



BOARD OF DENTAL EXAMINERS OF ALABAMA
Stadium Parkway Office Center-Suite 112
5346 Stadium Trace Parkway
Hoover, Al 35244-4583
PHONE 205-985-7267
Fax 205-985-0674

MINUTES
Board Meeting
March 3-4, 2016

The Board of Dental Examiners of Alabama met Thursday March 3, 2016 at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 6:02 p.m. with the following members in attendance: Dr. Sam J. Citrano, Jr., President, Dr. William E. Chesser, Vice President, Dr. Adolphus M. Jackson, Dr. Thomas G. Walker, Dr. Douglas Beckham, Dr. Stephen R. Stricklin, and Ms. Sherry Skinner Campbell, RDH. Also in attendance were Ms. Susan Wilhelm, Esq., Executive Director and General Counsel, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, 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.

Dr. Citrano, Jr. asked for review of the minutes from the February 11-12, 2016 meeting. Dr. Stricklin moved to approve the minutes as presented with correction of two typographical errors. Dr. Jackson seconded the motion and it was approved by general consent.

The President welcomed guest, Dr. Charles M. King, and invited any comments. He had no comments.

UAB School of Dentistry Graduation is June 4, 2016, the day after the June Board meeting 2-3, and members will not be able to approve student applications for licensure at that meeting. Dr. Walker moved to convene a special Board meeting Saturday June 4 at 2:00 p.m. at the board office to approve licensure applications for UAB graduates. Dr. Stricklin seconded the motion and it was approved by general consent.

Members reviewed *Secure Patient Information* and *Using Patients for Board Exams* articles provided by Dr. Stricklin.

Minutes March 3-4, 2016
Board of Dental Examiners of Alabama

Ms. Wilhelm distributed her response to the ADA letter to the Board regarding acceptance of all Regional Exams for dentists.

Members viewed these documents as a FYI:

- CODA Accreditation Actions which named Fortis Community College as losing CODA accreditation for their dental assisting program
- A letter from Fortis stating voluntary withdrawal from CODA accreditation for their dental assisting program
- Consultation on International Society of Dental Regulators
- ADA Commission for Continuing Education for Provider
- AADB Correspondence re: Assessment Services Program

Mr. Blake Strickland presented the Site Inspection report.

Mr. Strickland and Dr. Bobby Wells inspected two portable Dental units that were brought to the Board office by employees of Dr. Penelope Cline of Huntsville and Dr. Michael Maitre of Mobile. Neither unit passed inspection. The licensees will make the necessary corrections and reschedule inspection. This concluded the report.

Ms. Wilhelm presented the Executive Director Report.

Members will watch the *Ethics Training for Public Officials Video Presentation* Friday at the end of the meeting; after which she will send a letter to the Ethics Commission listing all the individuals who watched it. The Commission will request a listing of Board members and staff who are required to file a *Statement of Economic Interests*. Ms. Wilhelm will forward the link to both the online filing and the paper forms. *Statement of Economic Interests* filings are due May 2, 2016.

The *Verification of Citizenship or Legal Presence* forms were mailed first to holders of special permits (Teaching, Special Teaching, Special Purpose, etc.) and have now been mailed to all dental licensees. At the first of next week Ms. Wilhelm will evaluate how many dentists' responses have been received. If the number is significant, forms will then be mailed to hygienists.

Following completion of the citizenship/legal presence verification project, registration packets will be mailed to all 501(c)(3) dental clinics. A credential will be created for this registration in the contact database. There is no fee for registration of this type of clinic.

Ms. Wilhelm distributed copies of the financial statement for the past fiscal year for members to review.

Rocket Town Media is continuing to work on building the new website. Members reviewed a draft of the current draft website.

Ms. Wilhelm distributed a draft of a standard letter to be sent to complainants after an action has been taken by the Board. The Board reviewed the letter and requested that approval of the letter be placed on the April Agenda.

The Board's most recent Records Disposition Authority was adopted in 2001. That information is now severely out of date. Ms. Wilhelm attended training this past month for state agencies at the Department of Archives and History and is making changes to the R.D.A. she had previously prepared. That draft will be distributed to members prior to the April meeting for review.

Ms. Wilhelm discussed the criteria for issuance of a temporary general anesthesia permit pending evaluation by the Anesthesia Committee. Currently, an individual who applies for a permit is not required to show continuing education or recent clinical/classroom instruction if they have not recently administered sedation. Members requested that Ms. Wilhelm review other states' provisions in such situations for further discussion.

Staff has been decluttering the office over the past few weeks by eliminating unneeded items and by organization. Ms. Wilhelm proposed the following changes to the staff kitchen: repair of present cabinets and shelves, installation of additional cabinets, countertop, small stove and microwave. The contractor that is approved by the building's owner has submitted a price of \$3,473.00. Dr. Chesser moved to approve engaging Mr. Mark Dailey to provide the items listed on his proposal at the price agreed upon. Dr. Walker seconded the motion and it was approved by general consent.

Ms. Wilhelm and Dr. Dixon presented the Attorney Report.

Ms. Wilhelm presented the Wellness report provided by Dr. Mike Garver.

Dr. Beckham moved to approve Dental Licensure by Credentials based on successful completion of the jurisprudence exam for James Lovell, DDS and Ying Quyen, DMD. Dr. Jackson seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Stricklin moved to approve Dental Licensure by Regional Exam based on successful completion of the jurisprudence exam for Jamie Cummins, DMD, and Taylor McFarland, DDS. Dr. Walker seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

At 7:31 p.m. the President recessed the meeting until 8:30 a.m. Friday March 4.

Board Meeting
Friday, March 4, 2016

The meeting of the Board of Dental Examiners of Alabama reconvened Friday, March 4, 2016 at the Board Office in Hoover, Alabama.

The President called the meeting to order at 8:37 a.m. with the following members in attendance: Dr. Sam J. Citrano, Jr., President, Dr. William E. Chesser, Vice President, Dr. Adolphus M. Jackson, Dr. Thomas G. Walker, Dr. Douglas Beckham, Dr. Stephen R. Stricklin, and Ms. Sherry Skinner Campbell, RDH. Also in attendance were Ms. Susan Wilhelm, Esq., Executive Director and General Counsel, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, 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.

Ms. Johnson presented the ADHP report.

Last year 110 students graduated from the ADHP. Currently there are 159 students but of these 22 are just below 75% grade average. Ms. Johnson estimates there will be about 125 qualified to take the exam.

The Instructor Certification course at the Hyatt was a success with 82 licensed dentists attending. Another email was just sent to all licensed dentists Wednesday announcing the course to be held Saturday, June 11 at the ALDA meeting at Perdido Beach Resort. Four responses have been received already. Several dentists have requested a class more convenient to North Alabama. Members agreed to conduct a class Saturday, May 14 at 10:00 a.m. at Volker Hall, UAB. The proposed class at the AGD meeting in Florida will be cancelled. Notices regarding both scheduled ADHP IC Courses will be sent to all licensed dentists every couple of weeks leading up to the course dates.

An ADHP student who successfully completed the ADHP in 2013 and passed the clinical exam administered by CITA; failed the comprehensive and the jurisprudence exams; and retook and passed the jurisprudence has requested to retake the comprehensive exam this year. Members agreed to allow this student to retake the exam.

Members discussed the best time to issue temporary Dental Hygiene permits to ADHP students. They decided not to change a decision made last year of issuing permits at the conclusion of the August ADHP class when students have had an opportunity to learn infection control and have completed the instrumentation demonstration and practice sessions.

Ms. Wilhelm reminded members that although there is no charge for the Instructor Certification course, the dentist/instructor does pay a \$75.00 fee with his/her application for the permit.

Ms. Wilhelm has received 2 responses to the ads for ADHP Director. The deadline for receiving resumes is March 15, 2016. This concluded the report.

Ms. Wilhelm presented the Legislative Report.

Ms. Wilhelm gave a detailed account of current legislative and executive branch matters. Ms. Wilhelm reviews *Personnel Managers Legislative Update* which is prepared weekly and lists legislative matters affecting state agencies.

Members discussed repealing Rule 270-X-5.12 which had previously been discussed at the February meeting. Dr. Walker moved to repeal Rule 270-X-5.12 *Candidates for Board Elections; Campaign Procedures*. Dr. Stricklin seconded the motion and it was approved by general consent.

Dr. Stricklin will contact members of the joint committee with ALDA for Expanded Duties Dental Assistants in Alabama and invite them to meet with the Board's Legislative Committee at 4:30 p.m. in April or at least for the regular Board meeting at 6:00 p.m. in order to move forward with decisions of qualifications to apply for the license; standard for education and examination; and duties of the new licensee. The Board asked that Ms. Wilhelm confirm the date and time with Dr. Studstil and also provide him a copy of the materials from D.A.N.B. related to examinations for restorative functions.

At 9:43 a.m. the President called a break; the meeting resumed at 9:55 a.m.

Dr. Stricklin asked for a volunteer to take the place of Dr. Gamble on the joint committee with ALDA regarding Expanded Duties Dental Assistants. Ms. Campbell accepted the position. This concluded the Legislative Committee Report.

Dr. Walker moved that there is no evidence to sustain in case #2015-60. 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. Stricklin moved that there is no evidence to sustain in case #2016-04. Dr. Citrano, Jr. 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 there is no evidence to sustain in case # 2015-44. Dr. Walker 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 that there is no evidence to sustain in case #2016-07. 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. Jackson moved to notice the Respondent of case 2015-48 for a hearing. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Stricklin moved to notice the Respondent of case #2014-85 for a hearing. Dr. Beckham 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 that there is no evidence to sustain but to send a Letter of Concern to the Respondent of case # 2016-21. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

A dental licensee who did not renew his dental license but who did practice after 12/31/2016 requested a waiver of the administrative fine for practicing without a renewed license. The Board declined to make an exception for this licensee. Ms. Wilhelm will send a letter explaining the administrative fine and the obligation to pay it.

Members viewed photos of a teeth-whitening kiosk at the BJCC Home and Garden Show. Ms. Wilhelm spoke with the event promotion staff and the vendors and determined that there was no Alabama dentist present. The vendors and promoters, upon being apprised of the law in Alabama, closed the booth. Letters have been sent to the BJCC, the show promotion company, and the teeth-whitening company that whitening may only be performed by a licensed Alabama dentist.

Half of the licensees who were assessed administrative fines for working past 12/31/2015 without renewing their licenses have not yet responded with payment of the fine. The fines are due March 18th. Any still outstanding administrative fines will be discussed at the April meeting.

Dr. Dixon informed members that there are 3 hearings scheduled for the April meeting.

From 11:00 a.m. – 12:15 p.m., members watched the *Ethics Training for Public Officials* video provided by the Alabama Ethics Commission.

At 12:17 p.m. Dr. Chesser moved to adjourn the meeting. Dr. Beckham seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. Adolphus M. Jackson, Secretary/Treasurer

Approved: April 7, 2016

Submitted by: Linda Dlugosz

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
February 2016

Feb, 2016 for April, 2016 Bd Mtg
Bk Bal as of 02/29/2016
Cking \$1,614,699.55
MM \$301,536.54

	<u>Feb 16</u>	<u>Budget</u>	<u>Oct '15 - Feb 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	1,000.00		486,800.00	512,000.00	512,000.00
502 · Annual Hygiene Registration	715.00		265,330.00	277,375.00	277,375.00
503 · Controlled Substance Fee	835.00		232,440.00	261,375.00	261,375.00
504 · Annual Teaching Permits	0.00		5,350.00	5,400.00	5,400.00
505 · ADHP Certification	375.00	1,000.00	975.00	5,000.00	12,000.00
507 · Drug Log Books	28.00	45.83	154.00	229.19	550.00
508 · ADHP	0.00	0.00	0.00	0.00	85,000.00
509 · Dental Exam Fee	300.00	666.66	1,600.00	3,333.38	8,000.00
510 · Original License Fee	75.00	333.33	400.00	1,666.69	4,000.00
511 · Licenses Reprint Fee	150.00	166.66	750.00	833.38	2,000.00
512 · Dental Hygiene Exam Fee	200.00	1,250.00	1,400.00	6,250.00	15,000.00
513 · Directory Fee	300.00	291.66	2,125.01	1,458.38	3,500.00
515 · Penalty Fee	2,550.00	625.00	10,000.00	3,125.00	7,500.00
516 · Privilege License Money	0.00	0.00	0.00	0.00	20,000.00
517 · Interest Inc - checking	9.58	16.66	63.35	83.38	200.00
518 · Parental Sedation Permit Fee	0.00		8,400.00	10,000.00	10,000.00
519 · Anesthesia Permit	0.00		25,800.00	25,000.00	25,000.00
521 · Other Income	0.00	41.66	0.00	208.38	500.00
525 · Dent Hyg Bd Appl	0.00	583.33	0.00	2,916.69	7,000.00
526 · ADHP Materials	0.00	0.00	-60.00	0.00	45,000.00
527-1 · Administrative Costs	0.00	166.66	0.00	833.38	2,000.00
527-3 · Administrative Fines	0.00		1,500.00		
527 · Disciplinary Fines (Prior)	5,500.00		70,300.00		
528 · Initial Anesthesia Evaluation	0.00	1,250.00	3,600.00	6,250.00	15,000.00
529 · OCS Annual Reg. Fee	-50.00		19,300.00	21,000.00	21,000.00
530 · Licensure By Credentials	4,000.00	2,916.66	15,000.00	14,583.38	35,000.00
531 · RETURNED CHECK CHARGES	0.00	83.33	30.00	416.69	1,000.00
532 · OCS Initial App. Fee	100.00		100.00		
533 · Dental Lic. Bd Exam Application	600.00	1,166.66	3,200.00	5,833.38	14,000.00
540 · Special Purpose Dental Lic Fee	0.00	83.33	100.00	416.69	1,000.00

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
February 2016

Feb, 2016 for April, 2016 Bd Mtg
Bk Bal as of 02/29/2016
Cking \$1,614,699.55
MM \$301,536.54

	<u>Feb 16</u>	<u>Budget</u>	<u>Oct '15 - Feb 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
545 · Special Purpose Hygiene Lic Fee	0.00	66.66	195.00	333.38	800.00
617 · MDF Permits	1,250.00	166.66	2,750.00	833.38	2,000.00
800 · 800-OVERPAYMENTS	-10.00		-10.00		
Total Income	17,927.58	10,920.75	1,157,592.36	1,166,754.75	1,393,200.00
Gross Profit	17,927.58	10,920.75	1,157,592.36	1,166,754.75	1,393,200.00
Expense					
0100-0 · Personnel Costs	39,416.24	39,833.33	210,261.39	199,166.69	478,000.00
0114-0 · Board Member Compensation	12,350.00	8,333.33	35,350.00	41,666.69	100,000.00
0198-0 · Bonus	0.00		2,900.00	3,500.00	3,500.00
0201-0 · Payroll Expenses	4,204.77	4,166.66	19,560.19	20,833.38	50,000.00
0202-0 · Pension Plan	49,865.95	75,000.00	49,865.95	75,000.00	75,000.00
0203-0 · Medical Insurance	5,548.10	3,833.33	21,066.40	19,166.69	46,000.00
0204-0 · Workman Comp. Ins.	0.00		0.00	20,000.00	20,000.00
0205 · Unemployment Fees	25.00	41.66	25.00	208.38	500.00
0300-0 · Travel - In-State	2,643.25	2,250.00	9,321.93	11,250.00	27,000.00
0400-0 · Travel - Out-of-State	5,348.30	2,291.66	7,502.95	11,458.38	27,500.00
0500-0 · Repairs & Maintenance	218.52	225.00	1,311.12	1,125.00	2,700.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	416.69	1,000.00
0602-1 · Rent on Building	7,977.35	8,166.66	39,886.75	40,833.38	98,000.00
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	2,132.62	708.33	5,205.33	3,541.69	8,500.00
0700-2 · Utilities - Cell Phone	0.00	41.66	490.56	208.38	500.00
0700-3 · Utilities - Power	421.72	708.33	2,226.25	3,541.69	8,500.00
Total 0700-0 · Utilities & Communications	2,554.34	1,458.32	7,922.14	7,291.76	17,500.00
0800-0 · Professional Services	28,137.50	12,083.33	73,498.12	60,416.69	145,000.00
0800-1 · Membership Dues & Subscriptions	1,146.00	416.66	5,002.00	2,083.38	5,000.00
0801-0 · Board Attorney Fees	0.00	4,166.66	35,084.45	20,833.38	50,000.00
0840-0 · CONSULTANTS	5,000.00	4,000.00	25,000.00	20,000.00	48,000.00
0899-1 · Evaluator Fees	0.00	333.33	6,862.62	1,666.69	4,000.00

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
February 2016

Feb, 2016 for April, 2016 Bd Mtg
Bk Bal as of 02/29/2016
Cking \$1,614,699.55
MM \$301,536.54

	<u>Feb 16</u>	<u>Budget</u>	<u>Oct '15 - Feb 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
0899-2 · Hearing Officer Fees	1,116.00	666.66	2,256.00	3,333.38	8,000.00
0899-6 · A.D.H.P. Materials & Supplies	0.00	0.00	0.00	0.00	1,500.00
0900-0 · Office Expense	1,142.76	833.33	4,146.59	4,166.69	10,000.00
0900-1 · Recycle / Paper Disposal	0.00	83.33	524.10	416.69	1,000.00
0902-0 · NPDB HIPDB License Background	9.00	41.66	75.00	208.38	500.00
0906-0 · Printing & Supplies	0.00	83.33	0.00	416.69	1,000.00
0910-0 · Postage	2,050.00	833.33	8,050.00	4,166.69	10,000.00
0924-0 · Insurance	0.00		9,708.00	10,000.00	10,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	1,636.09	2,500.00	8,737.91	12,500.00	30,000.00
0944-1 · Computer Support	3,174.93	5,416.66	44,195.01	27,083.38	65,000.00
Total 0944 · Computer Expenses	<u>4,811.02</u>	<u>7,916.66</u>	<u>52,932.92</u>	<u>39,583.38</u>	<u>95,000.00</u>
0951-0 · NSF	18.00	41.66	36.00	208.38	500.00
0999-0 · MISC.	120.00	83.33	120.00	416.69	1,000.00
1000-0 · Auto Expense	0.00	2,083.33	22,864.87	10,416.69	25,000.00
1000-1 · Vehicle Repairs & Maint.	0.00	83.33	374.91	416.69	1,000.00
1000-2 · Vehicle Fuel	413.53	250.00	1,578.11	1,250.00	3,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,148.55	1,250.00	6,457.69	6,250.00	15,000.00
Total 1400-0 · Equipment	<u>1,148.55</u>	<u>1,250.00</u>	<u>6,457.69</u>	<u>6,250.00</u>	<u>15,000.00</u>
6950 · Bank & CC Service Fees	1,548.62	1,000.00	40,990.48	5,000.00	12,000.00
Total Expense	<u>176,812.80</u>	<u>181,933.21</u>	<u>700,535.68</u>	<u>643,167.53</u>	<u>1,393,200.00</u>
Net Ordinary Income	-158,885.22	-171,012.46	457,056.68	523,587.22	0.00
Other Income/Expense					
Other Income					
524 · NSF Checks	-195.00		3,505.00		
527-2 · ADPWC - Monitoring Fee	904.58		4,702.48		

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
February 2016

Feb, 2016 for April, 2016 Bd Mtg
Bk Bal as of 02/29/2016
Cking \$1,614,699.55
MM \$301,536.54

	<u>Feb 16</u>	<u>Budget</u>	<u>Oct '15 - Feb 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
560 · Online Renewals	0.00		-70.00		
Total Other Income	<u>709.58</u>		<u>8,137.48</u>		
Net Other Income	<u>709.58</u>		<u>8,137.48</u>		
Net Income	<u><u>-158,175.64</u></u>	<u><u>-171,012.46</u></u>	<u><u>465,194.16</u></u>	<u><u>523,587.22</u></u>	<u><u>0.00</u></u>