

BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES

Board Meeting

Thursday March 3, 2011

The Board of Dental Examiners of Alabama met Thursday March 3, 2011 at the Board Office in Hoover, Alabama in order to conduct business.

The President called the meeting to order at 6:10 p.m. with the following members in attendance: Dr. Thomas T. Willis, President, Dr. S. Michael Mahan, Jr., Vice President, 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.

Dr. Willis welcomed guests. Copies of the agenda and financial report had been distributed to them.

The President invited Mr. Windom to report on the draft for proposed legislative changes. He has incorporated some recommendations from ALDA and the Sarrell staff. The bill should be ready to be introduced Tuesday March 8 and hopefully put on the agenda by the week of the 21st. Mr. Windom concluded his report at 6:15 and was dismissed from the meeting.

The President called for review of the minutes from the meeting held February 3-4, 2011. There were no additions or corrections needed. Dr. Wells made a motion to accept the minutes as presented. Dr. Stricklin seconded the motion and it was unanimously approved by the Board.

In the absence of the Secretary/Treasurer, the President presented the financial report. After review of the report Dr. Mahan made a motion to approve it as presented. Dr. Wells seconded the motion and it was unanimously approved by the Board.

Dr. Willis invited public comments from the guests; there were none at this time.

Dr. Willis asked if there was any old business to discuss; there was none.

Dr. Willis presented the test results from the February CITA exam. He showed projected pictures of the failures of the clinical test. All agreed that none of the failures could be contested. Out of 51 examinees 10 failed at least one part of the exam. Dr. Willis commended Ms. Alexander for an outstanding job as Test Site Administrator (TSA) at CITA. Dr. Dixon commented that current testing is done quite differently from when she took the State Board Exam.

Dr. Willis cited the request for nomination for review committee and public member at the Commission on Dental Accreditation (CODA). He invited any members who had the inclination to volunteer for a position to do so.

A projected presentation was shown on *Lasers in Dentistry* sent by the Academy of Laser Dentistry (ALD) as an FYI. Dr. Willis commented on text and pictures. In Alabama, only dentists are allowed to use lasers.

Dr. Willis noted the Report on *More Schools Request Onsite Dental Services* downloaded from DrBicuspid.com. He noted that the Alabama Board is not listed in that article as one who advocates mobile facilities. He also said that the use of mobile facilities will be increasing in the future and will require Board attention. At present, mobile facilities must obtain a permit and be inspected by the Board.

Ms. Alexander gave report on Dental Hygiene. The study session held Friday evening before the last ADHP class had 106 attendees. Currently tests are not returned for review but reviewing test results may be included in the 2011-2012 session. Historically, a meeting is not scheduled for March. The May meeting will be the last one before Board exam. At present there are about 120 of the original 140 students in the program. This concluded Ms. Alexander's report.

Dr. Stricklin told about a document just published by the American Dental Association on access to care. He encouraged all members to read it.

Dr. Willis gave a report on the Legislative/Rules Committee. He stated that Mr. Windom met with lobbyists from ALDA and Sarrell Dental Clinic and brought some of their suggestions for language change for the proposed bill to the committee. The proposed changes for the Practice Act are posted on the Board's website www.dentalboard.org. Dr. Chamoun, guest, announced that there will be another dental bill proposed to legislature but he did not indicate who was sponsoring it.

At 7:30 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 public session about 8:00 p.m. Dr. Pope seconded the motion, Counsel approved, and the President

called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 6-0.

At 8:10 pm Dr. Mahan made a motion to retire from executive session and return to public session. Dr. Pope seconded the motion and it was unanimously approved by the Board.

Ms. Alexander made a motion that regarding the request of a former ADHP graduate to retake the State Board Exam after having completed the ADHP in year 2000 and failing the State Board Exam 3 times that she would be required to take and successfully complete the ADHP again before sitting for the Board Exam. This motion was made because she has not been able to actively practice dental hygiene for an extended period of time. Dr. Stricklin seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 6-0. Counsel will advise the requestor of the Board's decision by letter.

At 8:20 p.m. Dr. Stricklin made a motion to recess until Friday morning March 4 at 8:30 a.m. Ms. Alexander seconded the motion and it was unanimously approved by the Board.

MINUTES
Board Meeting
Friday, March 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 reconvened the meeting at 8:40 a.m. with the following members in attendance: Dr. Thomas T. Willis, President, Dr. S. Michael Mahan, Jr., Vice President, 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, 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.

At 8:42 a.m. Dr. Stricklin 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 about 11:00 a.m. Dr. Mahan seconded the motion, Counsel approved, and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 6-0.

At 11:08 Dr. Mahan made a motion to retire from executive session and return to public session. Dr. Wells seconded the motion and it was unanimously approved by the Board.

Dr. Mahan made a motion to reinstate dental license of the respondent in Case #2010-40 in accordance with the outline submitted in the practice structure by the treatment facility; and if the respondent applies for a controlled substance permit, the following will be monitored: prescriptions will be written in triplicate with a copy sent to Dr. Garver and compliance with any other restrictions that the Board deems necessary to add. Dr. Stricklin seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 5-0 with the Hygiene member abstaining from the vote.

Dr. Wells made a motion to assess a \$500.00 fine against the respondents in cases 2011-16 and 2011-21 for practicing dentistry while license was suspended due to failure to timely obtain and pay the required fee for annual registration for calendar year January 1, 2011 – December 31, 2011. Dr. Stricklin seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 5-0 with the Hygiene member abstaining from the vote.

Dr. Wells made a motion to assess a \$500.00 fine against the respondents in Cases # 2011-22, 2011-23, 2011-24, 2011-25, 2011-26, and 2011-27 for allowing an employee to perform the duties of a licensed dental hygienist in his/her office while the hygienist's license was suspended

due to failure to timely obtain and pay the required fee for annual registration for calendar year January 1, 2011 – December 31, 2011. Dr. Mahan seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 5-0 with the Hygiene member abstaining from the vote.

Ms. Alexander made a motion to assess a \$250.00 fine against respondents in Cases #2011-14, 2011-15, 2011-17, 2011-18, 2011-19, 2011-20 for practicing dental hygiene while license was suspended due to failure to timely obtain and pay the required fee for annual registration for calendar year January 1, 2011 – December 31, 2011. Dr. Mahan seconded the motion and the President called for the vote: Ms. Alexander, yea, Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 6-0.

Dr. Willis made a motion to close Cases # 2011-07, 2011-08, and 2011-09 based on the recent disciplinary actions of the Board against this licensee. The Board reserves the right to reopen these cases if the actions should be overturned by a higher court. Dr. Mahan seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 5-0 with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion to close Cases # 2010-27 and 2010-28. Dr. Wells seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 5-0 with the dental hygiene member abstaining from the vote.

Ms. Alexander made a motion to approve application for Dental Hygiene Licensure by Regional Exam for Ms. Rasheeda Reese, RDH. Dr. Wells seconded the motion and the President called for the vote: Ms. Alexander, yea, Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea. The motion carried 6-0.

Dr. Willis made a motion to call the respondent in Case # 2010-69 for a hearing. Dr. Wells seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. Wells, yea, Dr. Willis, yea, Dr. Pope, nay. The motion carried 3-1 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Stricklin made a motion to set the fee at \$500.00 for a Special Purpose License to practice dentistry or dental hygiene in the State of Alabama from across the state line for 3 years. Dr. Pope seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 6-0.

Dr. Wells made a motion to set the fee at \$100.00 for a Special Purpose License to practice dentistry or dental hygiene in the State of Alabama from across the state line for up to 10 times in one year only, renewable yearly. Dr. Mahan seconded the motion and the President called for the vote: Dr. Pope, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea, Dr. Willis, yea, Ms. Alexander, yea. The motion carried 6-0.

Ms. Alexander made a motion to approve Wallace State's request for partnership with HEALS Clinic to provide dental hygiene students for performing patient education, radiographs,

prophylaxis and sealants to HEALS clients under the direct supervision of Dr. Wade. Dr. Mahan seconded the motion and it was unanimously approved by the Board.

At 11:45 a.m. Ms. Sonya Lankford, Financial Secretary for the Board, was invited to join the meeting for discussion of the requirements to fulfill "Alabama residency" in regards to Licensure by Regional Exam. Dr. Mahan made a motion to amend the motion from the January 14, 2011 meeting. Original motion: *The Board will subscribe to alacourt.com in an effort to obtain criminal background checks on all instate residents that are applying for dental or dental hygiene licensure by any means whether licensure by regional exam, licensure by credentials or licensure by passing the state board exam and continue to require all out-of-state residents to obtain a PBIS background check. A \$25.00 fee will be added to all applications across the board to help cover the additional alacourt.com costs. This is a one-time fee that will also cover any additional background checks that may be needed on licensees. This background check will be conducted on applicants before they are accepted into the ADHP.* The amendment is to add: Residency is defined by the applicant having lived in the State of Alabama for at least the past 1 year as evidenced by presentation of driver's license and voter registration. Dr. Wells seconded the motion and it was unanimously approved by the Board.

Dr. Willis announced that there will be a calibration exercise at April's meeting to prepare for on-site inspections. The form will be sent to members for their review before the meeting.

Mr. Warren gave the Executive Director report. He has sent the Newsletter to the printer after making a few necessary changes regarding dates and dated issues.

Mr. Warren has signed a contract with Iron Data to update the Board's database/licensing program and configure it to support online directory and online registration. The funds are already in the budget for payment of these upgrades. Implementation and training will be scheduled for a week in June which will allow for time to train the staff for this year's renewals.

Mr. Warren will be presenting some necessary corrections in the employee manual at a future meeting.

The Sunset audit has begun. The report from the legal compliance audit should be received soon and will be reviewed at the next Board meeting.

Mr. Warren is preparing a proposal for a pay package for a permanent Executive Director. When completed and approved the search will begin to fill the position. This completed the Executive Director report.

At 12:15 p.m. the Board took a 30 minute break after which Dr. Willis made a motion to retire to executive session for the discussion of the general reputation, character, and/or professional competence of licensees and return to public session about 2:00 p.m. Dr. Stricklin seconded the motion, Counsel approved, and the President called for the vote: Ms. Alexander, yea, Dr. Pope, yea, Dr. Willis, yea, Dr. Mahan, yea, Dr. Wells, yea, Dr. Stricklin, yea. The motion carried 6-0.

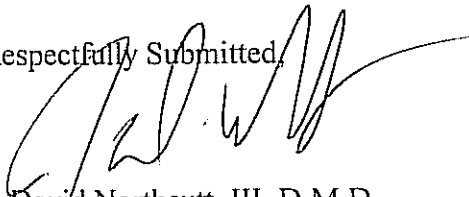
At 1:59 p.m. Dr. Stricklin made a motion to retire from executive session. Dr. Pope seconded the motion and it was unanimously approved by the Board.

There was discussion about going paperless with the monthly Agenda by using available laptops and/or purchasing any that are needed for members. Currently there are 4 idle computers that, while aren't efficient for office staff, might suffice for board meetings if upgrading them is cost efficient. Dr. Willis made a motion to pursue the purchase of or upgrading of laptops for each board member station and upgrading the Xerox copier/printer to a color machine. Dr. Stricklin seconded the motion and it was unanimously approved by the Board.

Dr. Mahan opened discussion about registration of dental assistants which would take legislative change in order to require. It will not be in the bill proposed this year but the Board will pursue it in the future. The current dental renewal form request but does not require a list of non-licensed allied dental personnel. Some dentists comply with providing the list but not all.

The next meeting of the Board is scheduled for April 7-8, 2011. There being no further business, at 2:25 p.m. Dr. Willis made a motion to adjourn the meeting. Ms. Alexander 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

	Jan 11	Budget	Oct '10 - Jan 11	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
527-3 · Administrative Fines	0.00		500.00		
501 · Annual Dental Registration	6,000.00		140,400.00	491,800.00	491,800.00
502 · Annual Hygiene Registration	5,060.00		106,720.00	259,350.00	259,350.00
503 · Controlled Substance Fee	3,375.00		67,540.00	226,090.00	226,090.00
504 · Annual Teaching Permits	150.00		2,250.00	4,200.00	4,200.00
505 · ADHP Certification	225.00	833.33	525.00	3,333.36	10,000.00
507 · Drug Log Books	42.00	41.67	231.00	166.64	500.00
508 · ADHP	0.00		0.00		63,000.00
509 · Dental Exam Fee	0.00	1,400.00	2,700.00	5,600.00	16,800.00
510 · Original License Fee	0.00	462.50	1,005.00	1,850.00	5,550.00
511 · Licenses Reprint Fee	50.00	83.33	400.00	333.36	1,000.00
512 · Dental Hygiene Exam Fee	200.00	1,666.67	800.00	6,666.64	20,000.00
513 · Directory Fee	475.00	333.33	1,424.00	1,333.36	4,000.00
514 · Materials Fee for Exam	0.00	625.00	0.00	2,500.00	7,500.00
515 · Penalty Fee	2,700.00	500.00	3,300.00	2,000.00	6,000.00
516 · Privilege License Money	0.00		0.00	19,000.00	19,000.00
517 · Interest Inc - checking	63.46	120.00	344.10	480.00	1,440.00
518 · Parental Sedation Permit Fee	200.00		1,600.00	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	166.64	500.00
526 · ADHP Materials	0.00		0.00		94,500.00
527 · Disciplinary Fines (Prior)	13,750.00		16,750.00		
527-1 · Administrative Costs	0.00	125.00	5,000.00	500.00	1,500.00
528 · Initial Anesthesia Evaluation	900.00	600.00	4,500.00	2,400.00	7,200.00
529 · OCS Annual Reg. Fee	200.00		5,550.00	16,650.00	16,650.00
530 · Licensure By Credentials	0.00	1,000.00	10,000.00	4,000.00	12,000.00
531 · RETURNED CHECK CHARGES	270.00	25.00	450.00	100.00	300.00
533 · Dental Lic. Bd Exam Application	0.00	1,166.67	1,800.00	4,666.64	14,000.00
800 · 800-OVERPAYMENTS	-15.00		-85.00		
Total Income	33,645.46	9,024.17	380,504.10	1,087,386.64	1,317,080.00
Gross Profit	33,645.46	9,024.17	380,504.10	1,087,386.64	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 years.

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

03/2011 Bd Meeting
Bank Bal as of 01/31/2011
Checking \$1,024,079.48
Money Market \$300,094.62

	Jan 11	Budget	Oct '10 - Jan 11	YTD Budget	Annual Budget
Expense					
0902-0 · NPDB HIPDB License Background	0.00	33.33	152.00	133.36	400.00
0100-0 · Personnel Costs	22,721.78	31,726.04	94,695.08	126,904.18	380,712.50
0114-0 · Board Member Compensation	5,100.00	7,666.67	29,200.00	30,666.64	92,000.00
0198-0 · Bonus	0.00		1,100.00	800.00	800.00
0201-0 · Payroll Expenses	2,582.86	4,563.33	8,502.78	18,333.36	55,000.00
0202-0 · Pension Plan	0.00		0.00		30,000.00
0203-0 · Medical Insurance	0.00	2,583.33	13,644.00	10,333.36	31,000.00
0204-0 · Workman Comp. Ins.	0.00		6,660.00	5,700.00	5,700.00
0300-0 · Travel - In-State	1,577.31	3,333.33	12,203.39	13,333.36	40,000.00
0400-0 · Travel - Out-of-State	0.00	2,291.67	5,793.26	9,166.64	27,500.00
0500-0 · Repairs & Maintenance	218.52	166.67	874.08	666.64	2,000.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	333.36	1,000.00
0602-1 · Rent on Building	6,992.00	6,916.67	27,968.00	27,666.64	83,000.00
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	1,762.65	795.83	3,833.29	3,183.36	9,550.00
0700-3 · Utilities - Power	783.73	901.46	2,522.69	3,605.82	10,817.50
Total 0700-0 · Utilities & Communications	2,546.38	1,697.29	6,355.98	6,789.18	20,367.50
0800-0 · Professional Services	8,888.34	9,783.33	35,334.61	39,133.36	117,400.00
0800-1 · Membership Dues & Subscriptions	945.00	416.67	3,977.80	1,666.64	5,000.00
0801-0 · Board Attorney Fees	15,194.20	4,166.67	39,722.10	16,666.64	50,000.00
0840-0 · CONSULTANTS	9,500.00	9,500.00	38,271.50	38,000.00	114,000.00
0899-1 · Evaluator Fees	0.00	500.00	2,525.00	2,000.00	6,000.00
0899-2 · Hearing Officer Fees	4,240.00	833.33	6,318.74	3,333.36	10,000.00
0899-6 · A.D.H.P. Materials & Supplies	0.00		0.00		94,500.00
0900-0 · Office Expense	0.00	833.33	4,867.19	3,333.36	10,000.00
0900-1 · Recycle / Paper Disposal	81.41	100.00	277.42	400.00	1,200.00
0906-0 · Printing & Supplies	201.98	1,250.00	1,428.77	5,000.00	15,000.00
0910-0 · Postage	1,000.00	1,666.67	4,000.00	6,666.64	20,000.00
0924-0 · Insurance	0.00		9,351.00	12,000.00	12,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	585.50	2,500.00	5,969.71	10,000.00	30,000.00
0944-1 · Computer Support	883.08	2,500.00	3,574.12	10,000.00	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 years.

BOARD OF DENTAL MINERS OF ALABAMA
Profit & Loss Budget Performance
January 2011

03/20 Meeting
Bank Bal as of 01/31/2011
Checking \$1,024,079.48
Money Market \$300,094.62

	Jan 11	Budget	Oct '10 - Jan 11	YTD Budget	Annual Budget
0944 · Computer Expenses - Other	0.00		714.00		
Total 0944 · Computer Expenses	1,468.58	5,000.00	10,257.93	20,000.00	60,000.00
0951-0 · NSF	723.50	166.67	1,810.50	666.64	2,000.00
0999-0 · MISC.	583.40	666.67	5,699.20	2,666.64	8,000.00
1000-0 · Auto Expense	0.00		428.00		
1000-1 · Vehicle Repairs & Maint.	0.00	208.33	457.02	833.36	2,500.00
1000-2 · Vehicle Fuel	259.28	416.67	1,175.95	1,666.64	5,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,706.12	1,250.00	6,051.52	5,000.00	15,000.00
Total 1400-0 · Equipment	1,706.12	1,250.00	6,051.52	5,000.00	15,000.00
Total Expense	86,530.66	97,840.00	379,102.72	409,860.00	1,317,080.00
Net Ordinary Income	-52,885.20	-88,815.83	1,401.36	677,526.64	0.00
Other Income/Expense					
Other Income					
503-1 · CONTROLLED SUBSTANCE STATE FEE	310.00		5,820.00		
524 · NSF Checks	650.00		1,410.00		
Total Other Income	960.00		7,230.00		
Net Other Income	960.00		7,230.00		
Net Income	-51,925.20	-88,815.83	8,631.36	677,526.64	0.00

*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.