

Adolphus M. Jackson, DMD
President
T. Gerald Walker, DMD
Vice-President
Douglas Beckham, DMD
Secretary/Treasurer
Stephen R. Stricklin, DMD
Mark R. McIlwain, DMD, MD
Kevin M. Sims, DMD, MS
Sherry S. Campbell, RDH



Bradley W. Edmonds, JD, MBA, MS
Executive Director

Donna L. Dixon, DMD, MA, JD
Prosecuting Attorney

BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
BOARD MEETING
October 4-5, 2018

The Board of Dental Examiners of Alabama met Thursday October 4, 2018, 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. Adolphus M. Jackson, President, Dr. Thomas Gerald Walker, Vice-President, Dr. Douglas Beckham, Secretary/Treasurer, Dr. Stephen R. Stricklin, Dr. Mark R. McIlwain, Dr. Kevin M. Sims, and Sherry Skinner Campbell, RDH. Also in attendance were Brad W. Edmonds, Esq., Executive Director, Kevin Lane, Interim Executive Director, Bill Garrett, Esq., Assistant Attorney General, Dr. Donna Dixon, Esq., Prosecuting Counsel, Blake Strickland, Investigator, Ragan Ingram, Legislative Advisor, Sonya Lankford, Business Manager, and Linda Dlugosz, Licensing Clerk.

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

The meeting was advertised on the Board's website, 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 September 13-14, 2018 meeting. Dr. Sims moved to approve the minutes as presented. Dr. McIlwain seconded the motion and it was approved by general consent.

Dr. Beckham presented the Financial Report. Dr. Stricklin moved to approve the report as presented. Dr. Sims seconded the motion and it was approved by general consent. Dr. Jackson thanked Dr. Beckham for his year serving as the Secretary/Treasurer for the Board.

The President welcomed guest, Dr. Zack Studstill and invited his comments. Dr. Studstill presented Dr. Stricklin with a plaque on behalf of ALDA thanking him for his extended service as a Board member. Dr. Studstill also presented a plaque to Dr. Jackson for his services on the Board and for serving as President. Dr. Jackson thanked Dr. Studstill for his attendance at many meetings and for all he does with ALDA and for the Board.

Ragan Ingram presented the Legislative Report.

He informed members of current activities in Montgomery and observations regarding upcoming elections. Dr. Jackson thanked Mr. Ingram and gave his appreciation for his company's work to support the Board in Montgomery.

Dr. Jackson introduced Bradley W. Edmonds, the Board's newly hired Executive Director, and welcomed him to the position. Dr. Jackson also complimented the staff and assured Mr. Edmonds that all the staff would be supporting him.

Members reviewed and considered a request for a 4-month CE waiver because of serious health reasons for Dr. William D. Powell, III. Dr. Stricklin moved to approve his request. Dr. Walker seconded the motion and it was approved by general consent.

Ms. Lankford presented a response from Carr, Riggs & Ingram, CPAs, with suggestions for correcting SEP under-payments to staff. The report they provided suggested 3 possible courses of action: 1. to repay staff the amounts that were underpaid; 2. to repay amounts underpaid plus interest that could have been earned; 3. to repay amounts underpaid with interest and possible gain for investments. The CPA recommended the third choice to correct the issue and eliminate any possible further repercussions from the IRS. After much discussion, Dr. McIlwain moved to approve option 3 of the report. Dr. Sims seconded the motion and it was approved by general consent. Ms. Lankford will advise the CPA firm of the Board's decision.

Members reviewed a Resolution by the Council on Dental Education and Licensure sent to the Board by ALDA. The resolution involves many topics including portability across state lines for licensing, OSCE testing, and auditing CEs. The Resolution asks State Boards to be of one accord on the issues. ALDA will host a District meeting Oct. 7 in Birmingham.

Members considered the request by Dr. William Eastburn to amend his Consent Order to discontinue his *probation* status. After reviewing the requirements that Dr. Eastburn has fulfilled, Dr. Stricklin moved to amend Dr. Eastburn's Consent Order to discontinue probation status. There was no 2nd to the motion; the motion failed.

Ms. Lankford advised members of a licensee who many years ago provided a false social security number to the Board, and who still refuses to provide his correct number. Bill Garrett confirmed that Alabama Law requires a licensee to provide a valid social security number that can be made available to the Alabama State HR Department if requested. Members tabled this situation until the next day's continuation of the meeting.

Ms. Lankford presented a report on the new Hygiene Infiltration Anesthesia permit.

She presented a syllabus from a prospective applicant. Dr. Walker moved to approve Ms. Amanda Owen's syllabus as fulfillment of the requirements to apply for the Hygiene Infiltration Anesthesia Permit. Ms. Campbell seconded the motion and it was approved by general consent. Members will review each application for this permit on an individual basis.

Ms. Lankford posed some questions that hygienists have been asking about the new Infiltration permit such as: *How many infiltrations will be required for holders of the permit to perform?* Members agreed there will not be a required amount; *Will holders of the permit be required to*

keep a log of completed procedures? Members agreed that a log would not be required by the Board, but is required by UAB for the course.

Risk Management has agreed to cover the students at the UAB course for malpractice for this first course only. They will have to be covered by another source for future offerings of the course. Dr. Jackson said the applicants should be covered under the auspices of UAB, the same as dental students and the ADHP students who test there.

The statute states that holders of this permit may be required to acquire a yearly CE in order to renew the license but the requirements for that CE have not been defined.

Vaccinations are being mandated by UAB to take the course; the Board does not require additional vaccinations other than Hepatitis B. This concluded the report.

Ms. Campbell moved to grant a waiver to Debra Aldrich to allow her to apply for Dental Hygiene License by Credentials with 4,500 of the required 5,000 hours of active hygiene practice in the past 5 years. Dr. Sims seconded the motion and it was approved by general consent.

At 7:29 p.m. the President announced a break; the meeting resumed at 7:49 p.m.

Members discussed progress on case # 2018-46. The Board had sent a *cease and desist* letter to a corporation after Mr. Strickland discovered that there was no dentist present in the establishment while individuals were performing services that are designated as the *practice of dentistry*. Mr. Garrett stated that these services are clearly defined by law as the *practice of dentistry* even though they may be minimally invasive. Dr. Dixon met with the firm's attorneys at the Board office and explained the legal aspects of the practice of dentistry and that the Board does not intend to change the law.

At 8:09 p.m. the President recessed the meeting until Friday at 8:30 a.m.

MINUTES
BOARD MEETING
Friday October 5, 2018

The Board of Dental Examiners of Alabama met Friday October 5, 2018, at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 8:23 a.m. with the following members in attendance: Dr. Adolphus M. Jackson, President, Dr. Thomas Gerald Walker, Vice-President, Dr. Douglas Beckham, Secretary/Treasurer, Dr. Stephen R. Stricklin, Dr. Mark R. McIlwain, Dr. Kevin M. Sims, and Sherry Skinner Campbell, RDH. Also in attendance were Brad W. Edmonds, Esq., Executive Director, Kevin Lane, Interim Executive Director, Dr. Donna Dixon, Esq., Prosecuting Counsel, Blake Strickland, Investigator, Sonya Lankford, Business Manager, and Linda Dlugosz, Licensing Clerk.

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

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

Mr. Strickland presented the Inspection Report.

He has reminded clinics that they must have 2 signatures when disposing drugs. Dr. Sam J. Citrano, Jr. and Dr. Bobby Wells have graciously assisted with inspections. Dr. Dixon and Brad Edmonds accompanied Mr. Strickland to some of the inspections of UAB clinics. Mr. Edmonds was introduced to the staff at those clinics. This concluded the report.

At 8:38 a.m., in preparation for a public hearing to review proposed Amendment for *Rule 270-X-2.20 Reporting Adverse Occurrences*, Blake Strickland checked the halls and foyer and ascertained that no one was waiting to attend the hearing. Dr. Jackson convened the Public Hearing. Mr. Strickland read the proposed amended Rule aloud with deletions and additions. Members suggested minor changes; discussion followed. There had been no other comments or suggestions received by mail, email, or phone. After discussion, Dr. McIlwain moved to approve the proposed amended *Rule 270-X-2.20* as read with minor changes discussed by members. Dr. Stricklin seconded the motion and it was approved by general consent. The President closed the Public Hearing.

At 8:52 a.m. Dr. Bobby R. Wells joined the meeting.

Ms. Johnson was invited to join the meeting and present the ADHP report.

This weekend, Oct. 6-7, is ADHP class. Dr. Kaur and Dr. Weatherford will be presenters of lectures.

A disciplinary letter was sent to a student who has often been tardy for class and has also been leaving class early. One student dropped out of the course because of health reasons. This concluded the report; Ms. Johnson left the meeting.

The Wellness Report, provided by Dr. Garver, was presented by Dr. Dixon. The report summarized activities of participants during the past month.

Dr. Beckham moved to approve out-of-state travel for all Board members to attend the CITA Annual Meeting in Scottsdale, Arizona. Dr. Walker seconded the motion and it was approved by general consent.

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

- Chandler Goltz, DDS
- Sergio Loubriel, DMD
- Alexander Quante, DDS

Dr. Walker moved to approve Dental Special Purpose Licensure for 3-Yrs. based on successful completion of the jurisprudence exam for Michael Blackmon, DDS. Dr. McIlwain seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. McIlwain 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.

- Maureen Harman, RDH
- Drakken James, RDH
- Kacey Lambert, RDH
- Cara Luquire, RDH
- Natalie Wright, RDH

Dr. Sims moved to approve Dental Hygiene 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.

- Michele Alcala, RDH
- Julie Schaefer, RDH

Members discussed raising application fees for initial licensure. They compared current fees with those of some other states. Members asked for a total of how many dentists practice out of state/in state. To obtain this information, address fields must be added to next year's online renewal form to request both home address, office address, and to indicate preferred mailing address. Currently, a licensee is only asked for a preferred mailing address which could be home or office. If a licensee chooses *home* as preferred mailing address it could replace their office address in the database.

Mr. Edmonds and Mr. Lane presented the Executive Director Report.

Members were asked to email their topics for this year's newsletter. Dr. McIlwain will readdress opioids and explain *why* dentist must check with PDMP before prescribing schedule II drugs.

CODA invited members to attend the re-evaluation of UAB's Oral & Maxillofacial Surgery Education in February 2019. Mr. Edmonds will advise CODA that Ms. Sherry Campbell will attend the evaluation.

Mr. Edmonds has been asked to approve some payment plans for fines. Members agreed that they would evaluate requests for payment plans for fines on an individual basis.

Mr. Edmonds asked members if they wanted to consider meeting less often than monthly. After discussion they decided to revisit the subject at a later meeting. Dr. Walker moved to add June 1, 2019 as an additional meeting date in order to accommodate licensure approval for UAB SOD graduates. Ms. Campbell seconded the motion and it was approved by general consent. The other dates for 2019 meetings remain as previously approved: Jan 10-11; Feb 14-15; Mar 14-15; Apr 4-5; May 2-3; June 1, June 13-14; July 11-12; Aug 8-9; Sept 12-13; Oct 3-4; Nov 7-8; Dec 5-6. These will be posted on the State's Open Meetings website as well as on the Board's website.

Mr. Edmonds suggested using electronic letterhead printed as needed on quality paper instead of ordering professionally printed letterhead since Board names and officers change every year. Members agreed that this is a good suggestion.

Mr. Edmonds will work on modifying documents for the 2019-2020 ADHP course to address expectations of students' conduct and punctuality. He will present a draft to a future meeting.

Mr. Edmonds brought up raising renewal fees for dentists and hygienists as they have not been raised since 2010. After discussion, the Board will revisit this idea after the costs of renovations for the new building have been ascertained. This concluded the report.

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

Dr. Stricklin moved to notice the Respondent of case #2018-39 for a hearing. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Sims moved that case #2018-61 has no evidence to sustain. 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. Sims moved that case #2018-35 has no evidence to sustain. 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. McIlwain moved that case #2018-37 has no evidence to sustain. Dr. Stricklin seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to notice the Respondent of case #2018-65 for a hearing. Dr. Stricklin seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Dixon presented the Attorney Report. She updated members on current civil activities.

On behalf of all the members, Dr. Jackson praised and thanked Dr. Stricklin for his extended service as a Board member. Dr. Beckham presented Dr. Stricklin with a wooden sign promoting his dental practice.

Dr. Stricklin moved to appoint the following as officers of the Board for 2018-2019: President, Dr. Thomas Gerald Walker; Vice President, Dr. Douglas Beckham; Secretary/Treasurer, Dr. Mark Ray McIlwain. Dr. Sims seconded the motion and it was approved by general consent.

Mr. Strickland presented an unopened FedEx delivery envelope containing election results from Election America to Dr. Beckham, who opened and read the results: a total of 837 votes were cast; 748 for Dr. Bruce E. Cunningham; 89 for Dr. Thomas T. Willis. Dr. Beckham declared Dr. Cunningham the winner. Dr. Jackson administered the Oath of Office to Dr. Cunningham as the newest Board member. All congratulated and welcomed him.

At 11:20 a.m. Dr. Walker moved to adjourn the meeting. Dr. Stricklin seconded the motion and it was approved by general consent.

Respectfully Submitted,

Douglas Beckham, D.M.A.

Dr. Douglas Beckham, Secretary/Treasurer

Approved: Nov. 1, 2018
Submitted by: Linda Dlugosz

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
August 2018

Aug 2018 for Oct 2018
Balance as of 8/31/2018
Checking: \$103,570.66
MM: \$1,651,842.41

	<u>Aug 18</u>	<u>Budget</u>	<u>Oct '17 - Aug 18</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	Variance
Ordinary Income/Expense						
Income						
501 · Annual Dental Registration	0.00		492,800.00	515,000.00	515,000.00	
502 · Annual Hygiene Registration	0.00		269,490.00	282,945.00	282,945.00	
503 · Controlled Substance Fee	1,315.00		246,890.00	243,225.00	243,225.00	
504 · Annual Teaching Permits	30.00		4,980.00	6,000.00	6,000.00	
505 · ADHP Certification	0.00	0.00	12,150.00	12,000.00	12,000.00	
507 · Drug Log Books	0.00		0.00	0.00	0.00	
508 · ADHP	0.00	0.00	123,850.00	95,000.00	95,000.00	
509 · Dental Exam Fee	250.00	666.66	10,350.00	7,333.34	8,000.00	
510 · Original License Fee	275.00	322.91	4,100.00	3,552.09	3,875.00	
511 · Licenses Reprint Fee	25.00	166.66	650.00	1,833.34	2,000.00	
512 · Dental Hygiene Exam Fee	1,250.00	1,250.00	12,125.00	13,750.00	15,000.00	
513 · Directory Fee	0.00		0.00	0.00	0.00	
515 · Penalty Fee	300.00	2,020.83	6,600.00	22,229.17	24,250.00	
516 · Privilege License Money	0.00	0.00	93,328.14	20,000.00	20,000.00	
517 · Interest Inc - checking	28.06	16.66	171.02	183.34	200.00	
518 · Parental Sedation Permit Fee	900.00	916.66	10,900.00	10,083.34	11,000.00	
519 · Anesthesia Permit	0.00	2,500.00	27,400.00	27,500.00	30,000.00	
521 · Other Income	0.00	41.66	125.00	458.34	500.00	
525 · Dent Hyg Bd Appl	-100.00	625.00	7,000.00	6,875.00	7,500.00	
526 · ADHP Materials	0.00	0.00	60,150.00	45,000.00	45,000.00	
527-1 · Administrative Costs	75.00	416.66	75.00	4,583.34	5,000.00	
527-3 · Administrative Fines	0.00		2,800.00			
527 · Disciplinary Fines (Prior)	4,232.00		156,669.00			
528 · Initial Anesthesia Evaluation	2,700.00	1,500.00	27,000.00	16,500.00	18,000.00	
529 · OCS Annual Reg. Fee	0.00		19,300.00	20,025.00	20,025.00	
530 · Licensure By Credentials	4,100.00	4,166.66	57,100.00	45,833.34	50,000.00	
531 · RETURNED CHECK CHARGES	0.00	41.66	180.00	458.34	500.00	
532 · OCS Initial App. Fee	0.00	83.33	1,300.00	916.67	1,000.00	
533 · Dental Lic. Bd Exam Application	2,400.00	1,333.33	22,600.00	14,666.67	16,000.00	
540 · Special Purpose Dental Lic Fee	0.00	100.00	1,350.00	1,100.00	1,200.00	

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545 · Special Purpose Hygiene Lic Fee	450.00	100.00	840.00	1,100.00	1,200.00	
617 · MDF Permits	0.00	541.66	5,500.00	5,958.34	6,500.00	
800 · 800-OVERPAYMENTS	0.00		65.00			
Total Income	<u>18,230.06</u>	<u>16,810.34</u>	<u>1,677,838.16</u>	<u>1,424,109.66</u>	<u>1,440,920.00</u>	
Gross Profit	18,230.06	16,810.34	1,677,838.16	1,424,109.66	1,440,920.00	
Expense						
0100-0 · Personnel Costs	43,354.86	41,916.66	475,875.11	461,083.34	503,000.00	Noted last month
0114-0 · Board Member Compensation	9,800.00	8,333.33	88,850.00	91,666.67	100,000.00	Travel
0198-0 · Bonus	0.00		3,200.00	3,200.00	3,200.00	
0201-0 · Payroll Expenses	5,046.70	3,750.00	44,529.06	41,250.00	45,000.00	Amt paid increased
0202-0 · Pension Plan	0.00	0.00	60,786.61	50,000.00	50,000.00	
0203-0 · Medical Insurance	8,575.07	7,133.33	89,140.59	78,466.67	85,600.00	Bill increase
0204-0 · Workman Comp. Ins.	0.00	0.00	6,573.00	5,200.00	5,200.00	
0205 · Unemployment Fees	0.00	41.66	0.00	458.34	500.00	
0300-0 · Travel - In-State	1,443.31	2,250.00	18,580.97	24,750.00	27,000.00	
0400-0 · Travel - Out-of-State	470.00	2,250.00	27,672.10	24,750.00	27,000.00	
0500-0 · Repairs & Maintenance	295.00	250.00	3,157.60	2,750.00	3,000.00	
0600-1 · Rentals & Leases/Offsite Meetin	790.00	83.33	982.00	916.67	1,000.00	Alumni Weekend Rentals
0600-2 · NEW OFFICE SPACE	0.00		2,500.00			
0602-1 · Rent on Building	8,692.36	8,377.91	92,471.06	92,157.09	100,535.00	New amt
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	0.00	708.33	7,645.94	7,791.67	8,500.00	
0700-2 · Utilities - Cell Phone	0.00	0.00	-131.90	0.00	0.00	
0700-3 · Utilities - Power	673.69	708.33	7,494.34	7,791.67	8,500.00	
0700-4 · Utilities - Internet	375.00	375.00	4,125.00	4,125.00	4,500.00	
Total 0700-0 · Utilities & Communications	<u>1,048.69</u>	<u>1,791.66</u>	<u>19,133.38</u>	<u>19,708.34</u>	<u>21,500.00</u>	
0800-0 · Professional Services	20,917.39	13,333.34	184,436.77	146,666.66	160,000.00	ADHP
0800-1 · Membership Dues & Subscriptions	458.00	1,500.00	13,034.68	16,500.00	18,000.00	
0801-0 · Board Attorney Fees	0.00	2,083.33	0.00	22,916.67	25,000.00	

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0840-0 · CONSULTANTS	5,000.00	5,000.00	55,000.00	55,000.00	60,000.00	
0899-1 · Evaluator Fees	1,500.00	833.33	11,235.82	9,166.67	10,000.00	Evals
0899-2 · Hearing Officer Fees	0.00	416.66	1,440.00	4,583.34	5,000.00	
0899-5 · Website	0.00		674.98			
0899-6 · A.D.H.P. Materials & Supplies	0.00	333.33	2,780.24	3,666.67	4,000.00	
0900-0 · Office Expense	923.68	1,166.66	11,524.31	12,833.34	14,000.00	
0900-1 · Recycle / Paper Disposal	50.00	50.00	515.90	550.00	600.00	
0902-0 · NPDB HIPDB License Background	20.00	25.00	146.00	275.00	300.00	
0906-0 · Printing & Supplies	0.00	83.33	1,365.40	916.67	1,000.00	
0910-0 · Postage	1,000.00	583.33	8,184.71	6,416.67	7,000.00	
0924-0 · Insurance	0.00	0.00	8,459.00	0.00	10,000.00	
0944 · Computer Expenses						
0944-0 · Computer Updates	0.00	1,666.66	710.20	18,333.34	20,000.00	
0944-1 · Computer Support	442.99	5,833.33	38,221.20	64,166.67	70,000.00	
0944 · Computer Expenses - Other	295.00		177,245.00			
Total 0944 · Computer Expenses	<u>737.99</u>	<u>7,499.99</u>	<u>216,176.40</u>	<u>82,500.01</u>	<u>90,000.00</u>	
0950-0 · Penalty	0.00		25.00			
0951-0 · NSF	0.00	8.33	0.00	91.67	100.00	
0999-0 · MISC.	7.00	125.00	693.84	1,375.00	1,500.00	
1000-0 · Auto Expense	0.00		0.00	0.00	0.00	
1000-1 · Vehicle Repairs & Maint.	104.06	73.75	4,120.50	811.25	885.00	
1000-2 · Vehicle Fuel	342.31	250.00	2,920.61	2,750.00	3,000.00	
1400-0 · Equipment						
0600-3 · Equipment Rental/Lease	0.00	1,250.00	10,776.10	13,750.00	15,000.00	
1400-0 · Equipment - Other	1,852.94		7,370.04			
Total 1400-0 · Equipment	<u>1,852.94</u>	<u>1,250.00</u>	<u>18,146.14</u>	<u>13,750.00</u>	<u>15,000.00</u>	
6950 · Bank & CC Service Fees	532.86	3,583.33	44,638.88	39,416.67	43,000.00	
Total Expense	<u>112,962.22</u>	<u>114,376.59</u>	<u>1,518,970.66</u>	<u>1,316,543.41</u>	<u>1,440,920.00</u>	
Net Ordinary Income	-94,732.16	-97,566.25	158,867.50	107,566.25	0.00	
Other Income/Expense						
Other Income						
524 · NSF Checks	0.00		1,005.00			

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527-2 · ADPWC - Monitoring Fee	0.00		8,686.22			
Total Other Income	0.00		9,691.22			
Net Other Income	0.00		9,691.22			
Net Income	<u>-94,732.16</u>	<u>-97,566.25</u>	<u>168,558.72</u>	<u>107,566.25</u>	<u>0.00</u>	