



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
Thursday November 3, 2011

The Board of Dental Examiners of Alabama met Thursday November 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. David Northcutt, III, President, Hunter V. Dr. 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 Mr. Nick Vondereau, Administrator, 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 determined that a quorum was present, Counsel agreed.

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 October 13, 2011. Ms. Alexander made a motion to approve the minutes. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Willis made a motion to accept the minutes from October 14, 2011. Ms. Alexander seconded the motion. There was no discussion or opposition and Dr. Willis called for the vote: Ms. Alexander, yea, Dr. Citrano, yea, Dr. Wells, yea, Dr. Northcutt, abstain, Dr. Pope, yea, Dr. Willis, yea, Dr. Stricklin yea. The motion carried 6-0 with one abstention.

There was no financial report due to inaccuracies caused by the new, online renewal system. The Financial Secretary is working with E-Solutions and the database software company to work out the problems. Dr. Northcutt advised the Financial Secretary to call the auditors and advise them of this situation.

The President welcomed Dr. Gerry Walker, guest, and gave him the opportunity to voice comments. Dr. Walker said that he used the paper renewal this year after attempting to renew on line without success.

In Mr. Warren's absence Mr. Vondereau did not have anything to report regarding Sunset Findings. Dr. Northcutt said the Board has notified the Sunset Committee that we are reporting monthly on what has been accomplished.

Dr. Willis explained that members needed to elect 1 voting member and 1 alternate to the CITA Board of Directors as well as appoint members to committees. Ms. Alexander made a motion to elect Dr. Stricklin as voting member and Dr. Citrano alternate. There was no discussion or opposition and the motion was approved by general consent. The following were nominated and accepted for Committee appointments: Dr. Citrano and Dr. Stricklin will be on the Exam Committee; Dr. Pope will be on Quality Assurance Committee; Dr. Wells will be on the Budget Committee.

Dr. Willis presented two letters from the Mississippi Dental Board to CITA regarding the manner in which salary was determined for a Dental Operations Director. Members agreed to voice their concerns to CITA by either sending a letter or by joining in a conference call with Dr. Willis.

Dr. Northcutt advised members that upon recently interviewing a 2012 UAB SOD graduate for an Associate position in his office she told him that more of her fellow-graduates are planning to take the SRTA than the CITA. Some of the decisions seem to revolve around scheduling of the tests and some were because UAB required students to use a live patient for a mock perio exam leaving students without an acceptable patient for the CITA exam. SRTA doesn't require a live perio patient and this offered an out for students in that position.

At 6:30 Dr. Michael McCracken joined the meeting. He addressed the Board and requested approval of student rotations at Foundry Dental. Dr. Northcutt thanked Dr. McCracken for his continuing education course. He also asked Dr. McCracken to put his request in writing and send it to the Board for consideration. At 7:05 Dr. McCracken was dismissed from the meeting. There was discussion about his request. Dr. Willis made a motion to approve Foundry Dental as an approved educational facility contingent on approval of inspection of that facility and in compliance with Rules 270-X-4.02 and 270 X-2.01. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Willis presented a draft letter to the AADB Executive Council regarding their not having followed bylaws in their recent election for Third Vice President. He asked all members to sign the letter. There was discussion. Dr. Stricklin made a motion to accept the letter. Ms. Alexander seconded the motion. There was no discussion or opposition and the motion was approved by general consent. The letter will be printed, signed by all members, and mailed to the AAADB Executive Council.

Dr. Stricklin directed members to HealthyTeethAlabama.com and asked them to review it to determine if it qualifies as a referral service since licensees pay to be on the site. If this site is considered a referral service they must register with the Board and advise the public that the dentists have paid a fee to be included on their list according to Code of Alabama (1975) §34-9-19.1.

Dr. Dixon presented a draft Application for Registration of Portable Dental Operation and an Application for Registration of a Mobile Dental Facility. Dr. Willis made a motion to approve both forms. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Members reviewed a letter from Dr. Skipakevich requesting the Board's opinion on whether he would qualify to apply for an Alabama dental hygiene license. Dr. Dixon will reply by letter that as long as he complies with Rule 270-X-2.09 he is eligible to apply.

Dr. Willis made a motion to adjust the dates of Dr. McVey's recently conferred Special Purpose Dental License to be effective January 1, 2012 – December 31, 2012. Dr. Citrano seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Members reviewed a question from Dr. Allen C. Davis regarding student rotations to the SEARCH program at two clinics in Montgomery. Dr. Davis will be contacted and invited to address the Board with his request.

Dr. Willis distributed copies of the letter to the AADB Executive Council that was approved earlier in this meeting with changes. Dr. Willis made a motion to approve this edited letter over the one previously approved. Dr. Stricklin seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Proposed Rule changes were shown on a large monitor for review and discussion. Members orally agreed to contact the Executive Director of ALDA and invite him and/or others to participate in discussion of the proposed Ethical Guidelines for Board Members at the December meeting.

Members agreed on proposed changes in wording for Rule 270-x-4.09 regarding 501(c)(3) facilities. These changes will be made in preparation for presentation to Legislature early next year.

Dr. Pope asked for the office contact sheet to be updated and provided to members at the December meeting.

At 8:35 p.m. Dr. Willis made a motion to recess the meeting until Friday November 4. Dr. Citrano seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

MINUTES
Board Meeting
Friday, November 4, 2011

The meeting of the Board of Dental Examiners of Alabama reconvened at 8:35 a.m. Friday, November 4, 2011 at the Board Office in Hoover, Alabama in order to conduct business.

The following were 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, Dr. Sam J. Citrano, Jr., and Ms. Sandra Kay Alexander, R.D.H. Also in attendance were Mr. Nick Vondereau, Administrator, 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 agreed.

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 distributed licensure applications and asked members to review them.

Ms. Alexander made a motion to approve Hygiene Licensure by Regional Exam for Katheryn Selzer, R.D.H., Kali Tucker, R.D.H., Amber Whitworth, R.D.H., and Rebecca Baxter, R.D.H., based on successful completion of the jurisprudence exam. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Dr. Stricklin made a motion to approve Dental licensure by Credentials for Raymond H. Layne, D.D.S. Dr. Willis seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the hygiene member abstaining from the vote.

Dr. Pope made a motion to approve Dental Licensure by Regional Exam for Mariel Nortick, D.D.S. based on successful completion of the jurisprudence exam. Dr. Willis seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the hygiene member abstaining from the vote.

Dr. Wells made a motion to approve Dental Licensure by Regional Exam for Gerry Green, D.M.D. based on successful completion of the jurisprudence exam. Dr. Stricklin seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the hygiene member abstaining from the vote.

Dr. Citrano made a motion to approve Dental Licensure by Regional Exam for John Farnham, D.M.D. based on successful completion of the jurisprudence exam. Dr. Wells seconded the motion. There was no discussion or opposition and the motion was approved by general consent with the hygiene member abstaining from the vote.

Dr. Willis made a motion to approve Special Purpose Dental Licensure for 3 years for Saravana Karunakaran, B.D.S. based on successful completion of the jurisprudence exam. Dr. Stricklin seconded the motion. There was no discussion or opposition and the motion was approved by general consent.

Ms. Alexander gave the Dental Hygiene report. She will be conducting the study session tonight for this month's ADHP class. Dr. Michael Boykin and Dr. Ken Tilashaiski will be lecturing for this weekend of November 5-6 for ADHP. Ms. Alexander said that she approves the Rule proposals that pertain to Dental Hygiene. Dr. Northcutt offered the Board's appreciation for her diligence in taking care of ADHP issues.

Mr. Garrett gave the Attorney Report. He informed members of the status of current legislation.

In Mr. Warren's absence, Mr. Vondereau did not have an Executive Director report.

The President reminded members that Mr. Warren and Mr. Vondereau will conclude their services with the Board at end of November and that this will create a vacuum as far as the secretarial staff is concerned. Dr. Northcutt recommended appointing Sonya Lankford as Interim Executive Secretary to make day-to-day decisions. He has spoken with her and she is willing to take on this responsibility. This position will be in place only until an Executive Director is hired and in place. A salary increase to accompany this additional responsibility will be considered at employee reviews which will be conducted on the morning of November 18 before interviews for the Executive Director position. If she has any questions during her tenure she will bring them to Dr. Northcutt's attention.

A question was brought up as to whether hearings are to be conducted in open or executive session. Mr. Garrett gave his opinion and there was more discussion. Dr. Willis made a motion to strike Rule 270-x-5.06(4) that allows a hearing to be held "...in executive or secret session if the character or good name of a woman or man is involved." Dr. Stricklin seconded the motion. There was more discussion. There was no opposition and the motion was approved by general consent. This Rule change will be added to the other proposed Rule changes to be presented to Legislature.

At 9:35 a.m. the President called for a 10 minute recess.

Sonya Lankford was invited to join the meeting and advise members about leasing Xerox Work Station #7775 with hole-punch capacity added. She advised that the current machine in the office is old and requires multiple servicing every month besides causing work-load problems. Dr. Stricklin made a motion to turn in the old machine and lease this new model. Dr. Citrano seconded the motion. The President asked for all in favor to say "Aye." All approved; none opposed. The motion carried 7-0.

Dr. Northcutt advised Ms. Lankford that she had been approved to be the Interim Executive Secretary and gave the Board's appreciation for her willingness to take on the added responsibility. He also made her aware that a salary increase will be incorporated in her annual employee review. If any staff is not doing an adequate job or needs reprimand she is to contact Dr. Northcutt. At 10:00 a.m. Ms. Lankford was dismissed from the meeting.

Appointments were made for the Legislative/Rules Committee for 2011-2012: Dr. Northcutt, Dr. Pope, Ms. Alexander, and Dr. Citrano. Dr. Pope will continue to chair the committee.

Appointments were made for the Internal Restructuring Committee for 2011-2012: Dr. Stricklin, Dr. Wells, Ms. Alexander, Dr. Willis, and Dr. Citrano. Dr. Stricklin will chair the committee.

Dr. Willis gave a report from the Internal Restructuring Committee. Currently 8 candidates have been interviewed for the Executive Director position. Ms. Lankford sat in on all the interviews so she could

inform the employees of where the Board stands. Two more interviews are set for the morning of November 18. More applicants will be contacted and set for interviews. The plan after doing the first round of interviews is to schedule a 2nd interview with the top 3 or 4. They may be scheduled to interview at the December Board meeting to give all members an opportunity to speak with them individually. The application period for this position closed October 14 as is noted on the Board's website.

Case team leaders reported on the cases to which they had been assigned and gave their recommendations for actions.

At 11:05 a.m. Dr. Stricklin left the meeting.

Dr. Pope made a motion to set Case #2011-60 for a hearing. Dr. Citrano seconded the motion. The President called for the vote: Dr. Pope, yea, Dr. Wells, yea, Dr. Citrano yea, Dr. Northcutt, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Wells made a motion to set Case #2010-06 for a hearing with the following terms for a Consent Order: 5 years suspension immediately reverting to probation with a \$1,500.00 disciplinary fine plus \$500.00 administrative fine, allowing 180 days for payment. Dr. Willis seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Pope, yea, Dr. Northcutt, yea, Dr. Wells, yea, Dr. Citrano, yea. The motion carried with the case team leader abstaining from the vote.

Dr. Wells made a motion that case #2011-61 has no evidence to sustain. Dr. Citrano seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Pope, yea, Dr. Northcutt, yea, Dr. Wells, yea, Dr. Citrano, yea. The motion carried 5-0 with the dental hygiene member abstaining from the vote.

Dr. Willis made a motion to accept a Consent Order for Case #2011-42 with the following conditions: \$500.00 per count for counts 1 and 2 plus an administrative fine of \$2,000.00 to total \$3,000 to be paid in 3 equal, monthly installments with the case team leader being given the authority to negotiate if necessary. Dr. Wells seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Pope, yea, Dr. Northcutt, yea, Dr. Wells, yea, Dr. Citrano, yea. The motion carried 5-0 with the dental hygiene member abstaining from the vote.

Dr. Wells made a motion that Case #2011-41 is outside of jurisdiction. Dr. Citrano seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Northcutt, yea, Dr. Wells, yea, Dr. Citrano, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Willis made a motion that Case #2011-43 has no evidence to sustain. Dr. Wells seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Wells, yea, Dr. Pope, yea, Dr. Citrano, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Wells made a motion that Case #2011-45 has no evidence to sustain. Dr. Citrano seconded the motion and the President called for the vote: Dr. Willis, yea, Dr. Wells, yea, Dr. Pope, yea, Dr. Citrano, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Pope made a motion to notice Case #2011-64 for a hearing. Dr. Willis seconded the motion. There was discussion and Dr. Wells amended the motion to set for a hearing after a letter of explanation. Dr. Willis seconded the amended motion and the President called for the vote: Dr. Willis, yea, Dr. Wells, yea, Dr. Pope, yea, Dr. Citrano, yea. The motion carried 4-0 with the case team leader and the dental hygiene member abstaining from the vote.

Dr. Northcutt recommended that Dr. Dixon and Mr. Hodtwalker be given printing rights at the office for use during while they are at Board meetings. All members orally agreed. This will be put into place when the new Xerox machine is installed.

At 11:20 the President announced a 15-minute break.

Dr. Dixon presented a draft Complaint Process Protocol. Dr. Willis made a motion to accept this draft as policy to handle all complaints. Ms. Alexander seconded the motion. There was discussion. There was no opposition and the motion was approved by general consent. Dr. Dixon will develop a protocol for investigations.

Mr. Garrett advised that he is willing to continue to assist the Board with his presence at meetings until he is no longer needed.

The next meeting of the Board is scheduled for December 1-2, 2011. There being no further business, at 11:55 p.m. Ms. Alexander made a motion to adjourn the meeting. Dr. Wells seconded the motion. The President asked all in favor to say, "Aye." All approved; none objected. The meeting was adjourned.

Respectfully Submitted,



Dr. Bobby R. Wells
Secretary/Treasurer

Approved: Dec 1, 2011
Submitted by: Linda M. Savarese