



BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES
Board Meeting
Thursday January 5-6 2012

The Board of Dental Examiners of Alabama met Thursday January 5, 2012 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. David Northcutt, III, President, Dr. Hunter V. Pope, Vice 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 Ms. Susan Wilhelm, Executive Director, 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, and on the Secretary of State's web site, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

The President asked for review of the minutes from the December 1-2, 2011 meeting. Corrections were requested and made. Ms. Alexander made a motion to approve the minutes as corrected. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

At 6:30 p.m. Dr. Pope 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 7:00 p.m. Dr. Wells seconded the motion, Counsel approved and the President call for a vote: Ms. Alexander, yea, Dr. Citrano, yea, Dr. Wells, yea, Dr. Northcutt, yea, Dr. Pope, yea, Dr. Willis, yea, and Dr. Stricklin, yea. The motion carried 7-0.

At 7:05 p.m. Dr. Wells made a motion to retire from executive session. Dr. Willis seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Wells made a motion to grant Dental Licensure by Regional Exam to Dr. Thanhha Pham, D.D.S. with the restriction that she be required to practice in a group practice detailed in a Consent Order. Dr. Stricklin seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Willis opened discussion on a press release: The Federal Trade Commission determined that the NC Dental Board stifled competition by stopping non-dentists from providing teeth whitening services. Board members discussed this ruling and noted that the Alabama Board has made a statement regarding teeth whitening but also the Alabama Court has declared that in Alabama, teeth whitening is a practice of dentistry.

Members discussed a decision that was made at the November 2011 meeting regarding approval of Foundry Dental as an educational facility contingent on inspection and in compliance with Rule. Their conclusion was that their November decision will stand and the facility will be scheduled for inspection.

There was discussion about an article in the Journal of the Tennessee Dental Association on Social Couponing Websites. These practices may be in violation of the Federal Anti-Kickback law. So far the Board has not received any complaints regarding this activity in Alabama.

A letter from the Louisiana Board advising withdrawal from the American Association of Dental Boards (AADB) was discussed. They withdrew due to allegedly unfair election procedures at the AADB's annual meeting. Dr. Willis read a letter he had received from Dr. White Graves, President of the AADB, offering the option to change AADB bylaws by going through proper channels; Dr. Willis did not respond to Dr. Graves' letter.

Dr. Willis reminded members to consider attending the AADB Chicago meeting on April 22nd. The Commission will compensate attendance for one member from each State Board. Ms. Wilhelm asked those who plan to attend to send her their out-of-state travel requests and applications so that she can see that they are executed in a timely manner.

Members discussed a letter from the Oregon Board admonishing the American Dental Association for allegedly overstepping their boundaries regarding the development of a portfolio-style examination for initial dental licensure. The letter encourages other Boards to write the ADA and express a similar opinion. Dr. Willis will write the letter.

Members discussed a request for CE waiver from a hygienist who had not renewed for 2012 because of personal hardship. Ms. Alexander will advise her to contact her CE providers to try to obtain replacement certificates and then go through the reinstatement process when she has accomplished the necessary 12 CEs.

As an FYI, members reviewed a letter from a medical doctor who offers his services to provide board-ordered remedial education to dentists who administer office-based sedation.

Members reviewed a letter from Healthy Teeth Alabama registering it as a referral service. The owner had included all required information which satisfies compliance to Code. The letter will be kept on record.

Dr. Northcutt officially welcomed Ms. Susan Wilhelm as the Board's new Executive Director. She has stepped into the position with a lot going on and has been doing a very good job.

At 8:05 p.m. the President recessed the meeting until 8:30 a.m. January 6, 2012.

MINUTES
Board Meeting
Friday, January 6, 2012

The meeting of the Board of Dental Examiners of Alabama reconvened at 8:30 a.m. Friday, January 6, 2012 at the Board Office in Hoover, Alabama in order to conduct business.

The following were in attendance: Dr. David Northcutt, III, President, Dr. Hunter V. Pope, Vice 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 Ms. Susan Wilhelm, Executive Director, Dr. Donna L. Dixon, Prosecuting Counsel, Dr. Mike Garver, Director Alabama Dental Professionals' Wellness Committee, Mr. Stanley McAdams, Investigations, 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; Counsel confirmed.

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. Mike Garver gave the Wellness Committee Report. He advised the Board on setting new protocol regarding licensees who enter the Wellness Program and then drop out of treatment. Dr. Northcutt made the following motion:

Impaired licensees who have been suspended, have self-reported, or have been diagnosed to have an impairment issue shall have a one-year period from date of voluntary surrender, suspension of license, or diagnosis to enter a rehabilitation facility and seek treatment. Further, the impaired licensee shall have a two year period from date of voluntary surrender, suspension of license, or diagnosis to complete treatment for the impairment issue. If said treatment is not initiated within the one-year period or completed within the two-year period, the licensee will be noticed for a hearing where their license could be subject to revocation.

Dr. Stricklin seconded the motion and there was discussion. There was no opposition and the motion was approved by general consent.

Ms. Alexander made a motion to amend the following motion which was approved at the December 2011 meeting: "... motion to notice the respondent for a hearing in case #2011-6" amended to "offer participation in the deferral program instead of a notice and hearing." Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Wells made a motion that case #2011-64 has no evidence to sustain. Dr. Citrano seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and dental hygiene member abstaining from the vote.

Dr. Wells made a motion that case 2011-62 has no evidence to sustain. Dr. Citrano seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Citrano made a motion that case #2011-73 has no evidence to sustain. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Willis made a motion that cases #2011-37 and 2011-38 have no evidence to sustain. Dr. Citrano seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Stricklin made a motion that case #2011-58 has no evidence to sustain. Dr. Citrano seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Pope made a motion that cases 2011-12 and 2011-13 have no evidence to sustain. Dr. Willis seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the case team leader and the dental hygiene member abstaining from the vote.

Members reviewed Dr. David W. Cowan's application for Portable Dental Operation Licensure. Dr. Cowan's equipment will be scheduled for inspection. If he has more than one set of equipment each set is required to be inspected and approved before use.

Dr. Wells made a motion to approve Dental Licensure by Regional Exam for Afton Cowen, D.M.D. Dr. Citrano seconded the motion. Dr. Willis made a motion to amend the original motion to require Dr. Cowen to sign an affidavit that she has not practiced dentistry in the State of Alabama previous to being awarded a license. Dr. Citrano seconded the amended motion. There was no discussion or opposition and the motion was approved by general consent with the dental hygiene member abstaining from the vote.

Dr. Northcutt made a motion to approve Special Purpose Dental Licensure for 3 Years for Jeffery B. Price, D.D.S., M.S. Dr. Stricklin seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the dental hygiene member abstaining from the vote.

Dr. Stricklin made a motion to approve Dental Licensure by Credentials for Slavoljub Djuric, D.M.D. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the dental hygiene member abstaining from the vote.

Ms. Alexander gave the Dental Hygiene Report. In reviewing documents and fees for the 2012-2013 ADHP, she recommended that all students purchase the ADHP Training Video so as not to depend on their instructor having one. Ms. Alexander also recommended that the fees for the ADHP Manual, ADHP Training Video, and Instructional Materials be combined and listed as a single \$225.00 fee. Dr. Wells made a motion to set the ADHP 2012-2013 fee at \$700.00 which will include a \$225.00 fee for Instructional Materials and include the ADHP Training Video. Dr. Willis seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Ms. Alexander invited members to be part-time presenters at ADHP sessions. This concluded Ms. Alexander's report.

Ms. Wilhelm gave the Executive Director Report. She also distributed and discussed the Sunset Findings Report. Dr. Northcutt asked Ms. Wilhelm to add the status of current legislation to her future reports.

Ms. Wilhelm asked members if staff were allowed or required to give licensees a list of entities who have requested and obtained their public information. Counsel advised that the Board is not required to track public requests for this information. Members orally agreed to continue the office practice of not supplying this information to licensees.

Dr. Northcutt asked Ms. Wilhelm if she would invite Mr. Garrett on behalf of the President of the Board to attend a couple of Board meetings now that she is in the Executive Director position in order for her to become acquainted with him and get his advice on any issues or questions she might have.

Ms. Wilhelm reminded members to write and send their newsletter articles. Members complimented Ms. Wilhelm on doing a good job in all aspects of her new position.

At 11:45 the President announced a 15-minute break.

Dr. Stricklin mentioned how smoothly his office radiation inspection went since he had previously consulted the guidelines for radiation safety and complied with them. He wrote an article for the next newsletter outlining these guidelines.

Dr. Dixon gave the Attorney Report. She gave the status of an open case that was continued and will probably be rescheduled for April. This concluded Dr. Dixon's report.

Dr. Northcutt gave the Legislative/Rules Committee report. The committee recommended no action other than Board Rule modifications at this time. This concluded Dr. Northcutt's report.

The Internal Reconstruction Committee did not meet. Members decided to disband this committee.

The President asked Mr. McAdams about the status of inspections of UAB SOD rotation sites. Some of the sites on his list will not open until later this year and therefore will not need to be inspected this year. Mr. McAdams will use the assistance of current members as well as contact retired Board members for assistance in executing inspections.

At 1:45 p.m. Dr. Pope made a motion to adjourn the meeting. Dr. Wells seconded the motion and the President asked all who approved to say, "Aye." All approved and the meeting was adjourned.

Respectfully Submitted,



Dr. Bobby R. Wells
Secretary/Treasurer

Approved: Feb. 2, 2012
Submitted by: Linda M. Savarese