



BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES

Board Meeting

Thursday February 3, 2011

The Board of Dental Examiners of Alabama met Thursday February 3, 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, Jr., Vice President, Dr. J. David Northcutt, III, Secretary-Treasurer, Dr. Bobby R. Wells, Dr. Hunter V. Pope, Dr. Stephen Stricklin, and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Mr. Keith E. Warren, Executive Director, Dr. Donna L. Dixon, General Counsel, Mr. Stanley McAdams, Investigator, Mr. Steve Windom, Legislative Consultant to the Board, Mr. Dennis Hodtwalker, CLS, 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.

Copies of the agenda and financial report were distributed to guests.

The President called for review of the minutes from the meeting held January 13-14, 2011. Two corrections were noted. Dr. Wells made a motion to approve the minutes as amended. The motion was seconded by Dr. Northcutt and unanimously approved by the Board.

The President called for review of the financial report. Dr. Northcutt presented the report and invited questions. There were none. Dr. Pope made a motion to approve the financial report as presented. Dr. Stricklin seconded the motion and it was unanimously approved by the Board.

The President welcomed guests and invited public comments. There were no comments.

The final draft of the newsletter was presented with the expanded duties questionnaire survey added. Quotes for printing/ mailing have been requested.

Dr. Willis noted a Dental Technical Report for CRDTS 2010 as an FYI. It was previously emailed to all members.

The Board reviewed 2 articles on *BDEAL Ethics Issues* by Dr. Karen McCaffery that were sent to Dr. Willis from *News from James Sanderson*. The articles argued that the Board of Dental Examiners of Alabama (BDEAL) needs an ethics guideline created especially for them. There was discussion about the Board's decision in 2010 to introduce legislation this year to be regulated by the Alabama Ethics Commission Administrative Code. This decision had been reported to Alabama Dental Association (ALDA) in 2010.

The Board reviewed the UAB Dental Oversight Committee Annual Report. Members were reminded by the President that it is not the Board's job to regulate UAB School of Dentistry (UAB SOD) but rather to promote a working relationship with them to license dental graduates. Dr. Stricklin informed the Board that there are a significant number of UAB SOD students in this year's graduating class who plan to take a regional exam other than CITA. This is acceptable for application for licensure in Alabama since the Board has approved application for licensure by regional exam.

At 6:25 p.m. Mr. Steve Windom gave a report on Alabama legislative issues. He will work on completing the draft for proposed changes to the Code of Alabama taking into consideration suggestions from other sources. Dr. Northcutt asked when Board members should be available to attend legislative session in Montgomery for the sake of answering any questions during the review process. Mr. Windom advised that it may be as early as the second week of March. The President thanked him for all his efforts. At 6:35 p.m. Mr. Windom concluded his report and was dismissed from the meeting.

Ms. Alexander made a motion to approve Dental Hygiene Licensure by Credentials application for Melissa Sykes Welch, R.D.H. Dr. Northcutt seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Northcutt yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 7-0.

At 6:45 p.m. Dr. Wells 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 open session about 7:15 p.m. Dr. Pope seconded the motion, Counsel approved, and the President called for the vote: Dr. Pope, yea, Dr. Northcutt yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 7-0.

At 7:07 p.m. Dr. Pope made a motion to retire from executive session. Dr. Mahan seconded the motion and it was unanimously approved by the Board.

Dr. Mahan made a motion that Case 2010-49 has no evidence to sustain. Dr. Wells seconded the motion and the President called for the vote: Dr. Northcutt yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 5-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Stricklin made a motion to call the Respondent in Case #2010-69 for an interview. Dr. Pope seconded the motion and the President called for the vote: Dr. Northcutt yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Dr. Pope, yea. The motion carried 5-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Wells made a motion to allow Counsel to file a motion to dismiss Circuit Court Case #38-CV-2004-005522200. Dr. Mahan seconded the motion and the President called for the vote: Dr. Northcutt yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Dr. Pope, yea. The motion carried 6-0 with the dental hygiene member abstaining from the vote.

A mock CITA Exam will be given at UAB Friday February 4-5. Members who want to join in the administration of the mock exam or just observe are welcome to attend after adjourning from the Board meeting on that date.

At 7:15 Dr. Northcutt gave a report on the Legislative/Rules Committee. Committee members met this date and explained the Board's position for legislative proposals to Mr. Steve Windom who is working on the final draft. Dr. Northcutt commended all the committees for their hard work in drawing up the proposed changes. This concluded his report.

Mr. Warren gave the Executive Director report. He has obtained quotes for printing and mailing the 2011 Directory. The State vendor underbid others by a significant amount. There was discussion about reducing the size of the book for the sake of reducing cost by eliminating Code and Rule because it is posted on the Board's website. Mr. Warren will send another request for quote with only listings of licensees.

Mr. Warren has requested quotes for printing and mailing the March 2011 issue of the Newsletter which is ready to go to the printer when quotes have been received. This concluded his report.

At 7:28 p.m. the Board recessed until Friday February 4 at 9:00 a.m. instead of 8:30 a.m. because of harsh weather.

MINUTES
Board Meeting
Friday, February 4, 2011

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

The President called the meeting to order at 9:10 a.m. with the following members in attendance: Dr. Thomas T. Willis, President, Dr. S. Michael Mahan, Jr., Vice President, Dr. J. David Northcutt, III, Secretary-Treasurer, Dr. Bobby R. Wells, Dr. Hunter V. Pope, Dr. Stephen Stricklin, and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Mr. Keith E. Warren, Executive Director, Dr. Mike Garver, Director Alabama Dental Professionals' Wellness Committee, Mr. Dennis Hodtwalker, C.L.S., 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.

The President invited Dr. Garver to report on the Dental Professionals' Wellness Committee. At 10:10 a.m. Dr. Garver concluded his report and was dismissed from the meeting.

Dr. Wells made a motion to notice the Respondent of Case #2011-04 for a hearing on the grounds that the Respondent obtained a "thing of value" by means of fraud or deceit. Dr. Stricklin seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Mahan, yea, Dr. Pope, yea, Dr. Wells, yea, Dr. Stricklin, yea. The motion carried 5-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Stricklin made a motion to call the Respondent of Case 2010-40 for an interview to answer questions regarding request for reinstatement of dental license. Dr. Mahan seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Mahan, yea, Dr. Pope, yea, Dr. Wells, yea, Dr. Stricklin, yea. The motion carried 5-0 with the case team leader and the dental hygiene member abstaining from the vote.

At 10:10 a.m. the Board recessed and returned to public session at 10:25 a.m.

At 10:25 Dr. Stricklin made a motion to retire to executive session and return to public session at approximately 11:00 a.m. to conduct an administrative disciplinary hearing authorized by the Alabama Dental Practice Act involving Case #2010-52. The motion was seconded by Dr. Wells; Counsel approved; and the President called for the vote: Dr. Stricklin, yea, Dr. Wells, yea, Dr. Mahan, yea, Dr. Willis, yea, Dr. Northcutt, yea, Dr. Pope, yea, Ms. Alexander, yea. The motion carried 7-0.

At 11:15 Dr. Stricklin made a motion to retire from executive session. Dr. Wells seconded the motion and it was unanimously approved by the Board.

Dr. Wells made a motion to permanently revoke the dental hygiene license of the Respondent of Case #2010-52 after finding the Respondent guilty of count one and count two with a one

thousand two hundred fifty dollars and 00/100 (\$1,250.00) fine for count one and a seven hundred fifty dollar and 00/100 (\$750.00) fine for count two. The Respondent will also be charged a five thousand dollar and 00/100 (\$5,000.00) administrative fine. Dr. Mahan seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Wells, yea, Dr. Mahan, yea, Dr. Willis, yea, Dr. Northcutt, yea, Dr. Pope, yea. The motion carried 6-0 with the case team leader abstaining from the vote.

Ms. Alexander gave a report on dental hygiene. She posed a question to the other members for their opinion: Can full-mouth radiographs be returned directly to an ADHP student at the end of testing rather than having to mail them afterwards? After some discussion, the Board decided that they could be returned directly after testing but if the student failed the test and appealed the failure status he/she would be responsible to bring the x-rays back for review.

Ms. Alexander commented on a report from the Southern Conference of Dental Deans and Examiners (SCDDE). The University of Florida and Nova Southeastern University will host the 57th Conference of the Dental Deans and Examiners in January of next year at Fort Lauderdale, Florida. Drs. Teresa Dolan (UFL) and Robert Uchin (Nova) will share the position of President. The financial report stated that the SCDDE has \$68,420.91 in its operating account. Due to this amount of funds they reported that dues for the fiscal year 2011- 2012 would be waived. Dr. John L. Harris, III, MS, DDS, who served as Secretary-Treasurer of the SCDDE, gave this report.

Dr. Northcutt commended Dr. Dixon, Dennis Hodtwalker, and Mr. McAdams on their presentations at the hearing earlier this date. Dr. Mahan commented on how the Board and staff have improved operations in the past several years. Dr. Pope related that he heard nothing but positive remarks about the Board at the latest alumni meeting. Stan McAdams said that lately Alabama dentists are more pleased with the Board and therefore more cooperative. Dr. Willis said one of the most helpful additions to the complaint process was the institution of the Complaint Review Team (CRT) which began with Dr. Busby, former Board President. The CRT has been streamlined to create a smooth process for complainant and respondent. Dr. Northcutt mentioned that handling complaints by case numbers rather than names has greatly improved the process. Dr. Willis observed that with all this in view, the Board should not become complacent but should continue to work on improvements as time goes on. All the members agreed with his statement.

Dr. Willis reminded members that they must complete their Council of Interstate Testing Agency (CITA) calibration by this weekend. The CITA exam at UAB is scheduled for February 18-19.

Mr. Warren recommended renewal of Mr. Windom's contract for one year. Dr. Northcutt made a motion to renew the contract as it stands effective January 1, 2011 through December 31, 2011. Dr. Mahan seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Wells, yea, Dr. Mahan, yea, Dr. Willis, yea, Dr. Northcutt, yea, Dr. Pope, yea, Ms. Alexander, yea. The motion carried 7-0.

Mr. Hodtwalker reported on the current number of open cases as compared to one year ago.

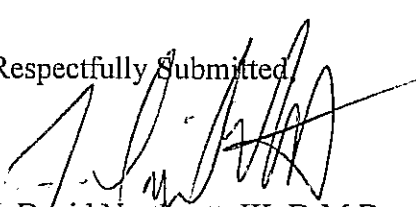
At 12:10 p.m. Dr. Mahan made a motion to retire to executive session and to return to public session at approximately 1:00 p.m. Dr. Wells seconded the motion, the Executive Director

approved, and the President called for the vote: Dr. Pope, yea, Dr. Northcutt yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 7-0. All non-board members were dismissed from the meeting.

At 1:05 p.m. Dr. Stricklin made a motion to retire from executive session. Dr. Wells seconded the motion and it was unanimously approved by the Board.

The next meeting of the Board is scheduled for March 3-4, 2011. There being no further business, at 1:07 p.m. Dr. Northcutt made a motion to adjourn the meeting. Dr. Mahan seconded the motion and it was unanimously approved by the Board.

Respectfully Submitted



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

Approved:

Submitted by: Linda M. Savarese

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance

December 2010

02/2011 Bd Meeting
Bank Bal as of 12/31/2010
Checking \$1,067,894.22
Money Market \$300,031.16

Ordinary Income/Expense	Dec 10	Budget	Oct - Dec 10	YTD Budget	Annual Budget
Income					
527-3 · Administrative Fines	500.00		500.00		
501 · Annual Dental Registration	26,800.00	163,933.34	134,400.00	491,800.00	491,800.00
502 · Annual Hygiene Registration	28,470.00	86,450.00	101,660.00	259,350.00	259,350.00
503 · Controlled Substance Fee	13,695.00	75,363.34	64,165.00	226,090.00	226,090.00
504 · Annual Teaching Permits	300.00	1,400.00	2,100.00	4,200.00	4,200.00
505 · ADHP Certification	150.00	833.33	300.00	2,500.03	10,000.00
507 · Drug Log Books	49.00	41.67	189.00	124.97	500.00
508 · ADHP	0.00		0.00		63,000.00
509 · Dental Exam Fee	1,500.00	1,400.00	2,700.00	4,200.00	16,800.00
510 · Original License Fee	385.00	462.50	1,005.00	1,387.50	5,550.00
511 · Licenses Reprint Fee	75.00	83.33	350.00	250.03	1,000.00
512 · Dental Hygiene Exam Fee	400.00	1,666.67	600.00	4,999.97	20,000.00
513 · Directory Fee	375.00	333.33	949.00	1,000.03	4,000.00
514 · Materials Fee for Exam	0.00	625.00	0.00	1,875.00	7,500.00
515 · Penalty Fee	400.00	500.00	600.00	1,500.00	6,000.00
516 · Privilege License Money	0.00		0.00	19,000.00	19,000.00
517 · Interest Inc - checking	63.44	120.00	280.64	360.00	1,440.00
518 · Parental Sedation Permit Fee	0.00	2,666.66	1,400.00	8,000.00	8,000.00
519 · Anesthesia Permit	2,400.00	8,733.34	6,800.00	26,200.00	26,200.00
521 · Other Income	0.00	41.67	0.00	124.97	500.00
526 · ADHP Materials	0.00		0.00		94,500.00
527 · Disciplinary Fines (Prior)	0.00		3,000.00		
527-1 · Administrative Costs	0.00	125.00	5,000.00	375.00	1,500.00
528 · Initial Anesthesia Evaluation	1,800.00	600.00	3,600.00	1,800.00	7,200.00
529 · OCS Annual Reg. Fee	1,050.00	5,550.00	5,350.00	16,650.00	16,650.00
530 · Licensure By Credentials	0.00	1,000.00	10,000.00	3,000.00	12,000.00
531 · RETURNED CHECK CHARGES	90.00	25.00	180.00	75.00	300.00
533 · Dental Lic. Bd Exam Application	1,000.00	1,166.67	1,800.00	3,499.97	14,000.00
800 · 800-OVERPAYMENTS	-25.00		-70.00		
Total Income	79,477.44	353,120.85	346,858.64	1,078,362.47	1,317,080.00
Gross Profit	79,477.44	353,120.85	346,858.64	1,078,362.47	1,317,080.00

*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 fiscal years.

BOARD OF DENTAL EXAMINERS OF ALABAMA
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	<u>Dec 10</u>	<u>Budget</u>	<u>Oct - Dec 10</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Expense					
0902-0 · NPDB HIPDB License Background	28.50	33.33	152.00	100.03	400.00
0100-0 · Personnel Costs	24,391.12	31,726.04	71,973.30	95,178.14	380,712.50
0114-0 · Board Member Compensation	4,200.00	7,666.67	24,100.00	22,999.97	92,000.00
0198-0 · Bonus	1,100.00	800.00	1,100.00	800.00	800.00
0201-0 · Payroll Expenses	2,182.33	4,583.33	5,919.92	13,750.03	55,000.00
0202-0 · Pension Plan	0.00		0.00		30,000.00
0203-0 · Medical Insurance	5,904.00	2,583.33	13,644.00	7,750.03	31,000.00
0204-0 · Workman Comp. Ins.	0.00	5,700.00	6,660.00	5,700.00	5,700.00
0300-0 · Travel - In-State	1,431.70	3,333.33	10,626.08	10,000.03	40,000.00
0400-0 · Travel - Out-of-State	706.57	2,291.67	5,793.26	6,874.97	27,500.00
0500-0 · Repairs & Maintenance	218.52	166.67	655.56	499.97	2,000.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	250.03	1,000.00
0602-1 · Rent on Building	6,992.00	6,916.67	20,976.00	20,749.97	83,000.00
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	0.00	795.83	2,070.64	2,367.53	9,550.00
0700-3 · Utilities - Power	532.35	901.46	1,738.96	2,704.36	10,817.50
Total 0700-0 · Utilities & Communications	532.35	1,697.29	3,809.60	5,091.89	20,367.50
0800-0 · Professional Services	12,781.68	9,783.33	26,446.27	29,350.03	117,400.00
0800-1 · Membership Dues & Subscriptions	645.00	416.67	3,032.80	1,249.97	5,000.00
0801-0 · Board Attorney Fees	0.00	4,166.67	24,527.90	12,499.97	50,000.00
0840-0 · CONSULTANTS	9,500.00	9,500.00	28,771.50	28,500.00	114,000.00
0899-1 · Evaluator Fees	0.00	500.00	2,525.00	1,500.00	6,000.00
0899-2 · Hearing Officer Fees	1,098.74	833.33	2,078.74	2,500.03	10,000.00
0899-6 · A.D.H.P. Materials & Supplies	0.00		0.00		94,500.00
0900-0 · Office Expense	2,973.86	833.33	4,867.19	2,500.03	10,000.00
0900-1 · Recycle / Paper Disposal	73.25	100.00	196.01	300.00	1,200.00
0906-0 · Printing & Supplies	714.25	1,250.00	1,226.79	3,750.00	15,000.00
0910-0 · Postage	1,000.00	1,666.67	3,000.00	4,999.97	20,000.00
0924-0 · Insurance	0.00		9,351.00	12,000.00	12,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	1,050.24	2,500.00	5,384.21	7,500.00	30,000.00
0944-1 · Computer Support	930.28	2,500.00	2,691.04	7,500.00	30,000.00

*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 fiscal years.

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance

December 2010

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	Dec 10	Budget	Oct - Dec 10	YTD Budget	Annual Budget
0944 · Computer Expenses - Other	119.00		714.00		
Total 0944 · Computer Expenses	2,099.52	5,000.00	8,789.25	15,000.00	60,000.00
0951-0 · NSF	286.00	166.67	1,087.00	499.97	2,000.00
0999-0 · MISC.	427.96	666.67	5,115.80	1,999.97	8,000.00
1000-0 · Auto Expense	0.00		428.00		
1000-1 · Vehicle Repairs & Maint.	0.00	208.33	457.02	625.03	2,500.00
1000-2 · Vehicle Fuel	151.84	416.67	916.67	1,249.97	5,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,362.68	1,250.00	4,345.40	3,750.00	15,000.00
Total 1400-0 · Equipment	1,362.68	1,250.00	4,345.40	3,750.00	15,000.00
Total Expense	80,801.87	104,340.00	292,572.06	312,020.00	1,317,080.00
Net Ordinary Income	-1,324.43	248,780.85	54,286.58	766,342.47	0.00
Other Income/Expense					
Other Income					
503-1 · CONTROLLED SUBSTANCE STATE FEE	1,110.00		5,510.00		
524 · NSF Checks	220.00		760.00		
Total Other Income	1,330.00		6,270.00		
Net Other Income	1,330.00		6,270.00		
Net Income	5.57	248,780.85	60,556.58	766,342.47	0.00

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