

BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES

Board Meeting

Thursday July 7, 2011

The Board of Dental Examiners of Alabama met Thursday July 7, 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, Dr. Stephen 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, 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 June 2-3, 2011. Dr. Stricklin moved to approve the minutes as presented and Ms. Alexander seconded. There were no objections; the motion passed by general consent.

Dr. Northcutt presented the financial report. Dr. Pope made a motion to accept the report as presented and Dr. Wells seconded. There were no objections; the motion passed by general consent.

In that there were no guests, there were no public comments.

A draft contract was presented to engage Dr. Dixon for legal services. Discussion ensued and several changes were made to the draft. Dr. Northcutt made a motion to accept the emergency 60-day contract with noted changes. Dr. Stricklin 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, and Ms. Alexander, yea. The motion carried 7-0.

The President distributed licensing applications for members to review for approval when the meeting resumes on July 8.

At 6:25 p.m. Dr. Wells made a motion to retire to executive session returning to public session at approximately 7:00 p.m. for the discussion of the general reputation, character, and/or professional competence of licensees and for the discussion of pending litigation. Dr. Mahan seconded, 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, and Ms. Alexander, yea. The motion carried 7-0.

At 6:40 p.m. the Board retired from executive session.

Dr. Northcutt made a motion to approve dental licensure by Regional Exam for Jeffery Kyle Battles based on successful completion of the jurisprudence exam. Dr. Mahan seconded the motion and there were no objections; the motion passed by general consent.

Ms. Alexander made a motion to approve dental hygiene licensure by State Board for Elizabeth Johnson. Dr. Mahan seconded the motion, there were no objections; the motion passed by general consent.

Dr. Northcutt spoke about the need to follow protocol regarding complaints and hearings. Dr. Dixon Donna presented a draft document outlining procedures for handling complaints. Dr. Northcutt has been working on a protocol for this subject and will present his draft at the next meeting.

Dr. Willis announced that Mr. Windom advised him that the Governor has signed the Board's bill 2011-571. Mr. Windom will be available by phone only for any questions at this meeting but he will be present for the August meeting. The Sunset meeting is scheduled for August 25 in Montgomery. The format will be a question and answer session after which a bill will be formulated to continue the Board, hopefully for 4 years.

Members discussed an email from Cyndy Barton, Network Integrity Representative of BCBS of AL requesting clarification of the legality of a dentist to prescribe Continuous Positive Airway Pressure (CPAP). She has received claims where dentists have prescribed sleep studies and the use of CPAP. There was discussion. Dr. Northcutt made a motion that the Board opines that it is outside the scope of practice for a dentist to order a sleep study or prescribe a CPAP as a result of interpreting a sleep study. After a positive diagnosis of sleep apnea by a physician a dentist may prescribe an intra oral sleep disorder appliance. It is within the scope of practice for a dentist to fabricate an anti-snoring appliance. Dr. Stricklin seconded the motion, there were no objections; the motion passed by general consent. Mr. Vondereau will notify Ms. Barton that the Board has posted an official position on its website.

Dr. Willis presented Report of an Adverse Occurrence sent by Dr. Lori Adamson. There was discussion and the consensus was that the occurrence was handled in a proper and professional manner.

A request for CE waiver from Dr. Janniece Brown was presented. After discussion Dr. Northcutt made a motion to deny the request for waiver of CPR continuing education (CE) for this licensee. Dr. Mahan seconded the motion and there was discussion. The President called for the question and moved for the previous motion; Dr. Mahan seconded: Dr. Pope, yea, Dr. Northcutt, yea, Dr. Willis, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Ms. Alexander abstained. The motion carried 6-0 with the dental hygiene member abstaining from the vote. Counsel will advise Dr. Brown that her request for waiver has been denied but could be further reviewed if she would request a particular time frame in which she expects to be able to obtain the CPR CE credit.

At 7:55 p.m. Dr. Northcutt made a motion to retire to executive session. There was discussion after which Dr. Northcutt withdrew his motion. Dr. Willis asked if all present at the meeting except members and the administrative person taking the minutes would voluntarily leave the room. All staff left the room, and with door open the meeting continued. Members had an open discussion about procedures that were followed or not followed in regards to a complaint and noticing for a hearing.

At 9:00 p.m. the Board's discussions concluded and staff were invited to return to the meeting.

At 9:03 Dr. Willis called recess until Friday July 8 at 8:30 a.m.

MINUTES
Board Meeting
Friday, July 8, 2011

The meeting of the Board of Dental Examiners of Alabama reconvened at 8:45 a.m. Friday, June 3, 2011 at the Board Office in Hoover, Alabama in order to conduct business.

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, and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Mr. Keith E. Warren, Executive Director, Dr. Donna L. Dixon, Legal Services, Dr. Michael C. Garver, D.M.D., Director Alabama Dental Professionals' Wellness Committee, Mr. Nick Vondereau, Administrator, Mr. Stanley McAdams, Investigator, 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.

At 8:45 a.m. Ms. Alexander made a motion to retire to executive session returning to public session at approximately 10:00 a.m. for the discussion of the general reputation, character, and/or professional competence of licensees. The motion was seconded by Dr. Mahan; Counsel approved and the President called for the vote: Dr. Wells, yea, Dr. Mahan, yea, Dr. Willis, yea, Dr. Pope, yea, and Ms. Alexander, yea. The motion carried 5-0.

At 9:30 a.m. the Board retired from executive session. At this time the Board recessed for 15 minutes and then returned to public session.

Dr. Willis made a motion that Case #2011-33 has no evidence to sustain. Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion that a letter will be sent to the licensee who made a complaint against the Board informing him that his complaint has been reviewed but the Board can only accept complaints against licensees. Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Mahan made a motion that Case # 2011-34 has no evidence to sustain. Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion regarding Case #2011-46 to send a letter of concern to the Respondent informing him/her that the Board is concerned with the Respondent's activities and if these continue the Board will further escalate investigation. Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion to approve dental licensure by Credentials for Shai Hall, DDS based on successful completion of the jurisprudence exam. Dr. Mahan seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion to approve instate dental licensure by Regional Exam for the following applicants based on successful completion of the jurisprudence exam:

Rana Ahmad, DMD, Dominique Askew, DDS, Franklin Awah, DDS, Jared Bauerle, DMD, Logan Cooner, DMD, Michael Gamotis, DMD, Lionel Gibson, DMD, Hong Lao, DMD, Nathaniel Lawson, Ankit Patel, DMD, Christen Quattlebaum, DMD, Melissa Roden, DMD, Kyle Trammel, DMD, Phillip Greer, DMD

Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion to approve out-of-state dental licensure by Regional Exam for the following applicants based on successful completion of the jurisprudence exam:

Kayla Barnett, DDS, Robert Ferrell, DDS, Susanna Goggin, DMD, Kisha Steele, DDS

Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Ms. Alexander made a motion to approve dental hygiene licensure by Regional Exam for the following applicants based on successful completion of the jurisprudence exam:

Mandy Overstreet, RDH, Amber Palmer, RDH, Elana Price, RDH, Kerra Slauson, RDH, Molly Slauson, RDH, Chancey Taylor, RDH, Yeon Woo, RDH, Tara Bailey, RDH

Dr. Wells seconded the motion and there were no objections. The motion passed by general consent.

Dr. Willis made a motion to approve Special Purpose dental licensure for Michelle Getz, DMD to practice up to ten (10) times in one (1) year. Dr. Wells seconded the motion and there were no objections. The motion passed by general consent with the dental hygiene member abstaining from the vote.

Dr. Willis announced that he and Dr. Wells will attend a CITA exam in Nashville on September 23-24, 2011. They will apply for out-of-state approval.

Ms. Alexander gave the Dental Hygiene report. There was one clinical failure. They discussed date options for retake and decided to allow the applicant to retake the exam August 4. Ms. Alexander will meet the applicant that morning at UAB and Dr. Wells will perform the start-up check. Dr. Pope, Dr. Mahan, and Dr. Wells will arrive later to grade.

Ms. Alexander distributed sample hygiene instruments manufactured by an alternate company than currently being used and asked the Board's opinion on allowing students to purchase these from the retail provider because of competitive pricing. The Board verbally agreed to allow students to purchase instrument from the current retail provider if the store obtain bids from two manufacturers and choose the lowest bid as long as the quality of product is the same or better.

Ms. Alexander announced totals for ADHP enrollment and totals of those who took and passed the Board Hygiene Exam this year and compared them to figures from 2010. Feedback from

assistants at the exam revealed that some graders expressed to the patient “what a good job” the student hygienist did. She cautioned members not to express these sentiments when grading clinical exams. The first class of the 2011-2012 ADHP is scheduled for July 9, 2011.

Ms. Alexander had some questions about Tri-State Institute and their dental hygiene program. She was given a catalog defining their dental assistant program and Dr. Dr. Willis will use the contact information to talk with someone at that Institute about their programs. This concluded Ms. Alexander’s report.

Mr. Warren gave the Executive Director’s report. Members were viewing this meeting’s agenda on newly purchased electronic Dell Netbooks. He informed members that they can authorize the purchase of Microsoft Office software to be installed on them. Each software unit allows for 3 installations. Separate CD drives have just arrived for each unit. Dr. Willis made a motion to authorize Mr. Warren to purchase MS Office software for the NetBooks. Dr. Wells seconded the motion, there were no objections; the motion passed by general consent.

Mr. Warren announced that the office licensee database has been updated and enhanced and is being prepared for this year’s online renewals, voting, and licensee directory. Software representatives will host a training session for staff. The online directory will have a large variety of searching options. After discussion members orally agreed to send paper renewals this year along with a note advising the option of renewing and voting online and also stating that this is the last year for paper renewals. Renewals for 2013 will be mandatory online.

Dr. Citrano is the only nominee for Board member this year. Ballots will be mailed with registration because there is a provision in Alabama Code for write-ins. If licensees choose to renew online this year they will be allowed to vote only once after completing their renewal and will have the option to write in a nomination. Next year voting will take place only online along with renewal. Voting will only be allowed once after a licensee has completed online renewal. This concluded Mr. Warren’s report.

Dr. Mahan gave the Internal Restructuring Committee report. The committee met yesterday afternoon. Mr. Warren advised that the new building in Montgomery could possibly be ready for the Board to move into by April 2012.

On Friday July 22 at 2:00 p.m. there will be a Dental Hygiene Foundation meeting in Montgomery. Letters have been mailed to invite 14 licensees to participate in a task force for moving forward with the Foundation. So far 11 have confirmed attendance. The meeting will include speakers who will present various topics such as the benefits of creating this foundation, suggestions for funding, bylaws, articles of incorporation, etc. UAB Dean Ready will be invited to formally discuss the relationship of the Foundation with UAB and a timeline for the Foundation to be formally established. This concluded Dr. Mahan’s report.

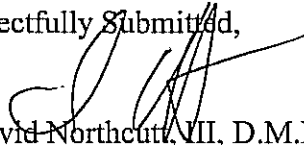
Dr. Willis gave a report on the Legislative/Rules Committee. Because the Board’s bill was passed there is now a need to rewrite or expand on some Rules. The Committee will be reviewing needed changes and proposing proper wording for Rule changes.

Ms. Alexander brought up the need to reword Rule 270-X- 3.04(8) that defines the ADHP as *...under the auspices of the Board*. This statement will not apply if the program becomes a separate Foundation.

Rule must be created to define registration of 501(c)(3) facilities. Mr. Hodtwalker read a draft for that Rule that Dr. Willis had written. Dr. Willis will fine tune the draft and send it to members for review. This concluded Dr. Willis's report.

The next meeting of the Board is scheduled for August 4-5, 2011. There being no further business Dr. Willis adjourned the meeting at 11:00 a.m.

Respectfully Submitted,


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

Approved: 8/4/2011
Submitted by: Linda M. Savarese

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
May 2011

Ordinary Income/Expense	<u>May 11</u>	<u>Budget</u>	<u>Oct '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Income					
540 - Special Purpose Dental Lic Fee	400.00		700.00		
527-3 - Administrative Fines	3,647.50		6,856.50		
650 - Admin. Fees (Deferred Agreement	0.00		3,000.00		
617 - MDF Permits	750.00		750.00		
501 - Annual Dental Registration	0.00		143,030.00	491,800.00	491,800.00
502 - Annual Hygiene Registration	65.00		107,510.00	259,350.00	259,350.00
503 - Controlled Substance Fee	1,250.00		70,395.00	226,090.00	226,090.00
504 - Annual Teaching Permits	0.00		2,400.00	4,200.00	4,200.00
505 - ADHP Certification	3,075.00	833.33	6,900.00	6,666.68	10,000.00
507 - Drug Log Books	14.00	41.67	322.00	333.32	500.00
508 - ADHP	33,250.00	21,000.00	44,650.00	63,000.00	63,000.00
509 - Dental Exam Fee	2,100.00	1,400.00	6,400.00	11,200.00	16,800.00
510 - Original License Fee	3,750.00	462.50	5,330.00	3,700.00	5,550.00
511 - Licenses Reprint Fee	175.00	83.33	875.00	666.68	1,000.00
512 - Dental Hygiene Exam Fee	19,875.00	1,666.67	22,800.00	13,333.32	20,000.00
513 - Directory Fee	75.00	333.33	2,156.00	2,666.68	4,000.00
514 - Materials Fee for Exam	12,900.00	625.00	13,800.00	5,000.00	7,500.00
515 - Penalty Fee	200.00	500.00	5,240.00	4,000.00	6,000.00
516 - Privilege License Money	0.00		0.00	19,000.00	19,000.00
517 - Interest Inc - checking	63.51	120.00	589.87	960.00	1,440.00
518 - Parental Sedation Permit Fee	0.00		1,800.00	8,000.00	8,000.00
519 - Anesthesia Permit	0.00		6,800.00	26,200.00	26,200.00
521 - Other Income	0.00	41.67	0.00	333.32	500.00
526 - ADHP Materials	13,575.00	31,500.00	18,275.00	94,500.00	94,500.00
527 - Disciplinary Fines (Prior)	0.00		17,250.00		
527-1 - Administrative Costs	500.00	125.00	5,500.00	1,000.00	1,500.00
528 - Initial Anesthesia Evaluation	1,800.00	600.00	9,000.00	4,800.00	7,200.00
529 - OCS Annual Reg. Fee	100.00		6,150.00	16,650.00	16,650.00
530 - Licensure By Credentials	0.00	1,000.00	28,000.00	8,000.00	12,000.00
531 - RETURNED CHECK CHARGES	0.00	25.00	570.00	200.00	300.00
533 - Dental Lic. Bd Exam Application	4,200.00	1,166.67	8,600.00	9,333.32	14,000.00
800 - 800-OVERPAYMENTS	200.00		105.00		
Total Income	<u>101,965.01</u>	<u>61,524.17</u>	<u>545,754.37</u>	<u>1,280,983.32</u>	<u>1,317,080.00</u>

*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
May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Oct '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Gross Profit	101,965.01	61,524.17	545,754.37	1,280,983.32	1,317,080.00
Expense					
0902-0 · NPDB HIPDB License Background	0.00	33.33	228.00	266.68	400.00
0100-0 · Personnel Costs	23,108.01	31,726.04	189,758.98	253,808.34	380,712.50
0114-0 · Board Member Compensation	5,700.00	7,666.67	54,950.00	61,333.32	92,000.00
0198-0 · Bonus	0.00		1,100.00	800.00	800.00
0201-0 · Payroll Expenses	2,189.79	4,583.33	18,107.35	36,666.68	55,000.00
0202-0 · Pension Plan	0.00		39,366.50	30,000.00	30,000.00
0203-0 · Medical Insurance	0.00	2,583.33	23,616.00	20,666.68	31,000.00
0204-0 · Workman Comp. Ins.	0.00		6,265.75	5,700.00	5,700.00
0300-0 · Travel - In-State	307.38	3,333.33	19,102.71	26,666.68	40,000.00
0400-0 · Travel - Out-of-State	10,498.27	2,291.67	18,061.48	18,333.32	27,500.00
0500-0 · Repairs & Maintenance	437.04	166.67	1,748.16	1,333.32	2,000.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	666.68	1,000.00
0602-1 · Rent on Building	6,992.00	6,916.67	55,936.00	55,333.32	83,000.00
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	1,775.08	795.83	7,130.79	6,366.68	9,550.00
0700-3 · Utilities - Power	486.08	901.46	5,375.12	7,211.66	10,817.50
Total 0700-0 · Utilities & Communications	<u>2,261.16</u>	<u>1,697.29</u>	<u>12,505.91</u>	<u>13,578.34</u>	<u>20,367.50</u>
0800-0 · Professional Services	7,454.59	9,783.33	68,223.47	78,266.68	117,400.00
0800-1 · Membership Dues & Subscriptions	677.25	416.67	6,309.55	3,333.32	5,000.00
0801-0 · Board Attorney Fees					
0801-2 · Hendon Blaylock Coody	6,262.50		6,262.50		
0801-0 · Board Attorney Fees - Other	0.00	4,166.67	58,832.10	33,333.32	50,000.00
Total 0801-0 · Board Attorney Fees	<u>6,262.50</u>	<u>4,166.67</u>	<u>65,094.60</u>	<u>33,333.32</u>	<u>50,000.00</u>
0840-0 · CONSULTANTS	25,500.00	9,500.00	92,271.50	76,000.00	114,000.00
0899-1 · Evaluator Fees	0.00	500.00	2,525.00	4,000.00	6,000.00
0899-2 · Hearing Officer Fees	0.00	833.33	10,384.12	6,666.68	10,000.00
0899-6 · A.D.H.P. Materials & Supplies	0.00	31,500.00	0.00	94,500.00	94,500.00
0900-0 · Office Expense	2,195.47	833.33	8,389.24	6,666.68	10,000.00
0900-1 · Recycle / Paper Disposal	61.30	100.00	604.95	800.00	1,200.00

*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
May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Oct '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
0906-0 · Printing & Supplies	3,068.65	1,250.00	4,727.30	10,000.00	15,000.00
0910-0 · Postage	0.00	1,666.67	5,000.00	13,333.32	20,000.00
0924-0 · Insurance	3,050.33		12,401.33	12,000.00	12,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	1,521.50	2,500.00	25,830.68	20,000.00	30,000.00
0944-1 · Computer Support	431.06	2,500.00	5,952.90	20,000.00	30,000.00
0944 · Computer Expenses - Other	0.00		1,071.00		
Total 0944 · Computer Expenses	<u>1,952.56</u>	<u>5,000.00</u>	<u>32,854.58</u>	<u>40,000.00</u>	<u>60,000.00</u>
0951-0 · NSF	381.50	166.67	5,198.50	1,333.32	2,000.00
0999-0 · MISC.	61.00	666.67	17,685.54	5,333.32	8,000.00
1000-0 · Auto Expense	40.50		788.71		
1000-1 · Vehicle Repairs & Maint.	0.00	208.33	521.25	1,666.68	2,500.00
1000-2 · Vehicle Fuel	485.79	416.67	2,481.96	3,333.32	5,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	797.78	1,250.00	9,264.78	10,000.00	15,000.00
Total 1400-0 · Equipment	<u>797.78</u>	<u>1,250.00</u>	<u>9,264.78</u>	<u>10,000.00</u>	<u>15,000.00</u>
Total Expense	<u>103,482.87</u>	<u>129,340.00</u>	<u>785,473.22</u>	<u>925,720.00</u>	<u>1,317,080.00</u>
Net Ordinary Income	-1,517.86	-67,815.83	-239,718.85	355,263.32	0.00
Other Income/Expense					
Other Income					
550 · Hygiene Exam UAB Facility Fee	12,900.00		13,800.00		
527-2 · ADPWC - Monitoring Fee	775.00		6,600.00		
503-1 · CONTROLLED SUBSTANCE STATE FEE	100.00		-33,630.00		
524 · NSF Checks	0.00		4,815.00		
Total Other Income	<u>13,775.00</u>		<u>-8,415.00</u>		
Net Other Income	<u>13,775.00</u>		<u>-8,415.00</u>		
Net Income	<u>12,257.14</u>	<u>-67,815.83</u>	<u>-248,133.85</u>	<u>355,263.32</u>	<u>0.00</u>

*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.