



**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
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MINUTES  
Board Meeting  
Thursday December 1, 2011

The Board of Dental Examiners of Alabama met Thursday December 1, 2011 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 3:00 p.m. with the following members in attendance: Dr. David Northcutt, III, President, Hunter V. Dr. Pope, Vice President, Dr. Bobby R. Wells, Secretary/Treasurer, Dr. Thomas T. Willis, Dr. Stephen R. Stricklin, and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Dr. Donna L. Dixon, Prosecuting Counsel, Mr. Stanley McAdams, Investigations, Mr. Dennis Hodtwalker, CLS, Legal Assistant for The Dixon Law Firm, PC, and Ms. Linda Savarese, Administrative Assistant.

The President determined that a quorum was present; Counsel confirmed.

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

Dr. Willis stated that one of the purposes of this meeting was to conduct second interviews with the final choices for the Executive Director position. He asked if any members had comments before admitting the first applicant. There were no comments. At 3:05 p.m. the Board interviewed the first applicant, Dr. Leotis Williams and sequentially, Ms. Susan Wilhelm, Mr. James Sasser, Mr. Rodney Malone, and Mr. Mark Fowler. Interviews were completed at 5:25 p.m.

Members discussed the options available to them in regards to hiring an Executive Director and offered opinions of each of the five applicants interviewed.

At 6:15 Mr. Bill Garrett, Assistant Attorney General, joined the meeting.

At 6:45 the President announced a 10 minute break.

The President asked for review of the minutes from Nov. 3-4, 2011. Some corrections were noted. Ms. Alexander made a motion to accept the minutes with corrections. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

The financial report was not available. There were no visitors at this meeting.

Mr. Warren's Sunset Audit Report was distributed and members discussed the contents.

At 7:10 p.m. Dr. Willis made a motion to recess the meeting until 8:30 a.m. Friday December 2, 2011. Dr. Pope seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

MINUTES  
Board Meeting  
Friday, December 2, 2011

The meeting of the Board of Dental Examiners of Alabama reconvened at 8:38 a.m. Friday, December 2, 2011 at the Board Office in Hoover, Alabama in order to conduct business.

The following were in attendance: Dr. David Northcutt, III President, Dr. Bobby R. Wells, Secretary/Treasurer, Dr. Thomas T. Willis, Dr. Stephen R. Stricklin, Dr. Sam J. Citrano, Jr., and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Dr. Donna L. Dixon, Prosecuting Counsel, Mr. Stanley McAdams, Investigations, Mr. Bill Garrett, Assistant Attorney General, Mr. Dennis Hodtwalker, CLS, Legal Assistant for The Dixon Law Firm, PC, and Ms. Linda Savarese, Administrative Assistant.

The President announced that a quorum was present to conduct business; Mr. Garrett confirmed.

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

Members discussed assigning Mr. Stan McAdams as Inspector of Dental Facilities since he has had a decrease in his work load in relation to complaints and he has been a part of the inspection team in the past. Members agreed to give him this assignment. Mr. McAdams agreed to take on the responsibility of inspecting facilities. He has the approved form and only needs a complete list of sites to be inspected. He will match the list with former Board members in each area who could be contacted to assist him with inspections. It was recommended that he contact a facility a week or two before inspection to be assured that UAB SOD pre-doctoral student(s) will be working on the scheduled day. If necessary, Stan McAdams could do an inspection alone.

A letter was presented from the Medical Society of Montgomery regarding their concern for the use of Botox outside of a medical office, hospital, or clinic setting as well as condoning the use of it in the practice of dentistry. They requested intervention from the Board. Dr. Dixon will respond that the Board will not intervene or investigate unless a formal complaint is made. She will also send them the Board's statement made at the July 2010 meeting about the allowed uses of Botox.

At 9:00 Dr. Conan Davis joined the meeting to request approval of a new rotation site in Pineapple, AL as well as an extension of a currently approved rotation site in Montgomery for second-semester senior students. He explained the SEARCH program which sends these students as volunteers for a week to serve low-income patients. Dr. Northcutt advised that he plans to inspect these sites after the first of the year. At 9:20 a.m. Dr. Northcutt thanked Dr. Davis for addressing the Board and dismissed him from the meeting. Dr. Northcutt advised Dr. Davis that the Board plans to inspect these sites after the first of the year. He thanked Dr. Davis for addressing the Board. Dr. Davis then left the meeting.

Mr. Stan McAdams requested payment of SEP contributions that were not paid to him for his first three years of employment with the Board. He was asked to provide exact amounts that are owed to him. Mr. Garrett will confer with the State Examiners about awarding him the base amount without calculating possible gain or loss of interest.

At 9:40 the President called a 10-minute break.

At 9:50 a.m. Sonya Lankford was invited to join the meeting and gave a report on the status of online renewals. She explained that E-Merchants Solutions, in conjunction with the State licensing database, (CAVU) has enabled a fix for the payments that were not credited to licensees' records. To complete the process each license will need to be manually adjusted. She was given the authority to hire additional temporary help if needed to get licenses processed. She recommended using a different e-merchant provider next year that is more compatible with the Board's licensing software program. The President thanked her for her report and also for her participation in interviews for the Executive Director position. Ms. Lankford left the meeting.

Dr. Wells made a motion that the following cases have no evidence to sustain: 2005-35; 2006-28; 2006-106; 2007-46; 2008-26. Dr. Willis seconded the motion. After discussion, there was no opposition and the motion was approved by general consent with the case team leader and the hygiene member abstaining from the vote.

Dr. Wells made a motion that case #2011-65 has no evidence to sustain. Dr. Stricklin seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and the hygiene member abstaining from the vote.

Dr. Willis made a motion to notice the respondent for a hearing in case #2011-6. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader abstaining from the vote.

Dr. Dixon announced that Case #2010-55 has been officially settled and is closed.

Mr. Garrett explained that the Board has the right to inspect a practice any time public health, safety, and welfare are concerned. Dr. Dixon will amend the Board's currently approved protocol to provide for immediate inspection when any complaint is made that affects public health, safety, and welfare. After approval of the amended protocol the respondent in case 2011-71 will be inspected and given a Letter of Explanation at the time of inspection.

At 10:35 Dr. Hunter V. Pope, Vice President, joined the meeting.

Dr. Wells made a motion to approve Hygiene Licensure by Credentials for Nancy Costa, RDH, and Regina Molloy, RDH, based on successful completion of the jurisprudence exam. Ms. Alexander seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Wells made a motion to approve Dental Licensure by Regional Exam for the following based on successful completion of the jurisprudence exam: Shaletha Bolden, DDS, Lauri Breaud, DDS, Matthew Dimassi, DMD, Rachel Williams, DDS; and Hygiene Licensure by Regional Exam for Angela Fletcher, RDH. Dr. Willis seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Wells recommended inviting Thanhha Pham, DDS to interview with the Board in regards to her application for Dental Licensure by Regional Exam. Members orally agreed and she will be contacted.

Dr. Wells made a motion to approve Special Purpose Dental Licensure for 10 times in one year for Brian E. Bailey, DDS. Dr. Citrano seconded the motion and there was discussion. There was no opposition and the motion was approved by general consent. Members agreed to authorize Dr. Dixon to

add a line to the application form for this type of license that reads: *If application is for CE course(s) please provide enrollment form along with dates of the course(s).*

Ms. Alexander gave the Hygiene report. June 21-22, 2012 has been set and approved by UAB for next year's Hygiene State Board Exam. Ms. Johnson has confirmed most of the dates for 2012 ADHP classes with UAB and with lecturers. She reminded members that there is no ADHP class in December and invited them to attend the January class if they want to observe and audit the lectures.

Dr. Dixon gave the Attorney Report. She brought to the Board's attention that there are companies that engage in contracts with dentists to improve productivity in their offices. One in particular from Tennessee contacted Dr. Dixon to find out if she needed to review his contract before it was executed. She ascertained that he had no intentions of purchasing the dental business and told him there was no need for her to review the contract.

Mr. Garrett gave a short report on pending legislation. This concluded the Attorney Report.

Dr. Northcutt gave the Legislative/Rules Committee report. Dr. Studstill, Interim Director of Alabama Dental Association (ALDA), sat with the Committee and discussed the proposed Rule addition regarding the Board's Ethics Policy. The Board voted in February 2010 to abide by the State's Ethics Policy and the proposed Rule discussed at the committee meeting would be an addition to that. Dr. Studstill suggested a few minor changes which will be drafted and presented at a future meeting. The total list of Rule revisions is ready with exception of changing the date, time, place, etc. of presentation since the original particulars were set at the former Executive Director's office. Dr. Wells made a motion to approve the Board Rules that have been discussed and reviewed and move forward with presenting them to legislature. Dr. Pope seconded the motion. There was no discussion or opposition and the motion was approved by general consent. There will be a public hearing Friday February 3, 2012 to review pending Administrative Rules.

The Internal restructuring Committee report was replaced with the interviews conducted Thursday Dec. 1<sup>st</sup> for the finals in the Executive Director recruiting process.

Dr. Mike Garver asked the Board to examine Board protocol involving licensees who fail to act on their rehabilitation in a timely manner.

At 11:30 a.m. the President called a recess for lunch. The meeting reconvened at 12:20 p.m.

Dr. Northcutt asked Mr. Garrett if the Board extends an offer of employment within an applicant's salary range can the President enter into negotiations with that person regarding salary and then hire him/her if an agreement is reached? Mr. Garrett answered in the affirmative.

Employee reviews had been done by committee but not individually by Mr. Warren. Dr. Northcutt asked for a copy of Mr. Warren's recommendations but no paper copy could be located. At 12:30 Dr. Northcutt called Ms. Lankford to the meeting and asked for a list of current employees with their salaries and date and amount of last raise. Ms. Lankford left the meeting. At 12:32 the President announced a 5-minute break to allow Ms. Lankford to compile the information.

Dr. Wells made a motion to renew Dr. Mike Garver's Wellness contract effective Oct. 1, 2011 through Sept. 30, 2012 at the same compensation rate as his previous year's contract. Dr. Strickland seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Ms. Lankford entered the meeting and distributed a document listing employees, salaries and raises. The President asked staff if they would voluntarily leave the meeting while members discuss employee reviews. Staff were invited back to the meeting at 1:05 pm.

Dr. Willis made a motion to approve a 3% raise in salary for Mr. McAdams, Ms. Lankford, Ms. Johnson, and Ms. Savarese effective January 1<sup>st</sup> 2012. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Members discussed the pros and cons of all 5 applicants interviewed the day before for the Executive Director position. Dr. Willis made a motion to offer Susan Wilhelm a contract to serve as both General Counsel and Executive Director with a salary of \$85,000 with the option to negotiate to \$95,000 plus benefits including the SEP tax deferred plan when eligible. Dr. Stricklin seconded the motion. There was discussion after which the President took a roll-call vote: Dr. Stricklin yea, Dr. Willis, yea, Dr. Pope, yea, Dr. Northcutt, yea, Dr. Wells, yea, Dr. Citrano, yea, Ms. Alexander, yea. The motion carried 7-0. Ms. Wilhelm will be contacted at the conclusion of this meeting. She will be asked to begin employment Monday December 5<sup>th</sup> if possible.

Dr. Willis asked for members to advise if they are planning to attend the Southern Deans meeting and reminded them to register for the meeting and request approval for out-of-state travel.

There being no further business Ms. Alexander made a motion to adjourn the meeting at 1:20 p.m. Dr. Wells seconded the motion and the President asked all who were in favor to say, "Aye." All approved; none disapproved and the meeting was adjourned.

Respectfully Submitted,

*Bobby R. Wells, MD*

Dr. Bobby R. Wells  
Secretary/Treasurer

Approved: Jan 5, 2012  
Submitted by: Linda M. Savarese