



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
April 6-7, 2017

The Board of Dental Examiners of Alabama met Thursday April 6, 2017 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. William E. Chesser, President, Dr. Adolphus M. Jackson, Vice President, Dr. Thomas Gerald Walker, Secretary/Treasurer, Dr. Douglas Beckham, Dr. Stephen R. Stricklin, Dr. Mark Ray McIlwain, and Ms. Sherry Skinner Campbell, RDH. Also in attendance were Mr. Matt Hart, Esq., Executive Director, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, Mr. Kevin Lane, Paralegal, Mr. Blaine Galliher, Legislative Advisor, 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 the March 2-3, 2017 meeting. Several changes were noted which will be corrected/added and then the draft will be resubmitted on Friday for approval.

Dr. Walker presented the Financial Report. Dr. Beckham moved to approve the report as presented. Ms. Campbell seconded the motion and it was approved by general consent.

The President invited Mr. Blaine Galliher to present the Legislative Report. Mr. Galliher updated members on bills currently in the State House and Senate. After hearing details about SB357, members advised Mr. Galliher that they do want to support the bill. Mr. Galliher gave some details of the process regarding the Governor's potential impeachment. At the conclusion of the report Mr. Galliher left the meeting.

The President welcomed guests and asked for comments. Dr. Charles King spoke on the prison system and the prison budget.

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Board of Dental Examiners of Alabama

The President asked Dr. Kenneth Ross, license applicant, if he had any comments. Dr. Ross introduced himself as an applicant for dental licensure and offered to answer any questions members might have in consideration of approval of his application.

Mr. Hart presented the report on the Alabama Dental Hygiene Program (ADHP) on behalf of Dr. Litz and Ms. Johnson.

The final ADHP instructional class was last weekend. Dr. Garver and Ms. Campbell spoke to the students. The final test of the year was administered; 138 out of 149 students scored high enough to sit for the comprehensive exam. Rebecca Cannady, from Dr. Michael Mann's office in Huntsville, was the top scoring student. Comprehensive exams are scheduled for Saturday May 6. Clinical exams administered by CITA are scheduled for June 22-23.

Dr. Litz and Ms. Sherry Campbell will lecture Friday April 7 at the Instructor Certification course in Huntsville. There are 35-40 registered for that course. So far, there are 30 dentists registered for the course to be given at Perdido Beach Resort on June 10.

Ms. Johnson has received about 30 applications for the 2017-18 ADHP course. There has also been discussion as to whether the contemplated admission exam is necessary or not; this discussion will be had in greater detail when Dr. Litz is able to be present and can offer input. The hope is to graduate around 125-150 students from the program each year; that's the final class size this year without having restricted the entry into the class. The program already uses some limitations such as only one student per instructor dentist.

Mr. Hart distributed the audit report by independent auditors.

The auditor found everything to be in order as of the end of the 2016 fiscal year. The biggest asset on the balance sheet is cash. There are a few outstanding receivables; this category has continued to grow. Income is split about equally between revenues from license renewals and other fees. Expenses were less than income. Ms. Harlequin, the new Bookkeeper, is learning fast and doing a good job.

Members discussed changing the meeting time for the Thursday, May 4th meeting in order to allow members to attend the Senior Dinner for UAB dental students. Dr. Stricklin moved to set the meeting time at 3:30 pm., Dr. McIlwain seconded the motion and it was approved by general consent.

Upon request by Trenholm State College, Ms. Campbell moved to approve their Dental Assisting Program. Dr. Jackson seconded the motion and it was approved by general consent.

Members discussed the rescheduling of the drug alprazolam (given for anxiety) from Schedule-4 to Schedule-2; and barring legislative action or any sort of appeal, the change will go into effect June 15th. The Board of Public Health approved this rescheduling and did not request any input from the Board. Alabama would be the first state to reschedule the drug. Members do not oppose the rescheduling but would appreciate in the future being included in the discussion before changes are made.

Members reviewed a request by Dr. Barry Langley that the Board adopt a requirement for licensees to take a yearly, one-hour continuing education class on ethics. After discussion, members agreed not to

add another CE requirement, but possibly adding a check box on the license renewal page “attesting” that the licensee has read the *Code of Ethics* which would be posted on the Board’s website and will abide by it. A code of ethics must first be defined for licensees. Members will discuss this further at the May meeting.

Dr. Thomas Willis, who is currently Secretary/Treasurer for CRDTS, has been nominated for President Elect. He also serves on the Exam Review Committee and asks members to review his tenure of this position. Members decided to table this matter until they could get more clarification from Dr. Willis as to his request.

Members reviewed a request from Dr. John C. Crosby to support his appointment to the ADA’s Council for Dental Education and Licensure (CDEL) because of his strong feelings against the ADA’s attempt to replace patient based assessment with a non-patient based exam. The Board does not support a non-patient based exam.

At 7:28 p.m. the President announced a break; the meeting resumed at 7:42 p.m.

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

- Bradley Harrelson, DMD
- Amir El Hassan, DDS
- David Minto, DMD, MD
- Alan Newman, DDS
- Kenneth E. Ross, DMD
- Mark Stahl, DMD
- Nicola Thomas, DDS

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

- Kien Chibayere, DDS
- Rebecca Harrison, DMD

Ms. Campbell moved to approve Dental Hygiene Licensure by Credentials based on successful completion of the jurisprudence exam for the following applicants. Dr. Beckham seconded the motion and it was approved by general consent.

- Rachel Kidd, RDH
- Melissa Tooker, RDH

Dr. Jackson moved to approve Dental Hygiene Licensure by Regional Exam based on successful completion of the jurisprudence exam for the following applicants. Ms. Campbell seconded the motion and it was approved by general consent.

- Amanda Fox, RDH
- Raven Hensley, RDH
- Naiisa Salaam, RDH

- Krista Wahl, RDH
- Shaperrish Watts, RDH
- Alicia Wiggins, RDH

At 8:27 pm The President recessed meeting until Friday morning 8:30 a.m.

MINUTES
Board Meeting
Friday, April 7, 2017

The meeting of the Board of Dental Examiners of Alabama reconvened Friday, April 7, 2017 at the Board Office in Hoover, Alabama.

The President called the meeting to order at 8:31a.m. with the following members in attendance: Dr. William E. Chesser, President, Dr. Adolphus M. Jackson, Vice President, Dr. Thomas Gerald Walker, Secretary/Treasurer, Dr. Douglas Beckham, Dr. Stephen R. Stricklin, and Dr. Mark Ray McIlwain. Also in attendance were Mr. Matt Hart, Esq., Executive Director, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, Dr. Mike Garver, Director, Alabama Dental Professionals' Wellness Committee, Mr. Kevin Lane, Paralegal, 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. Garver presented the Wellness Committee Report. He updated members on current licensees who are complying with the program or who are no longer participating in their program.

With Dr. Garver's support, Dr. Louis Robert Mendel addressed the Board and asked for his probation status to be lifted. After his address, Dr. Mendel and Dr. Garver left the meeting.

Members reviewed the minutes from the March meeting with requested edits. Dr. McIlwain moved to approve the revised minutes as presented. Dr. Beckham seconded the motion and it was approved by general consent.

At 8:50 a.m. the President announced a break; the meeting resumed at 9:00 a.m.

Dr. Walker moved that case #2017-23 has no evidence to sustain. Dr. McIlwain seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Walker moved that case #2017-20 has no evidence to sustain. Dr. McIlwain seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Walker moved that case #2016-67 has no evidence to sustain. Dr. McIlwain seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Walker moved that case #2017-06 has no evidence to sustain. Dr. Stricklin seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Beckham moved that case #2017-16 has no evidence to sustain. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Beckham moved that case #2017-19 has no evidence to sustain. Dr. Jackson seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

At the March 2017 meeting Case #2017-9 was motioned for a hearing. After an explanation by Dr. Dixon, Dr. Walker moved to rescind that decision and instead assess the Respondent an administrative fine for not supplying records. Dr. McIlwain seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

At 9:20 a.m. the President turned the meeting over to Mr. Aaron Dettling, Administrative Law Judge, for a hearing *in the Matter of Dr. Robert Gaskin*.

At 12:00 p.m. the hearing was concluded; the meeting was returned to the President. Members deliberated on facts presented at the hearing. Dr. Jackson moved that Dr. Robert Gaskin was not guilty of Count 1 of the Notice dated April 19, 2017, to-wit that he used:

Fraud, deceit or misrepresentation in obtaining a thing of value, i.e. payment for services, in violation of Code of Alabama (1975), § 34-9-18(a)(1) by falsely charging Ms. Katherine Knox for a “repair partial denture with impression” on January 29, 2016 when, in fact, you did not complete said procedure at all.

Dr. Walker seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

At 12:25 p.m. the President announced a break; the meeting resumed at 12:40 p.m.

Dr. Moon, Chief Medicaid Medical Officer, Dr. Danny Rush, Medicaid Dental Consultant, and Mr. James Whitehead, Medicaid Quality Analyst, gave a presentation on opioid prescribing to children. Members participated in questions and answers regarding prescribing practices for dental patients. When the presentation was concluded, the team left the meeting.

Dr. Beckham moved that case #2017-02 has no evidence to sustain. Dr. Stricklin seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Walker moved to notice the Respondent of case #2017-03 for a hearing. Dr. Stricklin seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Walker moved that case #2017-24 has no evidence to sustain. Dr. Jackson seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Mr. Strickland presented the Site Inspections Report.

UAB School of Dentistry in conjunction with Fair Haven Retirement Center has applied for a Portable Dental Operation (PDO) permit and purchased the majority of necessary equipment. Mr. Strickland has inspected their equipment and so far, all has passed.

Mr. Hart presented the Attorney report on current cases in Circuit Court.

Mr. Hart presented the Executive Director’s Report.

Dr. Ken Soy has invited members to attend the 3D Heals conference in San Francisco.

Members must submit their Statement of Economic Interest to the State by May 1st. Mr. Hart will resend members the link.

The disabled Durango along with a vehicle full of outdated electronic equipment has been sent to state surplus.

Ms. Dlugosz has updated the Dental Licensure by Regional Exam Form for Instate Applicants and for Out-of-State-Applicants and both are now available on the website.

A licensee has asked for a list of licensed mobile facilities. Staff will produce a list from the database and send it to the licensee.

Mr. Hart presented printer's drafts for letterhead and members agreed on their preference. Mr. Hart will order the letterhead. He presented paper samples of lapel pins. Members chose their preference and Mr. Hart will order the pins.

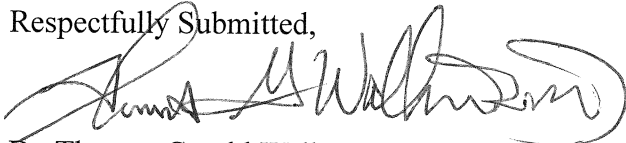
Mr. Hart presented the Legislative Rules Committee Report.

He and Dr. Dixon met with the Opinions Division at the Attorney General's Office on the question the Board sent about the Board's ability to make rule changes. The Attorney General has not yet finished the answer to the question but hopes to have it soon. Mr. Hart will let Dr. Koslin know the status of that answer since one question was about CO2 monitoring.

Members agreed that their outdated laptops need to be replaced with new 13" laptops. Mr. Hart will ask Ms. Lankford to begin the procurement process.

At 2:07 p.m. Dr. Walker moved to adjourn the meeting. Dr. Stricklin seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. Thomas Gerald Walker, Secretary/Treasurer

Approved: 5/4/2017

Submitted by: Linda Dlugosz

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
February 2017

Feb 2017 for April 2017 Board Meeting
Bk Bal as of 2/28/2017
Ck \$1,705,400.11
MM \$301,636.03

	<u>Feb 17</u>	<u>Budget</u>	<u>Oct '16 - Feb 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	3,200.00		490,800.00	513,000.00	513,000.00
502 · Annual Hygiene Registration	1,690.00		264,875.00	277,375.00	277,375.00
503 · Controlled Substance Fee	1,815.00		234,430.00	261,375.00	261,375.00
504 · Annual Teaching Permits	900.00		5,850.00	5,500.00	5,500.00
505 · ADHP Certification	3,825.00	0.00	4,950.00	0.00	12,000.00
507 · Drug Log Books	0.00	45.83	70.00	229.19	550.00
508 · ADHP	4,750.00	0.00	4,750.00	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	250.00	166.66	675.00	833.38	2,000.00
512 · Dental Hygiene Exam Fee	800.00	1,250.00	2,400.00	6,250.00	15,000.00
513 · Directory Fee	0.00	325.00	50.00	1,625.00	3,900.00
515 · Penalty Fee	5,850.00	1,250.00	17,950.00	6,250.00	15,000.00
516 · Privilege License Money	0.00	0.00	0.00	0.00	20,000.00
517 · Interest Inc - checking	4.63	16.66	28.76	83.38	200.00
518 · Parental Sedation Permit Fee	0.00	833.33	3,200.00	4,166.69	10,000.00
519 · Anesthesia Permit	0.00	2,500.00	26,800.00	12,500.00	30,000.00
521 · Other Income	64.90	41.66	64.90	208.38	500.00
525 · Dent Hyg Bd Appl	0.00	583.33	0.00	2,916.69	7,000.00
526 · ADHP Materials	2,250.00	15,000.00	2,250.00	15,000.00	45,000.00
527-1 · Administrative Costs	0.00	416.66	0.00	2,083.38	5,000.00
527-3 · Administrative Fines	-2,500.00		-2,250.00		
527 · Disciplinary Fines (Prior)	22,000.00		78,100.00		
528 · Initial Anesthesia Evaluation	4,500.00	1,333.33	9,000.00	6,666.69	16,000.00
529 · OCS Annual Reg. Fee	150.00		20,200.00	21,000.00	21,000.00
530 · Licensure By Credentials	10,000.00	3,333.33	40,000.00	16,666.69	40,000.00
531 · RETURNED CHECK CHARGES	0.00	83.33	150.00	416.69	1,000.00
533 · Dental Lic. Bd Exam Application	600.00	1,250.00	3,200.00	6,250.00	15,000.00
540 · Special Purpose Dental Lic Fee	0.00	83.33	550.00	416.69	1,000.00
545 · Special Purpose Hygiene Lic Fee	390.00	66.66	780.00	333.38	800.00

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	<u>Feb 17</u>	<u>Budget</u>	<u>Oct '16 - Feb 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
617 · MDF Permits	2,500.00	333.33	6,750.00	1,666.69	4,000.00
800 · 800-OVERPAYMENTS	-50.00		0.00		
Total Income	63,364.53	29,912.43	1,217,623.66	1,167,812.99	1,419,200.00
Gross Profit	63,364.53	29,912.43	1,217,623.66	1,167,812.99	1,419,200.00
Expense					
0100-0 · Personnel Costs	39,031.20	39,833.33	211,499.45	199,166.69	478,000.00
0114-0 · Board Member Compensation	10,300.00	8,333.33	39,050.00	41,666.69	100,000.00
0198-0 · Bonus	0.00		0.00	3,500.00	3,500.00
0201-0 · Payroll Expenses	4,066.20	4,166.66	21,718.55	20,833.38	50,000.00
0202-0 · Pension Plan	59,279.24	75,000.00	59,279.24	75,000.00	75,000.00
0203-0 · Medical Insurance	5,636.25	3,833.33	27,472.83	19,166.69	46,000.00
0204-0 · Workman Comp. Ins.	0.00	0.00	0.00	0.00	16,000.00
0205 · Unemployment Fees	0.00	41.66	50.00	208.38	500.00
0300-0 · Travel - In-State	2,987.93	2,250.00	8,358.51	11,250.00	27,000.00
0400-0 · Travel - Out-of-State	3,818.18	2,291.66	6,332.38	11,458.38	27,500.00
0500-0 · Repairs & Maintenance	512.04	225.00	6,381.70	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	8,174.65	8,166.66	40,873.25	40,833.38	98,000.00
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	1,577.20	708.33	5,638.94	3,541.69	8,500.00
0700-2 · Utilities - Cell Phone	0.00	41.66	0.00	208.38	500.00
0700-3 · Utilities - Power	1,744.21	708.33	4,116.88	3,541.69	8,500.00
Total 0700-0 · Utilities & Communications	3,321.41	1,458.32	9,755.82	7,291.76	17,500.00
0800-0 · Professional Services	12,385.00	13,583.33	72,887.58	67,916.69	163,000.00
0800-1 · Membership Dues & Subscriptions	1,550.00	416.66	6,498.00	2,083.38	5,000.00
0801-0 · Board Attorney Fees					
0801-1 · Attorney General's Office	5,044.67		5,044.67		
0801-0 · Board Attorney Fees - Other	0.00	4,166.66	0.00	20,833.38	50,000.00
Total 0801-0 · Board Attorney Fees	5,044.67	4,166.66	5,044.67	20,833.38	50,000.00
0840-0 · CONSULTANTS	5,000.00	5,000.00	25,000.00	25,000.00	60,000.00
0899-1 · Evaluator Fees	200.00	333.33	4,875.00	1,666.69	4,000.00
0899-2 · Hearing Officer Fees	180.00	666.66	180.00	3,333.38	8,000.00

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	<u>Feb 17</u>	<u>Budget</u>	<u>Oct '16 - Feb 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
0899-6 · A.D.H.P. Materials & Supplies	0.00	125.00	0.00	625.00	1,500.00
0900-0 · Office Expense	1,427.53	833.33	5,590.96	4,166.69	10,000.00
0900-1 · Recycle / Paper Disposal	64.00	83.33	264.00	416.69	1,000.00
0902-0 · NPDB HIPDB License Background	32.00	41.66	91.00	208.38	500.00
0906-0 · Printing & Supplies	0.00	83.33	0.00	416.69	1,000.00
0910-0 · Postage	0.00	833.33	6,000.00	4,166.69	10,000.00
0924-0 · Insurance	0.00	0.00	9,831.00	0.00	10,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	2,500.00	0.00	12,500.00	30,000.00
0944-1 · Computer Support	8,114.00	5,416.66	15,049.72	27,083.38	65,000.00
Total 0944 · Computer Expenses	8,114.00	7,916.66	15,049.72	39,583.38	95,000.00
0951-0 · NSF	0.00	41.66	27.00	208.38	500.00
0999-0 · MISC.	0.00	83.33	140.94	416.69	1,000.00
1000-0 · Auto Expense	60.17	2,083.33	1,395.14	10,416.69	25,000.00
1000-1 · Vehicle Repairs & Maint.	121.68	83.33	236.04	416.69	1,000.00
1000-2 · Vehicle Fuel	605.58	250.00	1,370.38	1,250.00	3,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	1,737.13	1,250.00	6,265.51	6,250.00	15,000.00
Total 1400-0 · Equipment	1,737.13	1,250.00	6,265.51	6,250.00	15,000.00
6950 · Bank & CC Service Fees	1,370.16	1,000.00	41,457.96	5,000.00	12,000.00
Total Expense	175,019.02	184,558.21	632,976.63	626,292.53	1,419,200.00
Net Ordinary Income	-111,654.49	-154,645.78	584,647.03	541,520.46	0.00
Other Income/Expense					
Other Income					
524 · NSF Checks	0.00		185.00		
527-2 · ADPWC - Monitoring Fee	2,605.00		7,902.68		
560 · Online Renewals	0.00		13,478.72		
Total Other Income	2,605.00		21,566.40		
Net Other Income	2,605.00		21,566.40		
Net Income	-109,049.49	-154,645.78	606,213.43	541,520.46	0.00