



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
Thursday August 4, 2011

The Board of Dental Examiners of Alabama met Thursday August 4, 2011 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 6:00 p.m. with the following members in attendance: Dr. Thomas T. Willis, President, Dr. S. Michael Mahan, Vice President, Dr. David Northcutt, III, Secretary/Treasurer, Dr. Bobby R. Wells, Dr. Hunter V. Pope, and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Mr. Keith E. Warren, Executive Director, Mr. Nick Vondreau, Administrator, Dr. Donna L. Dixon, Legal Services, Mr. Stanley McAdams, Investigations, Mr. Dennis Hodtwalker, CLS, and 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.

The President welcomed Mr. Bill Garrett, Assistant Attorney General.

The President asked for review of Minutes from the regular meeting held July 7-8, 2011. Dr. Mahan made a motion to approve the minutes as presented and Ms. Alexander seconded the motion. There was no opposition and the motion was approved by general consent.

President asked for review of Minutes from the Board Hygiene Exam held June 9-10, 2011. Ms. Alexander made a motion to approve the minutes as presented and Dr. Pope seconded the motion. There was no opposition and the motion was approved by general consent.

Dr. Northcutt presented the financial report. Dr. Wells made a motion to approve the report as presented and Dr. Mahan seconded the motion. There was no opposition and the motion was approved by general consent.

At 6:10 p.m. Mr. Steve Windom, Legislative Consultant to the Board, entered the meeting. The President welcomed him and invited him to address the Board. Mr. Windom gave a legislative

report. He encouraged members to attend the Sunset Committee meeting in Montgomery on Aug 25th. At 6:40 Mr. Windom completed his report. The President thanked him and dismissed him from the meeting.

Ms. Alexander made a motion that applicants for Dental Hygiene Licensure by Regional Exam must either pass National Boards or the Alabama Dental Hygiene Comprehensive Exam. Dr. Mahan seconded the motion. There was no opposition and the motion was approved by general consent.

At 6:45 p.m. Dr. Mahan made a motion to retire to executive session for the discussion of the general reputation, character, and/or professional competence of licensees and to return to public session at approximately 7:10 p.m. Dr. Pope seconded the motion, Counsel approved, and the President called for the vote: Ms. Alexander, yea, Dr. Pope, yea, Dr. Northcutt, yea, Dr. Willis, yea, Dr. Mahan, yea and Dr. Wells, yea. The motion carried 6-0.

At 6:55 p.m. the President announced retirement from executive session and return to public session. General Counsel approved that a quorum was present to conduct business.

Dr. Northcutt presented a draft for protocol for the complaint process. There was discussion during which the Assistant Attorney General answered questions posed by members. Dr. Mahan suggested adding definitions of terms used in the protocol. Mr. Garrett gave observations, opinions, and suggestions. He asked whether the Board is planning to adopt a Rule or planning to create policy. He pointed out that time specifications in documents (e.g. "2 day turn around") sometimes tend to constrain the process and can cause problems for a case. He suggested not requiring a notary to sign the complaint form because the public does not always have knowledge of notaries. He also suggested researching compliance with the time line for keeping/destroying records. Dr. Northcutt thanked Mr. Garrett for his comments and recommendations.

Dr. Willis informed members that the Southern Conference of Dental Deans and Examiners will be held January 27-29 in Fort Lauderdale.

Dr. Willis cited the JCNDE Newsletter which had an article on the Annual Meeting held in Chicago in April, 2011.

Dr. Willis cited an article "The Relationship Between Dentists and Their State Dental Boards" published in the Academy of General Dentistry Newsletter.

The Annual CITA Meeting Update reminded members to make their reservations and gave specific information about hotel reservations. Dr. Willis distributed a sheet for members to sign to request approval for out-of-state travel.

Dr. Willis presented the CITA 2012 Final Exam Schedule. Alabama Exams will be held February 10-11 and May 18-19, 2012. Members should have received a letter from CITA asking if they want to sign up to participate in any other exams. There was discussion on setting dates for meetings and hygiene testing in reference to CITA testing.

Regarding a request from Dr. Whitehead to reinstate his controlled substance license, members asked Mr. McAdams to contact Dr. Mike Garver for his recommendations.

Regarding a letter from a proposed dental hygiene applicant asking whether a minor criminal charge would disqualify her from being accepted into the ADHP, Ms. Lankford will be asked to respond that a misdemeanor would not be a problem but a felony would have to be considered by the Board and could be a disqualification.

Dr. Northcutt presented a draft letter of appreciation to the Alabama Dental Association (ALDA) for participating in the Special Committee and offering their report on suggestions for expanded duties. Dr. Northcutt distributed copies of the draft. Members orally agreed to send the letter.

Dr. Northcutt has worked on but not completed a draft overview of the Wellness Committee. Review of the draft was tabled until the next meeting.

The President presented a letter from the dentists at Pelham Dental asking the Board to review HB 56 and the affect it would have on quality of care for Hispanic patients and to give their opinion, assistance, and guidance on this matter. Mr. Warren will respond to this letter advising that the Board cannot voice an opinion on proposed legislation.

Mr. William Beucler sent a letter advising the Board that he plans to manufacture and distribute an invention called *Findme*. His brochure describes it as a GPS chip that can be inserted into a “dental cap to keep track of persons who are at risk of being lost or stolen.” Mr. Warren will respond thanking him for his information.

Dr. Willis presented a letter from the Academy of General Dentistry (AGD) PACE program requesting recognition of PACE-approved providers of continuing education.

Dr. Northcutt asked members to be considering a timeline to present to Mr. Windom regarding future legislative changes.

There was a question by Dr. Northcutt regarding a former employee’s calculation and request for remuneration of vacation, compensatory and sick leave time. Mr. Warren will ask for a detailed account of the claim from the Financial Secretary and authorize payment.

At 8:20 p.m. Dr. Willis called recess until Friday August 5 at 8:30 a.m.

MINUTES
Board Meeting
Friday, August 5, 2011

The meeting of the Board of Dental Examiners of Alabama reconvened at 8:34 a.m. Friday, August 5, 2011 at the Board Office in Hoover, Alabama in order to conduct business and for a disciplinary hearing.

The following members were in attendance: Dr. Thomas T. Willis, President, Dr. S. Michael Mahan, Vice President, Dr. Bobby R. Wells, Dr. Hunter V. Pope, Dr. Stephen R. Stricklin, and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Mr. Keith E. Warren, Executive Director, Mr. Nick Vondereau, Administrator, Dr. Donna L. Dixon, Legal Services, Mr. Stanley McAdams, Investigations, and Mr. Dennis Hodtwalker, CLS. 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. Stricklin made a motion that case 2011-35 has no evidence to sustain. Dr. Mahan seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Wells, yea, Dr. Mahan, yea, Dr. Willis, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Mahan made a motion that case # 2011-40 has no evidence to sustain. Dr. Stricklin seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Wells, yea, Dr. Mahan, yea, Dr. Willis, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Mahan made a motion that case #2011-32 has no evidence to sustain. Dr. Stricklin seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Pope, yea, Dr. Mahan, yea, Dr. Willis, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Stricklin made a motion that case #2010-78 has no evidence to sustain but a Letter of Concern will be sent to the Respondent regarding record keeping. Dr. Mahan seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Pope, yea, Dr. Mahan, yea, Dr. Willis, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Ms. Alexander made a motion to approve Dental Hygiene Licensure by Credentials for Judy Walker, RDH based on successful completion of the jurisprudence exam. Dr. Wells seconded the motion and there was no opposition. The motion was approved by general consent.

Ms. Alexander made a motion to approve Dental Hygiene Licensure by Credentials for Brandy Martinez, RDH based on successful completion of the jurisprudence exam. Dr. Wells seconded the motion and there was no opposition. The motion was approved by general consent.

Ms. Alexander made a motion to approve Dental Hygiene Licensure by Regional Exam for Hannah Brumley, RDH, Caitlin Harbin, RDH, Melanie Moss, RDH, and Anselma Rusli, RDH based on successful completion of the jurisprudence exam. Dr. Pope seconded the motion and there was no opposition. The motion was approved by general consent.

Ms. Alexander made a motion to approve Dental Hygiene Licensure by Regional Exam for Alice Welch, RDH based on successful completion of the Alabama Board Hygiene Comprehensive Exam and the jurisprudence exam. Dr. Mahan seconded the motion and there was no opposition. The motion was approved by general consent.

Dr. Stricklin made a motion to approve Dental Licensure by Regional Exam for Jennifer Bain, DMD, David Lehman, DMD, Ashley Nemece, DMD, Rob Geunes, DMD, and Lillie Mae Pitman, DMD, based on successful completion of the jurisprudence exam. Dr. Wells seconded the motion and there was no opposition. The motion was approved by general consent.

Dr. Stricklin made a motion to approve Dental Special Purpose Licensure for practice 10 days in one calendar year for Joe Trammell, DDS, based on receipt of all required documents, for Dennis Lichorwic, DMD, and John Scott, DDS. Dr. Wells seconded the motion and there was no opposition. The motion was approved by general consent.

Ms. Alexander gave a report on the Alabama Dental Hygiene Program (ADHP). This weekend is the second session of the ADHP; there are 144 students enrolled. The Friday evening study sessions that were so successful last year are being continued this year.

Dr. Dixon announced that she did not have an Attorney Report.

Mr. Warren gave a report on the Internal Restructuring Committee. He presented the Committee's recommendation for a contract with Rushton, Stakeley, Johnson & Garrett, PA for legal services for the ADHP-EDA Educational Foundation. The contract shall not exceed \$5,000.00 for one year

At 9:30 a.m. the President called recess until 10:00 a.m. at which time Dr. Willis turned the meeting over to Mr. Matt Beam, Hearing Officer, to conduct a disciplinary hearing authorized by the Alabama Dental Practice Act for case #2010-69. The Hearing concluded at 12:02 p.m.

At 12:10 p.m. Ms. Alexander made a motion to enter into executive session for the discussion of the general reputation, character and/or professional competence of licensees and to return to public session at approximately 12:45 p.m. Dr. Wells seconded the motion, Counsel approved, and the President called for the vote: Dr. Wells, yea, Dr. Pope, yea, Ms. Alexander, yea, Dr. Willis, yea, Dr. Stricklin, yea, Dr. Mahan, yea. The motion carried 6-0.

At 12:35 p.m. the President announced retirement from executive session. General Counsel approved that a quorum was present to conduct business.

Dr. Mahan made a motion for the Hearing Officer, Matt Beam, to prepare a Final Order for Case #2010-69 to be deliberated at the September 15-16 Board meeting. Dr. Wells seconded the motion and there was no opposition. The motion was approved by general consent.

Dr. Mahan made a motion to enter into a contract with Hearing Officer, Vance Alexander. Ms. Kay Alexander seconded the motion and there was no opposition. The motion was approved by general consent.

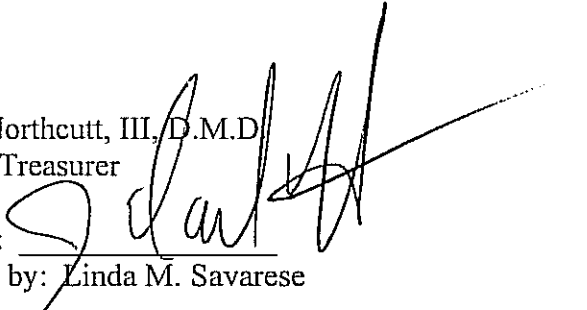
Ms. Alexander made a motion to enter into contract with Dr. Dixon Law Firm effective September 1, 2011 through August 31, 2013. Dr. Pope seconded the motion and there was no opposition. The motion was approved by general consent

The next ADHP-EDA Educational Foundation meeting has been changed to September 2, 2011 at 2:00 p.m. in Montgomery.

The next meeting of the Board is scheduled for September 15-16, 2011. At 1:40 p.m., there being no further business, the President adjourned the meeting.

Respectfully Submitted,

J. David Northcutt, III, D.M.D.
Secretary-Treasurer

Approved: 
Submitted by: Linda M. Savarese

BOARD OF DENTAL WINERS OF ALABAMA
Profit & Loss Budget Performance

June 2011

	Jun 11	Budget	Oct '10 - Jun 11	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
540 · Special Purpose Dental Lic Fee	100.00		800.00		491,800.00
527-3 · Administrative Fines	706.00		7,562.50		259,350.00
650 · Admin. Fees (Deferred Agreement	0.00		3,000.00		226,090.00
617 · MDF Permits	0.00		750.00		4,200.00
501 · Annual Dental Registration	0.00		143,030.00	491,800.00	10,000.00
502 · Annual Hygiene Registration	65.00		107,575.00	259,350.00	63,000.00
503 · Controlled Substance Fee	750.00		71,145.00	226,090.00	16,800.00
504 · Annual Teaching Permits	0.00		2,400.00	4,200.00	500.00
505 · ADHP Certification	1,425.00	833.33	8,325.00	7,500.01	10,000.00
507 · Drug Log Books	0.00	41.67	322.00	374.99	500.00
508 · ADHP	21,850.00		66,500.00	63,000.00	16,800.00
509 · Dental Exam Fee	1,200.00	1,400.00	7,500.00	12,600.00	5,550.00
510 · Original License Fee	300.00	462.50	5,630.00	4,162.50	1,000.00
511 · Licenses Reprint Fee	200.00	83.33	1,075.00	750.01	20,000.00
512 · Dental Hygiene Exam Fee	400.00	1,666.67	23,200.00	14,999.99	4,000.00
513 · Directory Fee	125.00	333.33	2,281.00	3,000.01	7,500.00
514 · Materials Fee for Exam	0.00	625.00	13,800.00	5,625.00	6,000.00
515 · Penalty Fee	100.00	500.00	5,340.00	4,500.00	19,000.00
516 · Privilege License Money	0.00		0.00	19,000.00	1,440.00
517 · Interest Inc - checking	61.47	120.00	651.34	1,080.00	8,000.00
518 · Parental Sedation Permit Fee	0.00		1,800.00	8,000.00	26,200.00
519 · Anesthesia Permit	0.00		6,800.00	26,200.00	500.00
521 · Other Income	0.00	41.67	0.00	374.99	94,500.00
526 · ADHP Materials	8,925.00		27,200.00	94,500.00	
527 · Disciplinary Fines (Prior)	0.00		17,250.00		
527-1 · Administrative Costs	0.00	125.00	5,500.00	1,125.00	1,500.00
528 · Initial Anesthesia Evaluation	0.00	600.00	9,000.00	5,400.00	7,200.00
529 · OCS Annual Reg. Fee	100.00		6,250.00	16,650.00	12,000.00
530 · Licensure By Credentials	0.00	1,000.00	28,000.00	9,000.00	300.00
531 · RETURNED CHECK CHARGES	0.00	25.00	570.00	225.00	

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

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance

08/2011 Bd Meeting
Bank bal as of 06/30/2011
Checking \$685,653.83
Money Market \$ 300,401.86

June 2011

	Jun 11	Budget	Oct '10 - Jun 11	YTD Budget	Annual Budget
533 - Dental Lic. Bd Exam Application	2,400.00	1,166.67	11,000.00	10,499.99	14,000.00
800 - 800-OVERPAYMENTS	0.00		105.00		
Total Income	38,707.47	9,024.17	584,461.84	1,290,007.49	1,317,080.00
Gross Profit	38,707.47	9,024.17	584,461.84	1,290,007.49	1,317,080.00
Expense					
0902-0 - NPDB HIPDB License Background	0.00	33.33	228.00	300.01	400.00
0100-0 - Personnel Costs	18,823.74	31,726.04	208,582.72	285,534.38	380,712.50
0114-0 - Board Member Compensation	11,700.00	7,666.67	66,650.00	68,999.99	92,000.00
0198-0 - Bonus	0.00		1,100.00	800.00	800.00
0201-0 - Payroll Expenses	2,649.93	4,583.33	20,757.28	41,250.01	55,000.00
0202-0 - Pension Plan	0.00		39,366.50	30,000.00	30,000.00
0203-0 - Medical Insurance	6,648.00	2,583.33	30,264.00	23,250.01	31,000.00
0204-0 - Workman Comp. Ins.	0.00		6,265.75	5,700.00	5,700.00
0300-0 - Travel - In-State	4,471.83	3,333.33	23,574.54	30,000.01	40,000.00
0400-0 - Travel - Out-of-State	2,136.12	2,291.67	20,197.60	20,624.99	27,500.00
0500-0 - Repairs & Maintenance	218.52	166.67	1,966.68	1,499.99	2,000.00
0500-1 - Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	750.01	1,000.00
0602-1 - Rent on Building	6,992.00	6,916.67	62,928.00	62,249.99	83,000.00
0700-0 - Utilities & Communications					
0700-1 - Utilities - Telephone	866.49	795.83	7,997.28	7,162.51	9,550.00
0700-3 - Utilities - Power	541.16	901.46	5,916.28	8,113.12	10,817.50
Total 0700-0 - Utilities & Communications	1,407.65	1,697.29	13,913.56	15,275.63	20,367.50
0800-0 - Professional Services	13,830.84	9,783.33	82,054.31	88,050.01	117,400.00
0800-1 - Membership Dues & Subscriptions	0.00	416.67	6,309.55	3,749.99	5,000.00
0801-0 - Board Attorney Fees					
0801-2 - Hendon Blaylock Coody	3,793.75		10,056.25		
0801-0 - Board Attorney Fees - Other	11,250.00	4,166.67	70,082.10	37,499.99	50,000.00
Total 0801-0 - Board Attorney Fees	15,043.75	4,166.67	80,138.35	37,499.99	50,000.00

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

BOARD OF DENTAL WINNERS OF ALABAMA
Profit & Loss Budget Performance
June 2011

	Jun 11	Budget	Oct '10 - Jun 11	YTD Budget	Annual Budget
0840-0 · CONSULTANTS	28,125.00	9,500.00	120,396.50	85,500.00	114,000.00
0899-1 · Evaluator Fees	1,629.29	500.00	4,154.29	4,500.00	6,000.00
0899-2 · Hearing Officer Fees	0.00	833.33	10,384.12	7,500.01	10,000.00
0899-6 · A.D.H.P. Materials & Supplies	350.00		350.00	94,500.00	94,500.00
0900-0 · Office Expense	281.38	833.33	8,670.62	7,500.01	10,000.00
0900-1 · Recycle / Paper Disposal	84.90	100.00	689.85	900.00	1,200.00
0906-0 · Printing & Supplies	209.58	1,250.00	4,936.88	11,250.00	15,000.00
0910-0 · Postage	1,000.00	1,666.67	6,000.00	14,999.99	20,000.00
0924-0 · Insurance	0.00		12,401.33	12,000.00	12,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	80.00	2,500.00	25,910.68	22,500.00	30,000.00
0944-1 · Computer Support	245.28	2,500.00	6,198.18	22,500.00	30,000.00
0944 · Computer Expenses - Other	0.00		1,071.00		
Total 0944 · Computer Expenses	325.28	5,000.00	33,179.86	45,000.00	60,000.00
0951-0 · NSF	681.50	166.67	5,880.00	1,499.99	2,000.00
0999-0 · MISC.	135.82	666.67	17,875.12	5,999.99	8,000.00
1000-0 · Auto Expense	86.74		875.45		
1000-1 · Vehicle Repairs & Maint.	0.00	208.33	521.25	1,875.01	2,500.00
1000-2 · Vehicle Fuel	0.00	416.67	2,481.96	3,749.99	5,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	563.06	1,250.00	9,827.84	11,250.00	15,000.00
Total 1400-0 · Equipment	563.06	1,250.00	9,827.84	11,250.00	15,000.00
Total Expense	117,394.93	97,840.00	902,921.91	1,023,560.00	1,317,080.00
Net Ordinary Income	-78,687.46	-88,815.83	-318,450.07	266,447.49	0.00
Other Income/Expense					
Other Income					
550 · Hygiene Exam UAB Facility Fee	0.00		13,800.00		

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

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance

June 2011

	Jun 11	Budget	Oct '10 - Jun 11	YTD Budget	Annual Budget
527-2 · ADPWC - Monitoring Fee	0.00		6,600.00		
503-1 · CONTROLLED SUBSTANCE STATE FEE	60.00		-33,570.00		
524 · NSF Checks	0.00		4,815.00		
Total Other Income	<u>60.00</u>		<u>-8,355.00</u>		
Net Other Income	<u>60.00</u>		<u>-8,355.00</u>		
Net Income	<u>-78,627.46</u>	<u>-88,815.83</u>	<u>-326,815.07</u>	<u>266,447.49</u>	<u>0.00</u>

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