Board.

Dr. Wells made a motion to enter into Executive Session to interview Dr. Daniel Irving Spears, Jr., applicant for Dental Licensure by Credentials, and for the discussion of the general reputation, character and/or professional competence of licensees at 8:50 a.m. Dr. Mahan seconded the motion. Counsel approved and Dr. DeRosier called for the vote: Dr. Willis, aye, Ms. Chapman, aye, Dr. Mahan, aye, Dr. Northcutt, aye, Dr. Wells, aye, Dr. Pope, aye, and Dr. DeRosier, aye. The motion was approved 7-0.

Dr. Willis made a motion at 9:35 a.m. to come out of Executive Session and take a break. Dr. Mahan seconded the motion and it was unanimously approved by the Board. The Board reconvened at 9:50 a.m.

Dr. Willis made a motion to approve Dental Licensure by Credentials for Dr. Daniel Irving Spears, Jr. Dr. Mahan seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Dr. Northcutt made a motion to approve Dental Licensure by Credentials for Dr. Nelson Glenn Woo. Dr. Willis seconded the motion and it was approved 5-0 with Ms. Chapman and Dr. Wells abstaining from the vote.

Ms. Chapman made a motion to approve Dental Hygiene Licensure by Regional Exam for Ms. Roseanne Collins, RDH. Dr. Willis seconded the motion and it was approved 7-0.

Dr. Willis made a motion to approve Dental Licensure by Regional Exam for Dr. YiChen Wei. Dr. Mahan seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Dr. Willis made a motion to approve Dental Licensure by Regional Exam for Dr. Abha Chhabra. Dr. Pope seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Dr. Willis made a motion to approve Dental Licensure by Regional Exam for Dr. Ella Cvirko. Dr. Pope seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Dr. Mahan made a motion to approve Dental Licensure by Regional Exam for Dr. Shazmeena Bangash. Dr. Willis seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

There was discussion about the need to interview applicants for Licensure by Credentials to ascertain their intentions of establishing a practice in the State of Alabama within a year of being issued a license pursuant to Code of Alabama (1975) Section §34-9-10. Dr. Mahan made a motion to interview all qualified applicants for Licensure by Credentials. Dr. Wells seconded the motion. The motion failed 5-2. Discussion continued and the Board concurred to inquire of all applicants' intentions of setting up a practice in Alabama by adding this question to the application for Licensure by Credentials.

Ms. Chapman gave a report on the Internal Restructuring Committee meeting. Dr. Northcutt made a motion to establish a non-profit educational foundation to be called ADHP-EDA Foundation. Dr. Mahan seconded the motion and there was discussion. The motion was amended and Dr. Northcutt moved *to create an educational foundation entitled the ADHP-EDA Educational Foundation with the intent of moving the existing ADH program from under the Board of Dental Examiners and into the Foundation with the Bylaws and Constitutions requiring final approval by the Board.* Dr. Mahan seconded the amended motion. There was discussion and Dr. DeRosier called for the vote. The motion was approved 6-0 with Dr. Wells abstaining from the vote.

Dr. Northcutt made a motion to give the Committee authority to solicit funds for the proposed ADHP-EDA Educational Foundation. Dr. Willis seconded the motion and it passed 6-0 with Dr. Wells abstaining from the vote.

Ms. Chapman reported that the Committee set the deadline of May 1, 2010 for submission of articles for the Newsletter. Dr. Mahan assured the Board that the Internal Restructuring Committee will submit an article for the Newsletter.

Ms. Chapman gave a report on the Alabama Dental Hygiene Program. The current program may have 150 – 155 applicants taking the State Board Exam this year. Regarding the 2010-2011 program, she advised that historically a rush of applications for the upcoming session will be received just before the deadline. Hilda Johnson, ADHP Administrative Assistant, has completed the video for new school session and it looks great. The Committee decided there is a need to include a session for the instructor to attend to insure that he/she is aware of his/her responsibilities of training the student in the office.

Ms. Chapman asked Board opinion of a dentist's request to allow a former student who unsuccessfully participated in the ADHP twice to enroll in this year's session even though it has only been 2 years since her last failure. Dr. Dixon will advise the dentist that pursuant to Rule

270-X-3.04 she must wait 5 years with continual, full-time employment as a dental assistant before petitioning to enter the program again.

The Board orally agreed that Ms. Chapman could advise Shirley Chambers, dental hygienist who is licensed in another state but who has not practiced in the past 3 years, that she may submit an application for licensure under Code of Alabama (1975) Section §34-9-10 (h).

Dr. Dixon gave the Attorney Report. She distributed copies of an article printed in the *Anniston Star* by its publisher charging that the Board has intentions of shutting down a 501 (c)(3) facility. There was discussion regarding the sad situation of misinformation being fed to the public.

Dr. Dixon recommended that Stan McAdams attend the Drug Enforcement Administration (DEA) Conference in St. Louis, Missouri on June 16-17. Dr. DeRosier made a motion to approve his out-of-state travel. Dr. Willis seconded the motion and it was unanimously approved by the Board.

Dr. Dixon distributed an email from Scott Kvancz, V.P. and General Counsel of Mercer Advisors, asking for clarification on the use of Botox injections by dentists. Dr. Dixon will draft a statement regarding the use of Botox for the next Board meeting that will be published on the Board's website in the minutes.

Mr. Warren gave his Executive Report. He and the Board's staff had a very productive meeting over a week ago. They reviewed responsibilities and changed the phone system to better facilitate answering calls in an expedient manner. He reported that this year the staff will be handling annual renewals for 2011 and the mailing of ballots. This in-house handling will be a cost savings to the Board. Renewals will be received at a lock box as in previous years.

Mr. Warren informed the Board that Alabama Code will have to be changed in order to initiate online renewals and voting. Code of Alabama (1975), Section § 34-9-40 specifically defines that ballots will be mailed using the U.S.P.S. Since ballots are directly connected to renewals neither can be done electronically at this time. He plans to have the office electronically prepared to do online renewals as soon as law is changed.

Mr. Warren initiated a discussion regarding the appointment of counsel for hearings. An oral decision was made that Dr. Mahan, being Head of the Case Review Team, will consult with Dr. Dixon on a case-by-case basis prior to the appointment of counsel for hearings.

Dr. Willis gave a report on CITA Exams from spreadsheets provided by CITA. He explained CITA's grading system and was concerned at the high rate of failures this year. Dr. Willis made a motion to purchase exam photos. Dr. DeRosier seconded the motion. There was discussion. The motion failed 5-0 with Ms. Chapman and Dr. Pope abstaining from the vote.

By oral consensus, the Board broke for lunch at 12:55 p.m. to resume at approximately 1:30 p.m.

The Board reconvened at 1:20 p.m. Dr. DeRosier made a motion to enter into Executive Session for the discussion of the general reputation, character and/or professional competence of licensees. Counsel approved and Dr. DeRosier called for the vote: Dr. Willis, aye, Ms.

Chapman, aye, Dr. Mahan, aye, Dr. Northcutt, aye, Dr. Wells, aye, Dr. Pope, aye, and Dr. DeRosier, aye. The motion was approved 7-0.

At 3:00 Dr. Mahan made a motion to come out of Executive session. It was seconded by Dr. Wells and unanimously approved by the Board.

Case #2010-4: Dr. Willis made a motion that this case is out of the Board's jurisdiction. Dr. Mahan seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Case #2010-29: Dr. Mahan made a motion that this case is out of the Board's jurisdiction. Dr. Willis seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Case #2010-3: Dr. Willis made a motion that this case is out of the Board's jurisdiction. Dr. Wells seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Cases #2009-14, #2009-94, #2008-114, and #2010-7: These cases will be reviewed at a later date.

Case #2010-24: Board requests a letter of explanation from the Respondent.

Case #2009-81: Dr. Willis made a motion that there is no evidence to sustain. Dr. Wells seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Case #2010-86: Dr. Northcutt made a motion to set the case for a hearing. Dr. Willis seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Case #2010-10: Board requests a letter of explanation from the Respondent.

Case #2006-129: Dr. Mahan made a motion to set the case for a hearing. Dr. Wells seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

Case #2009-64: Dr. Mahan made a motion to set the case for a hearing. Dr. Wells seconded the motion and it was approved 6-0 with Ms. Chapman abstaining from the vote.

The next meeting of the Board is scheduled for May 6-7, 2010. There being no further business, Dr. Willis made a motion to adjourn at 3:10 p.m. Dr. Mahan seconded the motion and it was unanimously approved by the Board.

Respectfully Submitted,


Dr. Tom Willis, Jr.
Secretary-Treasurer

Approved:
Submitted by: Linda M. Savarese

BOARD OF DENTAL CLINICIANS OF ALABAMA
Profit & Loss Budget Performance
February 2010

04/11 Meeting
Bank Bal as of 02/28/2010
Checking \$671,524.22
Money Market \$298,874.84

Ordinary Income/Expense	Feb 10	Budget	Oct '09 - Feb 10	YTD Budget	Annual Budget
Income					
501 · Annual Dental Registration	610.00		168,300.00	486,200.00	486,200.00
502 · Annual Hygiene Registration	260.00		131,095.00	253,760.00	253,760.00
503 · Controlled Substance Fee	135.00		78,330.00	222,755.00	222,755.00
504 · Annual Teaching Permits	150.00		3,450.00	4,050.00	4,050.00
505 · ADHP Certification	300.00	1,093.75	825.00	5,468.75	13,125.00
507 · Drug Log Books	7.00	41.67	133.00	208.31	500.00
508 · ADHP	0.00		0.00		63,000.00
509 · Dental Exam Fee	900.00		2,700.00		
510 · Original License Fee	75.00	458.33	550.00	2,291.69	5,500.00
511 · Licenses Reprint Fee	0.00	50.00	350.00	250.00	600.00
512 · Dental Hygiene Exam Fee	0.00		1,400.00		15,000.00
513 · Directory Fee	275.00	333.33	1,725.00	1,666.69	4,000.00
514 · Materials Fee for Exam	0.00		0.00		7,500.00
515 · Penalty Fee	550.00	500.00	3,700.00	2,500.00	6,000.00
516 · Privilege License Money	0.00		0.00		19,000.00
517 · Interest Inc - checking	114.38	120.00	616.34	600.00	1,440.00
518 · Parental Sedation Permit Fee	0.00		2,200.00	7,400.00	7,400.00
519 · Anesthesia Permit	0.00		8,000.00	25,200.00	25,200.00
521 · Other Income	0.00	41.67	0.00	208.31	500.00
526 · ADHP Materials	0.00		0.00		94,500.00
527 · Disciplinary Fines (Prior)	0.00		9,200.00		
527-1 · Administrative Costs	1,000.00	125.00	5,500.00	625.00	1,500.00
528 · Initial Anesthesia Evaluation	1,800.00	600.00	1,800.00	3,000.00	7,200.00
529 · OCS Annual Reg. Fee	300.00		7,250.00	15,750.00	15,750.00
530 · Licensure By Credentials	6,000.00	1,000.00	18,000.00	5,000.00	12,000.00
531 · RETURNED CHECK CHARGES	30.00	12.50	550.00	62.50	150.00
533 · Dental Lic. Bd Exam Application	600.00		1,800.00		14,000.00
800 · 800-OVERPAYMENTS	0.00		130.00		
Total Income	<u>13,106.38</u>	<u>4,376.25</u>	<u>447,604.34</u>	<u>1,036,996.25</u>	<u>1,280,630.00</u>
Gross Profit	13,106.38	4,376.25	447,604.34	1,036,996.25	1,280,630.00
Expense					

*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.

Profit & Loss Budget Performance

February 2010

	Feb 10	Budget	Oct '09 - Feb 10	YTD Budget	Annual Budget
927-2 · ADPWC Expenses	0.00		936.91		
0902-0 · NPDB HIPDB License Background	0.00	33.33	85.50	166.69	400.00
0100-0 · Personnel Costs	23,406.68	31,726.04	132,323.51	158,630.22	380,712.50
0114-0 · Board Member Compensation	6,300.00	7,666.67	37,800.00	38,333.31	92,000.00
0198-0 · Bonus	0.00		1,100.00	1,100.00	1,100.00
0201-0 · Payroll Expenses	2,668.94	4,583.33	13,894.89	22,916.69	55,000.00
0202-0 · Pension Plan	48,083.13	43,100.00	48,083.13	43,100.00	43,100.00
0203-0 · Medical Insurance	2,388.00	2,387.50	15,124.00	11,937.50	28,650.00
0204-0 · Workman Comp. Ins.	0.00		6,308.00	5,500.00	5,500.00
0300-0 · Travel - In-State	3,447.30	3,333.33	13,346.35	16,666.69	40,000.00
0400-0 · Travel - Out-of-State	1,153.87	2,291.67	11,679.14	11,458.31	27,500.00
0500-0 · Repairs & Maintenance	218.52		805.56		
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	416.69	1,000.00
0602-1 · Rent on Building	13,605.66	6,842.83	40,816.98	34,214.15	82,113.96
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	801.52	795.83	4,782.33	3,979.19	9,550.00
0700-2 · Utilities - Cell Phone	0.00	462.50	0.00	2,312.50	5,550.00
0700-3 · Utilities - Power	798.90		4,460.21		
Total 0700-0 · Utilities & Communications	1,600.42	1,258.33	9,242.54	6,291.69	15,100.00
0800-0 · Professional Services	5,866.67	9,783.33	44,062.06	48,916.69	117,400.00
0800-1 · Membership Dues & Subscriptions	645.00	416.67	1,060.81	2,083.31	5,000.00
0801-0 · Board Attorney Fees					
0801-1 · Attorney General's Office	1,824.50		7,002.25		
0801-0 · Board Attorney Fees - Other	7,430.00	4,166.67	34,291.06	20,833.31	50,000.00
Total 0801-0 · Board Attorney Fees	9,254.50	4,166.67	41,293.31	20,833.31	50,000.00
0840-0 · CONSULTANTS	7,500.00	7,500.00	37,500.00	37,500.00	90,000.00
0899-1 · Evaluator Fees	600.00	166.67	1,500.00	833.31	2,000.00
0899-2 · Hearing Officer Fees	957.33	833.33	1,591.02	4,166.69	10,000.00
0899-4 · WITNESSES	0.00	4.17	0.00	20.81	50.00
0899-6 · A.D.H.P. Materials & Supplies	0.00		-13,001.12		94,500.00
0899-7 · ALDA	0.00		0.00	5,000.00	5,000.00
0900-0 · Office Expense	373.10	833.33	4,899.12	4,166.69	10,000.00
0900-1 · Recycle / Paper Disposal	231.08	100.00	517.76	500.00	1,200.00

*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 INSURERS OF ALABAMA
Profit & Loss Budget Performance
February 2010

04% leeting
Bank Bal as of 02/28/2010
Checking \$671,524.22
Money Market \$298,874.84

	Feb 10	Budget	Oct '09 - Feb 10	YTD Budget	Annual Budget
0906-0 · Printing & Supplies	377.54	1,250.00	3,695.82	6,250.00	15,000.00
0910-0 · Postage	0.00	833.33	4,018.60	4,166.69	10,000.00
0924-0 · Insurance	0.00	1,000.00	11,487.00	5,000.00	12,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	2,500.00	0.00	12,500.00	30,000.00
0944-1 · Computer Support	6,708.51	2,500.00	15,966.75	12,500.00	30,000.00
0944 · Computer Expenses - Other	0.00		1,206.89		
Total 0944 · Computer Expenses	6,708.51	5,000.00	17,173.64	25,000.00	60,000.00
0951-0 · NSF	0.00	166.67	9,369.57	833.31	2,000.00
0999-0 · MISC.	396.99	416.67	4,535.73	2,083.31	5,000.00
1000-0 · Auto Expense	21.89		459.86		
1000-1 · Vehicle Repairs & Maint.	0.00	250.00	207.19	1,250.00	3,000.00
1000-2 · Vehicle Fuel	245.63	500.00	1,315.37	2,500.00	6,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,371.91	1,666.67	6,926.91	8,333.31	20,000.00
Total 1400-0 · Equipment	1,371.91	1,666.67	6,926.91	8,333.31	20,000.00
Total Expense	137,422.67	138,193.87	510,159.16	530,169.37	1,290,326.46
Net Ordinary Income	-124,316.29	-133,817.62	-62,554.82	506,826.88	-9,696.46
Other Income/Expense					
Other Income					
527-2 · ADPWC - Monitoring Fee	775.00	645.83	1,550.00	3,229.19	7,750.00
503-1 · CONTROLLED SUBSTANCE STATE FEE	10.00		6,800.00		
524 · NSF Checks	130.00		2,685.00		
Total Other Income	915.00	645.83	11,035.00	3,229.19	7,750.00
Net Other Income	915.00	645.83	11,035.00	3,229.19	7,750.00
Net Income	-123,401.29	-133,171.79	-51,519.82	510,056.07	-1,946.46

*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.