



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
Thursday February 4, 2010
6:30 p.m.

The Board of Dental Examiners of Alabama met on Thursday February 4, 2010 at the Board office in Hoover, Alabama in order to conduct business.

The meeting was called to order at 6:30 p.m. with the following members in attendance: Dr. Leo DeRosier (President), Ms. Renea Chapman, RDH (Vice President), Dr. Tom Willis, Jr. (Secretary-Treasurer), Dr. David Northcutt, Dr. Bobby Wells, and Dr. Hunter V. Pope. Also in attendance were Dr. Donna L. Dixon (General Counsel), Dr. Mike Garver, Chair of Wellness Committee, Mr. Keith E. Warren (Interim Executive Director), Mr. Stan McAdams (Investigator), Mr. Steve Windom, Legislative Consultant for the Board, Mr. Dennis Hodtwalker (Administrative Assistant), and Ms. Linda Savarese (Administrative Assistant). A quorum was present to conduct business.

Dr. Leo DeRosier welcomed members and guests: licensees from Alabama Dental Association.

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 minutes from the January 15, 2010 meeting were presented for approval. A motion to approve the minutes as presented was made by Ms. Renea Chapman and seconded by Dr. Hunter Pope. Dr. Leo DeRosier called for the vote and was unanimously approved by the board.

Dr. Tom Willis presented the Treasurer's report and distributed copies to the guests at the meeting. He recommended the acceptance of the report. Dr. David Northcutt made a motion to accept the Treasurer's report through December 2009 as presented. The motion was seconded by Dr. Hunter Pope and unanimously approved by the Board.

Mr. Steve Windom presented the final draft for proposed changes for the Dental Practice Act. Dr. Hunter Pope made a motion to drop the proposal language for appeals to be in Montgomery County Circuit Court from the legislation draft. Dr. Tom Willis seconded the motion and it was unanimously approved by the Board.

Dr. Tom Willis made a motion to drop the proposed addition of the words “negligence or” to Code of Alabama (1975) §34-9-18 (6). Dr. David Northcutt seconded the motion. After discussion, Dr. Leo DeRosier called for the vote. The motion was approved 4-2.

Ms. Renea Chapman made a motion to add “Dental Hygiene by Regional Exam Application Fee” to Code of Alabama (1975) §34-9-16 directly after “Dental Hygiene Licensure by Credentials Fee” with a minimum amount of \$55.00 and maximum amount of \$75.00. Dr. Leo DeRosier seconded the motion and it was unanimously approved by the Board.

Dr. David Northcutt made a motion to create a new bill with the proposal to add the words “negligence or” to Code of Alabama (1975) §34-9-18 (6). Dr. Hunter Pope seconded the motion and Dr. Leo DeRosier called for the vote. The motion failed 3-3.

Dr. Tom Willis presented a draft addition to Code of Alabama (1975) §34-9-6 (11) defining teeth whitening as a practice of dentistry. This proposal will be presented to the Alabama Dental Association ALDA for their comments.

Mr. Windom left the meeting at 8:07 p.m.

A public comment was made regarding dentists’ need for flexibility in obtaining continuing education credits by allowing 40 hours of CE over a 2-year period instead of mandating 20 hours in each fiscal year. Another public comment requested the Board consider allowing some practice management courses since many of the courses in this field are for the improvement of service to the patient. These items will be considered as agenda items for a future meeting.

Dr. Leo DeRosier asked the guests if they had any questions regarding the Treasurer’s report since they had time to review it. There were no questions.

There were discussions with the guests regarding Board regulation of 501(c)(3) facilities.

The Governor’s approval for Board members to travel to the Council of Interstate Testing Agencies (CITA) Mid-year Meeting in Chicago will be requested.

Dr. Tom Willis gave a report on topics that were covered at the Southern Deans and Dental Examiners’ Conference in Arlington, VA that he and Dr. Leo DeRosier attended.

The Board acknowledged that the University of Florida Radiology Department is offering radiographic interpretation service to Alabama dentists.

There was discussion about Southern Regional Testing Agency (SRTA). Dr. Tom Willis plans to attend their training as a guest.

Dr. Tom Willis made a motion for the Board to enter Executive Session at 9:08 p.m. for the discussion of the general reputation, character and/or professional competence of licensees. The motion was seconded by Dr. Leo DeRosier. Counsel orally approved. The motion was unanimously approved by the Board.

Dr. Tom Willis made a motion to come out of Executive session at 9:50 p.m. Dr. Hunter Pope seconded the motion and it was unanimously approved by the Board.

Dr. Tom Willis made a motion to adjourn the meeting at 9:55 p.m. and reconvene Friday February 5, 2010 at 8:30 a.m. The motion was seconded by Dr. David Northcutt and unanimously approved by the Board.

MINUTES
Board Meeting
Friday February 5, 2010
8:30 a.m.

The Board of Dental Examiners of Alabama met on Friday February 5, 2010 at the Board office in Hoover, Alabama in order to conduct business and a disciplinary hearing.

The meeting was called to order at 8:45 a.m. with the following members in attendance: Dr. Leo DeRosier (President), Ms. Renea Chapman, RDH (Vice President), Dr. Tom Willis, Jr. (Secretary-Treasurer), Dr. David Northcutt, Dr. Bobby Wells, and Dr. Hunter V. Pope. Also in attendance were Dr. Donna L. Dixon (General Counsel), Ms. Hendon Coody (Prosecutor), Dr. Mike Garver, Chair of Wellness Committee, Mr. Keith E. Warren (Interim Executive Director), Mr. Stan McAdams (Investigator), Mr. Dennis Hodtwalker (Administrative Assistant), and Ms. Linda Savarese (Administrative Assistant). A quorum was present to conduct business.

Dr. Tom Willis made a motion at 8:50 a.m. to go into Executive session for the discussion of the general reputation, character and/or professional competence of licensees and to conduct a disciplinary hearing for Dr. Louis Robert Mendel, license # 4005. The motion was seconded by Dr. Hunter Pope. Counsel orally approved. The motion was unanimously approved by the Board.

Dr. Tom Willis made a motion at 12:40 p.m. to come out of Executive Session and break for lunch. The motion was seconded by Dr. Leo DeRosier and unanimously approved by the Board.

The Board reconvened at 1:20 p.m.

Dr. David Northcutt made a motion to approve reinstatement of Dental Hygiene License for Gigi Smart with conditions. Ms. Renea Chapman seconded the motion and Dr. Leo DeRosier called for the vote. The motion passed 6-0.

Dr. Tom Willis made a motion to approve Dental Licensure by Credentials for Dr. Fredrico Dixon. Dr. Leo DeRosier seconded the motion and called for the vote. With Ms. Chapman abstaining from the vote, the motion was approved 5-0.

Dr. Tom Willis made a motion to approve Dental Licensure by Credentials for Dr. Marc Friduss with conditions. Dr. David Northcutt seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion was approved 4-1.

Dr. Tom Willis made a motion to approve reinstatement of Dental License for Patrick English with the condition that he signs a Consent Order to complete his continuing education in 60 days. Dr. David Northcutt seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion passed 5-0.

There was discussion regarding the assignment of a Board member to every Wellness case from this point forward. Dr. Mike Garver will be asked to inform the Board of new participants in the program and to return licensees' files to the Board.

Ms. Hendon Coody gave a report on closed and current hearings. Ms. Coody asked the Board to consider reviewing the current policy of allowing a licensee whose suspended license has reverted to probation to apply for reinstatement of license.

Dr. Tom Willis made a motion to approve Dental Licensure by Credentials for Dr. Julie Ann Dugan. Dr. David Northcutt seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion passed 5-0.

Dr. Tom Willis made a motion to advise Dr. Daniel Spears, who requested an opinion on his request for Licensure by Credentials without submitting an application or check for the fee, that there is no pre-requisite for pre-approval. Dr. Hunter Pope seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion passed 5-0. Dr. Spears will be informed to send his application and check as laid out in Board Rules 270-X-2.19 Licensure by Credentials.

Ms. Renea Chapman moved to approve Dental Hygiene Licensure by Regional Exam for Jennifer Hedding provided she successfully passes a jurisprudence exam. Dr. Tom Willis seconded the motion and Dr. Leo DeRosier called for the vote: The motion passed 6-0.

By oral consensus it was agreed that Dr. Donna Dixon would advise Dr. Martin Turk that there is no pre-requisite for pre-approval of Licensure by Credentials; he will be advised to apply to PBIS for a background check and send his application and check as laid out in Board Rules 270-X-2.19 Licensure by Credentials.

Ms. Renea Chapman made a motion to respond to Dr. Alvin Stevens' letter to the Board requesting direction regarding his future affiliation with the ADHP with a letter signed by the President of the Board. Dr. Leo DeRosier seconded the motion and it was unanimously approved by the Board.

Ms. Renea Chapman gave a report on the Alabama Dental Hygiene Program. She acknowledged Ms. Kay Alexander and Ms. Hilda Johnson for the excellent job they are doing with the program.

She also talked about the unfortunate situation of a dental hygiene student not being able to continue in the program because her instructor dropped the insurance that covered the dentist and candidate. Ms. Chapman will attempt to resolve the issue.

Ms. Renea Chapman made a motion to change the date for this year's Dental Hygiene Licensing exam from the previously set June 17-18, 2010 to June 21-22, 2010 because of unavailability of space at UAB. Dr. Tom Willis seconded the motion and it was unanimously approved by the Board.

Ms. Renea Chapman made a motion to accept fees for the 2010 ADHP Exam to include: exam fee \$125.00; materials fee \$100.00 and certificate fee \$25.00 totaling \$250.00. The motion was seconded by Dr. Tom Willis and unanimously approved by the Board.

Case #2009-91: Dr. David Northcutt made a motion to send a Letter of Concern to the Respondent. Dr. Tom Willis seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion passed 5-0.

Case #2009-72: Dr. David Northcutt made a motion that there is no evidence to sustain. Dr. Tom Willis seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion passed 5-0.

Case #2009-73: Dr. Tom Willis made a motion that there is no evidence to sustain. Dr. David Northcutt seconded the motion and Dr. Leo DeRosier called for the vote. With Ms. Chapman abstaining from the vote, the motion passed 5-0.

Keith E. Warren will order the printing and mailing of the 2010 Directory to all licensed dentists and dental hygienists in this State.

Mr. Warren will begin conducting "staff meetings" to inform the staff of decisions made at Board meetings that affect administration.

Dr. David Northcutt made a motion that the Board agrees to pursue coming under the jurisdiction of the Alabama Ethics Commission in 2011 legislation and will abide by its policies until those legislative changes are formally adopted. Dr. Tom Willis seconded the motion and there was discussion. The motion was amended to include "...which would replace the ethics policy dated July 10, 2009." Dr. Leo DeRosier called for the vote: The motion passed 6-0.

Dr. David Northcutt requested changing the name of the Access to Care Committee to "Access to Care – Expanded Duties Auxiliaries Committee." The Board orally approved.

Dr. Northcutt spoke to the Board regarding the benefits of adding an Expanded Duties Assistant Program in Alabama. He has invited Dr. Howard Gamble from Alabama Dental Association and the Academy of General Dentistry to speak to the Board on the portions of his white paper that affect the Board.

Board members have asked the Restructuring Committee to review the Employee Manual for dress code.

Dr. David Northcutt made a motion to accept 2-year contracts with 3 hearing officers at \$100.00/hour effective March 1, 2010: Dana Billingsley of Wilkerson & Bryan, P.C., Matthew Beam, and H.E. Nix, Jr. Dr. Bobby Wells seconded the motion and there was discussion. The motion was amended to include that the Board will replace the existing officers with these three. The motion was unanimously approved by the Board.

Dr. Tom Willis made a motion to give Keith Warren authority to purchase server upgrades for the Board's administrative office and to upgrade the firewall and spyware in order to finalize the portion of the current database so as to allow online renewals and online verifications. Dr. David Northcutt seconded the motion and it was unanimously approved by the Board. There are hopes for online registration to be effective by Oct. 1, 2010.

Dr. Tom Willis made a motion to recruit for a Receptionist/Administrative Assistant following the same process used to acquire the last two Administrative Assistants in December 2009. Dr. David Northcutt seconded the motion and it was unanimously approved by the Board.

Dr. Tom Willis spoke for the 501 (c)(3) Committee regarding the non-profit facilities that are offering dental care but are not falling under the regulation of the Dental Board. The Committee will continue to investigate options to present at the next Board meeting.

There was no report from the Campaign Committee.

Dr. Tom Willis made a motion to advise Alabama Family Dentistry that the Board does not find any problems with their proposed website but that they are fully responsible for meeting the guidelines of the Alabama Dental Practice Act and Rules for all advertisement that they produce. Dr. Hunter Pope seconded the motion and it was unanimously approved by the Board.

Dr. Donna Dixon presented a proposed Complaint Form for the Board to consider at the next Board meeting.

The next meeting of the Board is scheduled for March 4-5, 2010. There being no further business, Dr. Hunter Pope made a motion to adjourn the meeting at 5:25 p.m. Dr. David Northcutt seconded the motion and it was unanimously approved by the Board.

Respectfully Submitted,

Dr. Tom Willis, Jr.
Secretary-Treasurer

Approved:
Submitted by: