



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
May 7-8, 2015

The Board of Dental Examiners of Alabama met Thursday May 7, 2015 at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 6:00 p.m. with the following members in attendance: Dr. Stephen R. Stricklin, President, Dr. William E. Chesser, Secretary/Treasurer, Dr. Howard R. Gamble, Dr. Adolphus M. Jackson, Dr. Thomas G. Walker, and Ms. Sandra Kay Alexander, RDH. Also in attendance were Ms. Susan Wilhelm, Esq., Executive Director and General Counsel, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Stan McAdams, Investigations, Mr. Kevin Lane, Paralegal and Executive Assistant to Dr. Donna Dixon, Esq. and Ms. Susan Wilhelm, Esq., and Ms. Linda Dlugosz, Administrative Assistant.

The President determined that a quorum was present; Counsel orally confirmed.

The meeting was advertised on the Board's web site, www.dentalboard.org, and on the Secretary of State's website, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

The President asked for review of the minutes from April 9-10, 2015. Ms. Alexander noted the need for an addition to the minutes. Ms. Alexander moved to approve minutes with addition as noted. Dr. Gamble seconded the motion and it was approved by general consent.

Dr. Chesser presented the financial report. Dr. Gamble moved to approve the report as presented. Dr. Stricklin seconded the motion and it was approved by general consent.

The President recognized and welcomed guests Dr. Charles King, Dr. Allen McCall and Dr. Yung-Tsung Hsu.

Members discussed the CITA Examiner List for the 2015 ADHP clinical examination. Dr. Hsu explained that room #501 at the UAB School of Dentistry is larger than #301 and better suited for use during the clinical exam. Ms. Alexander will speak with Ms. Johnson about changing the room assignment.

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Dr. Gamble informed Dr. Hsu that CITA was waiting for confirmation of examination dates for the 2015 exam at UAB. Dr. Hsu will send CITA a confirmation of October 10-11 for testing at UAB.

Members reviewed an invitation to attend the International Society of Dental Regulators (ISDR) Conference, Sept. 16 in Boston. None plan to attend.

Dr. Walker spoke on why he thought Board Members should have Directors & Officers Insurance. Ms. Wilhelm spoke with Mr. Garrett at the Attorney General's office regarding personal liability of members. The U.S. Supreme Court held that boards made up of a majority of market participants may not avail themselves of state actor immunity as a defense to allegations of impeding trade. As far as financial liability, there is no agreement that the Supreme Court intends to imply liability on individual members. At the request of the Board, Ms. Wilhelm has contacted 2 insurance companies who issue Directors and Officers Insurance. They are both checking with their underwriters to determine whether they can offer coverage for such liability. Ms. Wilhelm will inform members of any new information at the June meeting.

Members reviewed CODA Request for Board Member Nominees. There were no nominations made.

Members reviewed the CRDTS Dental Examination Review Committee Report. Ms. Barbara Ebert, RDH is currently the Board's representative to the CRDTS Hygiene Examination Review Committee. Members agreed she should continue to serve in this position.

Members were provided the North Carolina Dental Board's PowerPoint Presentation regarding the Supreme Court whitening holding and the N.C. Board's policies moving forward.

Ms. Wilhelm presented the Legislative report sent by Mr. Steve Windom.

At 6:35 p.m. the President announced a break; the meeting resumed at 6:47 p.m.

The President invited Dr. Hsu to address the Board regarding teaching permits for residents. Ms. Wilhelm confirmed that residents may apply for teaching permits or Alabama dental licenses if they meet the qualifications. Dr. Reddy will request an opportunity to address the Board requesting an alternative licensure via portfolio, rather than clinical examination, for UAB School of Dentistry students.

At 6:55 p.m. Dr. Gamble moved to enter into executive session for the discussion of the general reputation, character, and/or professional competence of licensees and for the discussion of pending litigation and to return to public session at 7:30 p.m. Dr. Chesser seconded the motion. The President called for the vote: Dr. Gamble, yea, Dr. Jackson, yea, Dr. Stricklin yea, Dr. Chesser, yea, Dr. Walker, yea and Ms. Alexander, yea. The motion carried.

At 7:40 p.m. the meeting retired from executive session.

Ms. Wilhelm discussed the findings of the State Auditors for the Board's 4-year legal compliance audit.

Ms. Wilhelm presented responses to the Board's RFPs for audio/visual equipment and installation services. She described the equipment that is required for the upgrade to the present A/V system which

includes a special amplified splitter. After reviewing the RFPs received, Dr. Chesser moved to accept the proposal submitted by Best Buy. Dr. Walker seconded the motion and it was approved by general consent.

At 8:15 the meeting was recessed until Friday at 8:30 a.m.

MINUTES
Board Meeting
Friday, May 8, 2015

The meeting of the Board of Dental Examiners of Alabama reconvened Friday, May 8, 2015 at the Board Office in Hoover, Alabama.

The President called the meeting to order at 8:41 a.m. with the following members in attendance: Dr. Stephen R. Stricklin, President, Dr. William E. Chesser, Secretary/Treasurer, Dr. Howard R. Gamble, Dr. Adolphus M. Jackson, Dr. Thomas G. Walker, and Ms. Sandra Kay Alexander, RDH. Also in attendance were Ms. Susan Wilhelm, Esq., Executive Director and General Counsel, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Stan McAdams, Investigations, Dr. Mike Garver, Director, Alabama Dental Wellness Committee, and Ms. Linda Dlugosz, Administrative Assistant.

The President determined that a quorum was present; Counsel orally confirmed.

The meeting was advertised on the Board's web site, www.dentalboard.org, and on the Secretary of State's website, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

Dr. Mike Garver presented the Wellness Committee report. At the conclusion of his report, Dr. Garver retired from the meeting.

The President called for a break at 9:20 a.m.; the meeting resumed at 9:35 a.m.

Ms. Alexander said that CITA has requested to administer the Hygiene Clinical Examination one week later than presently scheduled in June 2016 due to a scheduling conflict with the CITA dental exam scheduled to be given in Puerto Rico. After checking the dates for 2016 ADA and AGD meetings, it was determined that the later date is acceptable to the Board and Ms. Wilhelm will inform CITA

Dr. Walker, Dr. Jackson, and Dr. Stricklin will assist with the ADHP written comprehensive exam which will be administered at 10:00 am on Saturday, May 9, 2015 at the Doubletree Hotel, Birmingham.

At 10:00 a.m. Mr. McAdams retired from the meeting.

Ms. Alexander presented the Hygiene report.

The 2014-15 ADHP began with 180 students. Approximately 120 are finishing the course. There are 3 from the 2013-14 program that are retaking the clinical exam. There will be 3 sessions of the clinical exam: 1 session on Thursday June 18, and 2 sessions on Friday, June 19.

Ms. Alexander presented the ADHP Restructuring Committee report sent by Ms. Renee Chapman, RDH. The Committee recommends that the Board consider hiring an ADHP Educational Director. Ms. Wilhelm and staff will work on creating a job description for this position.

Ms. Alexander presented a PowerPoint presentation that was previously used for the instructor certification course. The PowerPoint presentation will be given to the Committee to update and use for the development of an in-class program to train dentist/instructors.

Ms. Wilhelm distributed draft changes for Rule 270-X-3.04 *Alabama Dental Hygiene Program Requirements*. After review and discussion of the draft, Ms. Alexander moved to approve the Rule changes as presented with edits as discussed and to move forward to start the Rule making process. Dr. Jackson seconded the motion and it was approved by general consent.

At 10:30 a.m. the President announced a break; the meeting resumed at 10:43 a.m.

Dr. Walker moved to approve Dental Licensure by Credentials based on successful completion of the jurisprudence exam for Dr. Tyler Blackenburg. Dr. Gamble seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Chesser moved to approve Dental Licensure by Credentials for Dr. Allen McCall based on successful completion of the jurisprudence exam and contingent on execution of a consent order limiting his practice to not allow extractions of impacted third molars. Dr. Gamble seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Chesser moved to approve Dental Licensure by Regional Exam based on successful completion of the jurisprudence exam for Dr. Nikhil Reddy. Dr. Walker seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Gamble moved to approve Dental Licensure by Regional exam based on successful completion of the jurisprudence exam for Dr. Paige Whitt. Dr. Jackson seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Ms. Alexander moved to approve Dental Hygiene Licensure by Regional Exam based on successful completion of the jurisprudence exam for Nadia Matani, RDH. Dr. Walker seconded the motion and it was approved by general consent.

Dr. Walker moved to approve Dental Hygiene Teaching Permit based on successful completion of the jurisprudence exam for Danielle Guillory, BASDH, RDH. Dr. Chesser seconded the motion and it was approved by general consent.

Dr. Walker moved to notice the Respondent of case #2015-6 for a hearing. Dr. Gamble seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Chesser moved to notice the Respondent of case #2014-3 for a hearing. Dr. Jackson seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Chesser moved that case #2014-82 has no evidence to sustain. Dr. Jackson seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Walker moved to notice the Respondent of case #2015-25 for a hearing. Dr. Chesser seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. William E. Chesser moved to execute an agreement with the Attorney General's office for interagency legal services. Dr. Gamble seconded the motion and it was approved by general consent.

At 12:00 noon the President announced a break; the meeting resumed at 12:45 p.m.

Members reviewed proposals for website design and implementation. Choosing a proposal was tabled until the June board meeting.

At 1:05 p.m. Mr. McAdams returned to the meeting.

Ms. Wilhelm presented the Executive Director report.

She distributed copies of *Declaration of Citizenship and Lawful Presence of an Alien Resident* forms for members to review.

She distributed draft registration forms for Registration of a 501(c)(3) Dental Clinic for members to review.

Personnel from the State Auditor's Office conducted an on-site visit on Tuesday, April 28 to audit state property valued at more than \$500.00. All state property was present and accounted for.

Mr. McAdams has been driving a Durango which now has 180,000 miles and has had some serious operating issues. Ms. Wilhelm will explore what the contracts are for state cars to replace it with a 4-door sedan.

Students who are eligible for VA benefits can apply for tuition assistance for the ADHP. Personnel from the State Board of Post-secondary Education conducted an on-site visit this past month to review the Board's files relating to the certification of benefits for qualifying ADHP students. The State will provide a training session for processing applications sometime this summer; Ms. Wilhelm will ask Ms. Lankford to attend.

The contracts of the Board's Administrative Law Judges are set to expire August 30, 2015. Ms. Wilhelm will contact the current A.L.J.s to discuss renewal of their contracts and research available Administrative Law Judges for contracting additional hearing officers.

Ms. Wilhelm discussed the upcoming audit of continuing education credits.

In light of the work required to conduct audits for CEs, verification of citizenship, and initial registration of 501(c)(3) clinics, Ms. Wilhelm asked the Board to approve adding a full-time administrative person for 2-3 months to get the projects started and then, if the new hire works out, to keep him/her as a full-time, salaried employee. She will write a job description and send it to members for their approval.

Two current employees are being required by Medicare to have their premiums deducted from their monthly social security checks. The Board voted to pay all medical insurance premiums for its employees. Ms. Wilhelm will ask the state auditors and the Board's certified public accountant how to properly reimburse these two staff members for their Medicare premiums.

Ms. Wilhelm presented a letter from the IRS regarding SEP IRA compliance, notifying the Board that it has been accepted into the IRS compliance program for past issues associated with the retirement payments. This completed the Executive Director report.

At 2:00 p.m. Dr. Dixon retired from the meeting.

Mr. McAdams presented the inspections report. He inspected and approved Health Services Inc. and Montgomery Primary Dental.

The Alabama Drug Abuse Task Force will begin airing television and radio commercials regarding prescription drug abuse. The Board is a statutory member of the Task Force.

There being no further business, at 2:00 p.m. Dr. Chesser moved to adjourn the meeting. Dr. Gamble seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. William E. Chesser, Secretary/Treasurer

Approved: June 4, 2015

Submitted by: Linda M. Savarese

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
March 2015

May, 2015 Bd Meeting
Bal as of 03/31/2015
Checking \$1,402,680.10
MM \$301,367.40

	<u>Mar 15</u>	<u>Budget</u>	<u>Oct '14 - Mar 15</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	200.00		223,000.00	511,000.00	511,000.00
502 · Annual Hygiene Registration	325.00		156,915.00	273,725.00	273,725.00
503 · Controlled Substance Fee	875.00		108,030.00	239,775.00	239,775.00
504 · Annual Teaching Permits	0.00		3,150.00	5,400.00	5,400.00
505 · ADHP Certification	1,650.00	1,000.00	2,325.00	6,000.00	12,000.00
507 · Drug Log Books	98.00	41.66	322.00	250.04	500.00
508 · ADHP	1,900.00	28,333.33	1,900.00	28,333.33	85,000.00
509 · Dental Exam Fee	100.00	666.66	1,600.00	4,000.04	8,000.00
510 · Original License Fee	25.00	333.33	400.00	2,000.02	4,000.00
511 · Licenses Reprint Fee	50.00	166.66	1,250.00	1,000.04	2,000.00
512 · Dental Hygiene Exam Fee	200.00	1,250.00	3,025.00	7,500.00	15,000.00
513 · Directory Fee	400.00	291.66	2,150.00	1,750.04	3,500.00
514 · Materials Fee for Exam	0.00		0.00	0.00	0.00
515 · Penalty Fee	600.00	625.00	5,200.00	3,750.00	7,500.00
516 · Privilege License Money	0.00	20,000.00	0.00	20,000.00	20,000.00
517 · Interest Inc - checking	17.91		105.17	0.00	0.00
518 · Parental Sedation Permit Fee	0.00		5,000.00	10,000.00	10,000.00
519 · Anesthesia Permit	0.00		12,400.00	25,000.00	25,000.00
521 · Other Income	0.00	41.66	0.00	250.04	500.00
525 · Dent Hyg Bd Appl	0.00	583.33	0.00	3,500.02	7,000.00
526 · ADHP Materials	900.00	15,000.00	900.00	15,000.00	45,000.00
527-1 · Administrative Costs	0.00	166.66	0.00	1,000.04	2,000.00
527 · Disciplinary Fines (Prior)	12,227.08		53,127.08		
528 · Initial Anesthesia Evaluation	3,600.00	1,000.00	13,500.00	6,000.00	12,000.00
529 · OCS Annual Reg. Fee	150.00		9,650.00	21,000.00	21,000.00
530 · Licensure By Credentials	3,000.00	2,500.00	24,000.00	15,000.00	30,000.00
531 · RETURNED CHECK CHARGES	180.00	83.33	510.00	500.02	1,000.00
533 · Dental Lic. Bd Exam Application	200.00	1,166.66	3,200.00	7,000.04	14,000.00
540 · Special Purpose Dental Lic Fee	0.00	416.66	0.00	2,500.04	5,000.00
545 · Special Purpose Hygiene Lic Fee	0.00	66.66	195.00	400.04	800.00

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617 - MDF Permits	0.00		0.00	6,000.00	6,000.00
800 - 800-OVERPAYMENTS	0.00		45.10		
Total Income	<u>26,697.99</u>	<u>73,733.26</u>	<u>631,899.35</u>	<u>1,217,633.75</u>	<u>1,366,700.00</u>
Gross Profit	26,697.99	73,733.26	631,899.35	1,217,633.75	1,366,700.00
Expense					
0100-0 - Personnel Costs	38,292.90	37,083.33	226,803.69	222,500.02	445,000.00
0114-0 - Board Member Compensation	6,500.00	8,333.33	40,150.00	50,000.02	100,000.00
0198-0 - Bonus	0.00		2,200.00	2,200.00	2,200.00
0201-0 - Payroll Expenses	3,430.10	4,000.00	34,567.71	24,000.00	48,000.00
0202-0 - Pension Plan	3,993.76	0.00	47,343.74	43,500.00	43,500.00
0203-0 - Medical Insurance	3,466.95	3,750.00	24,490.55	22,500.00	45,000.00
0204-0 - Workman Comp. Ins.	12,320.00	0.00	20,455.00	8,500.00	8,500.00
0205 - Unemployment Fees	0.00	41.66	0.00	250.04	500.00
0300-0 - Travel - In-State	1,102.74	2,250.00	12,000.39	13,500.00	27,000.00
0400-0 - Travel - Out-of-State	3,352.63	2,291.66	10,888.44	13,750.04	27,500.00
0500-0 - Repairs & Maintenance	218.52	225.00	1,529.64	1,350.00	2,700.00
0600-1 - Rentals & Leases/Offsite Meetin	0.00	41.66	0.00	250.04	500.00
0602-1 - Rent on Building	7,599.81	7,500.00	45,598.86	45,000.00	90,000.00
0700-0 - Utilities & Communications					
0700-1 - Utilities - Telephone	1,021.26	708.33	6,039.93	4,250.02	8,500.00
0700-2 - Utilities - Cell Phone	0.00	41.66	246.77	250.04	500.00
0700-3 - Utilities - Power	2,135.24	625.00	5,983.72	3,750.00	7,500.00
Total 0700-0 - Utilities & Communications	<u>3,156.50</u>	<u>1,374.99</u>	<u>12,270.42</u>	<u>8,250.06</u>	<u>16,500.00</u>
0800-0 - Professional Services	10,862.50	11,666.66	81,799.91	70,000.04	140,000.00
0800-1 - Membership Dues & Subscriptions	0.00	875.00	2,919.00	5,250.00	10,500.00
0801-0 - Board Attorney Fees	5,298.30	10,833.33	39,061.13	65,000.02	130,000.00
0840-0 - CONSULTANTS	5,000.00	4,000.00	30,000.00	24,000.00	48,000.00
0899-1 - Evaluator Fees	300.00	333.33	1,350.00	2,000.02	4,000.00
0899-2 - Hearing Officer Fees	876.00	833.33	5,580.00	5,000.02	10,000.00

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0899-6 · A.D.H.P. Materials & Supplies	0.00	125.00	116.00	750.00	1,500.00
0900-0 · Office Expense	0.00	833.33	4,301.45	5,000.02	10,000.00
0900-1 · Recycle / Paper Disposal	104.52	125.00	628.62	750.00	1,500.00
0902-0 · NPDB HIPDB License Background	0.00	41.66	4.75	250.04	500.00
0906-0 · Printing & Supplies	0.00	250.00	0.00	1,500.00	3,000.00
0910-0 · Postage	633.85	833.33	8,516.44	5,000.02	10,000.00
0924-0 · Insurance	0.00		9,688.75	9,500.00	9,500.00
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	2,500.00	0.00	15,000.00	30,000.00
0944-1 · Computer Support	717.86	5,416.66	13,723.52	32,500.04	65,000.00
Total 0944 · Computer Expenses	<u>717.86</u>	<u>7,916.66</u>	<u>13,723.52</u>	<u>47,500.04</u>	<u>95,000.00</u>
0951-0 · NSF	9.00	500.00	175.00	3,000.00	6,000.00
0999-0 · MISC.	0.00	83.33	691.01	500.02	1,000.00
1000-0 · Auto Expense	0.00	41.66	36.00	250.04	500.00
1000-1 · Vehicle Repairs & Maint.	0.00	83.33	70.38	500.02	1,000.00
1000-2 · Vehicle Fuel	0.00	291.66	1,310.79	1,750.04	3,500.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,114.01	1,250.00	7,412.05	7,500.00	15,000.00
Total 1400-0 · Equipment	<u>1,114.01</u>	<u>1,250.00</u>	<u>7,412.05</u>	<u>7,500.00</u>	<u>15,000.00</u>
6950 · Bank & CC Service Fees	231.05	833.33	11,563.70	5,000.02	10,000.00
Total Expense	<u>108,581.00</u>	<u>108,641.57</u>	<u>697,246.94</u>	<u>715,550.58</u>	<u>1,367,400.00</u>
Net Ordinary Income	-81,883.01	-34,908.31	-65,347.59	502,083.17	-700.00
Other Income/Expense					
Other Income					
524 · NSF Checks	1,305.00		-3,205.00		
527-2 · ADPWC - Monitoring Fee	1,744.58		10,337.06		
560 · Online Renewals	0.00		-1,225.00		

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	<u>Mar 15</u>	<u>Budget</u>	<u>Oct '14 - Mar 15</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Total Other Income	<u>3,049.58</u>		<u>5,907.06</u>		
Net Other Income	<u>3,049.58</u>		<u>5,907.06</u>		
Net Income	<u><u>-78,833.43</u></u>	<u><u>-34,908.31</u></u>	<u><u>-59,440.53</u></u>	<u><u>502,083.17</u></u>	<u><u>-700.00</u></u>