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Douglas Beckham, DMD
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Mark R. McIlwain, DMD, MD
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Bradley W. Edmonds, JD, MBA, MS
Executive Director

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Prosecuting Attorney



BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES BOARD MEETING November 1-2, 2018

The Board of Dental Examiners of Alabama met Thursday November 1, 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. Thomas Gerald Walker, President; Dr. Douglas Beckham, Vice-President; Dr. Mark Ray McIlwain, Secretary/Treasurer; Dr. Adolphus M. Jackson; Dr. Kevin M. Sims; Dr. Bruce E. Cunningham; and Sherry Skinner Campbell, RDH. Also in attendance were Brad W. Edmonds, Esq., Executive Director; Dr. Donna Dixon, Esq., Prosecuting Counsel; Dr. Mike Koslin, Director, Anesthesia Committee; Kevin Lane, Compliance Director; Blake Strickland, Investigator; 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 October 4-5, 2018 meeting. A correction was noted. Dr. McIlwain moved to approve the minutes as presented with one correction as noted. Dr. Jackson second the motion and it was approved by general consent.

The President welcomed guests, Dr. Alvin "Red" Stevens, Dr. Steve Stricklin, Dr. Mike Koslin, and Dr. Rodney Marshall.

Dr. Walker invited Dr. Stevens to present the ADHP Report.

Dr. Weatherford, Dr. Carr, and Dr. Tilshalski have worked to schedule their presentations so that the material is covered without over-taxing one presenter.

Dr. Stevens praised Ms. Johnson for her hard work and diligence in managing the Program. This concluded the report.

Dr. Walker invited Dr. Koslin to address the Board.

Because the revised Rule for issuance of a general anesthesia (GA) permit no longer allows for a facility permit to be issued, and dentists using facility permits are now required to obtain a personal GA permit, Dr. Koslin is facing more inspections than can be completed before the end of the year. Dr. Koslin asked for an extension of the 12/31/2018 deadline for expiration of facility permits. Members regretfully said the 12/31 date is regulated by statutory authority and an extension cannot be given. Many of the dentists in clinics/offices that currently hold a facility GA permit have not yet re-applied for an individual GA permit. Members did agree that a facility that has just been inspected in the past 6 months would not have to be re-inspected in order to be issued the temporary inspection permit. This would allow for some flexibility for the committee to get all applications for GA permit inspected. Mr. Edmonds will send a letter to all holders of the facility GA permit stating the urgency for them to apply for their individual dentist GA permit. If this is not done in a timely manner those “facilities” will not have a provision for providing general anesthesia after 12/31/2018.

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

At 6:57 p.m. Dr. Cunningham moved to enter into Executive Session for the purpose of discussing the reputation, character, physical condition, professional competence or mental health of individuals and return to public session at 7:10 p.m. Dr. Sims seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Dr. McIlwain, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Ms. Campbell, yea. The motion carried. At 7:20 p.m. the Board retired from Executive Session. Dr. McIlwain moved to form a committee to evaluate staff compensation after the first of the new year. Dr. Cunningham seconded the motion and it was approved by general consent. Dr. Walker appointed Dr. Jackson, Ms. Campbell, and Dr. Beckham as the committee.

Mr. Edmonds asked for approval to explore the possibility of utilizing CE Broker for audit purposes. Members agreed that Mr. Edmonds should research the possibilities and report his findings at a future meeting.

Mr. Edmonds presented a draft revision to the ADHP Classroom Protocol. Dr. Sims moved to approve the draft. Ms. Campbell seconded the motion and it was approved by general consent.

Members reviewed a request for Board approval of an OCS course. Mr. Edmonds will contact the provider to require a detailed syllabus of the proposed course.

Proposed changes to Rule 270-X-4-.04 were discussed at the Legislative Committee meeting.

Members appointed Dr. Sims, Dr. McIlwain, and Dr. Walker as Committee to select an architect/engineer for making improvements to the new office building. The State will enter a request for proposals on their website; this committee will choose one of the proposals from those that are received and work with their choice.

Mr. Edmonds informed members that they must take Board member training offered by the State. Ms. Sherry Campbell just completed taking the course. Cassandra Harlequin, Sonya Lankford, and Mr. Edmonds are scheduled to take the course December 5th. It will be offered again in March and June 2019 – date TBD. Members are asked to let Mr. Edmonds know when they plan to attend.

At 7:51 p.m. Dr. Walker announced a break; the meeting resumed at 8:01 p.m.

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

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

- Thomas Cranfill, DMD
- Christopher Freeman, DDS
- Quentin Shaw, DDS

Dr. Beckham moved to request an interview with Gary Moore, DDS, in regards to his application for Dental Licensure by Credentials. Dr. McIlwain seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

At 8:10 p.m. Dr. Jackson moved to enter into Executive Session for the discussion of the legal ramifications and legal options for pending litigation; and to return to public session at 8:30 p.m. Mr. Edmonds, an attorney licensed to practice law in Alabama, advised the Board that the provision of law permitting executive sessions for boards to discuss with their attorney the legal ramifications and legal options for pending litigation (Ala. Code 1975 § 36-25A-7(a)(3)) applied. Dr. Sims seconded the motion and the President called for the vote: Dr. Jackson, yea, Dr. McIlwain, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Dr. Cunningham, yea, Ms. Campbell, yea. The motion carried. At 8:29 p.m. the Board retired from Executive Session.

At 8:29 p.m. Dr. McIlwain moved to recess the meeting until 8:30 a.m. Friday. Dr. Sims seconded the motion and it was approved by general consent.

MINUTES
BOARD MEETING
Friday November 2, 2018

The Board of Dental Examiners of Alabama met Friday November 2, 2018, at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 8:31 a.m. with the following members in attendance: Dr. Thomas Gerald Walker, President; Dr. Douglas Beckham, Vice-President; Dr. Mark Ray McIlwain, Secretary/Treasurer; Dr. Adolphus M. Jackson; Dr. Kevin M. Sims; Dr. Bruce E. Cunningham; and Sherry Skinner Campbell, RDH. Also in attendance were Brad W. Edmonds, Esq., Executive Director; Dr. Donna Dixon, Esq., Prosecuting Counsel; Kevin Lane, Compliance Director; 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.

Dr. Walker welcomed Ashby Pate, Esq. of Lightfoot, Franklin, White, L.L.C. At 8:34 a.m. Dr. McIlwain moved to enter into Executive Session for the discussion of pending litigation and to return to public session at 9:50 a.m. Mr. Edmonds again advised the board that the pertinent provision of the Open Meetings Act applied. Dr. Beckham seconded the motion and the President called for the vote: Dr. Jackson, yea, Dr. McIlwain, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Dr. Cunningham, yea, Ms. Sherry Campbell, yea. The motion carried. At 9:43 a.m. the Board retired from executive session and returned to public session. The President announced a break; the meeting resumed at 10:10 a.m.

Dr. Sims moved to approve Dental Hygiene Licensure by Regional Exam based on successful completion of the jurisprudence exam for Michelle Williams, RDH. Dr. Cunningham seconded the motion and it was approved by general consent.

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

- Monica Chambi, RDH
- Emily Harbin, RDH
- Bethany Mullen-Linstad, RDH
- Laura Ward, RDH

Dr. Cunningham moved to approve Dental Hygiene Special Purpose Licensure 3YRs for Tasha Schmidt, RDH based on successful completion of the jurisprudence exam. Dr. Jackson seconded the motion and it was approved by general consent.

Ms. Campbell moved to approve Dental Hygiene Infiltration/Anesthesia Permit for the following applicants. Dr. Cunningham seconded the motion and it was approved by general consent.

- Maria Nekic, RDH
- Stacie Snow, RDH
- Jean Triche, RDH

Members agreed that future applications for the Hygiene Infiltration/Anesthesia permit should include a statement from the applicant's former employer confirming that the licensee has practiced infiltration within the past 5 years.

Mr. Lane distributed the Wellness Report supplied by Dr. Garver. Dr. Dixon updated members on participants who had activity in the past month.

Ms. Campbell moved to allow the Respondent of case #2018-39 to reinstate her hygiene license. Dr. Jackson seconded the motion and it was approved by general consent.

Mr. Strickland presented the Inspection Report.

After discussion by the Board and Director Edmonds, it was decided that Mr. Strickland will no longer assist the Anesthesia Committee with onsite GA/PA inspections, at this time. He traveled to Mobile to inspect a mobile dental facility that appears to be the first orthodontic-specific trailer in Alabama. The orthodontist will use the trailer to treat existing orthodontic patients at several local schools. The mobile dental facility passed inspection. Mr. Strickland confirmed that he had inspected all of the UAB-related clinics for 2018. This concluded the report.

Mr. Strickland asked for approval of a CE course that he presented to hygienists in Daphne that included infiltration, DPA, Board Rules, and Wellness. Dr. Jackson moved to approve the course for CE credits. Dr. Sims seconded the motion and it was approved by general consent.

Mr. Edmonds presented the Executive Director Report.

Because of a conflict with previously approved meeting dates for April and May 2019, Dr. Cunningham moved to change meeting dates to April 11-12 and May 9-10. Dr. Beckham seconded the motion and it was approved by general consent.

Mr. Edmonds asked members if they would accept a payment on a fine from a licensee if it were received a day after the demand date. They agreed to accept the payment and asked Mr. Edmonds to send the licensee another demand letter emphasizing that the payment must be *received* by the due date.

In response to a question posed by a Board member at the October 2018 meeting, Mr. Edmonds informed members that the Board does not have the authority to charge different renewal fees for different types of dental licenses. He suggests removing the dollar amounts from statute. This will be revisited at some time in the future.

The former Executive Director had asked the Medical Board if they could work with the Dental Board to govern situations where an MD performs general anesthesia at a dental office. They have replied that it would not be reasonable for the two boards to work together to govern these situations.

Mr. Edmonds had asked Bill Garrett if donations could be made to the building fund. Mr. Garrett said that there is nothing to prevent someone from donating to the building fund but it would not be a good idea for groups to donate because of the appearance of bias or favoritism.

Contracts with 2 Administrative Law Judges are in process of being renewed.

Mr. Edmonds asked members to please send their articles for the Newsletter so that it could be produced and distributed before the end of 2018.

Mr. Edmonds has been researching administrative duties of the agency, such as providing 45 days' notice to the Secretary of State when a member is going to cycle off the Board and providing an annual report to Records Disposition Authority. He will continue to fulfill all Board requirements in preparation for the next Sunset audit.

As of Oct. 31st there are approximately 500 dentists and 900 hygienists who have not renewed their licenses. This is much better than last year's totals at the end of October which were 1,800 dentists and 1,750 hygienists. This concluded the report.

At 11:20 a.m. the President announced break; the meeting resumed at 11:35 a.m.

Dr. Sims moved that cases #2018-13 and #2018-14 have no evidence to sustain. 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. Jackson moved that case #2018-56 has no evidence to sustain. Dr. Cunningham 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 #2018-28 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. McIlwain moved to notice the Respondent of case #2018-25 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. McIlwain moved that case #2018-57 has no evidence to sustain. Dr. Cunningham 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 #2018-42 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. Cunningham moved to close case #2018-41. Dr. McIlwain seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

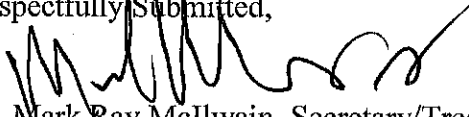
All members received the same anonymous complaint by mail. This makes the 7th complaint received about the same licensee perhaps sent by 3 different people with no name or contact information. Mr. Edmonds asked Bill Garrett how to proceed; he answered that Board policy requires a written complaint on proper forms so therefore nothing can be done until the policy has been amended. Members discussed this situation at length.

Ms. Johnson was asked to join the meeting and present the ADHP Report.

Mr. Edmonds distributed pages of the engagement letter for legal representation with Lightfoot, Franklin, White, L.L.C. Each member signed the letter. At 1:15 p.m. Dr. Cunningham moved to enter into Executive Session to discuss pending litigation and to return to public session at 1:30 p.m. Mr. Edmonds again advised the board that the pertinent provision of the Open Meetings Act applied. At 1:29 p.m. the Board retired from Executive Session.

At 1:30 p.m. Dr. McIlwain moved to adjourn the meeting. Dr. Sims seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. Mark Ray McIlwain, Secretary/Treasurer

Approved: Dec. 6, 2018

Submitted by: Linda Dlugosz

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

Sept 2018 for Nov 2018
Balance as of 9/30/2018
Checking: \$557,930.97
MM: \$1,651,869.56

	<u>Sep 18</u>	<u>Budget</u>	<u>Oct '17 - Sep 18</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	0.00		492,800.00	515,000.00	515,000.00
502 · Annual Hygiene Registration	130.00		269,620.00	282,945.00	282,945.00
503 · Controlled Substance Fee	1,900.00		248,790.00	243,225.00	243,225.00
504 · Annual Teaching Permits	150.00		5,130.00	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	100.00	666.66	10,450.00	8,000.00	8,000.00
510 · Original License Fee	75.00	322.91	4,175.00	3,875.00	3,875.00
511 · Licenses Reprint Fee	75.00	166.66	725.00	2,000.00	2,000.00
512 · Dental Hygiene Exam Fee	400.00	1,250.00	12,525.00	15,000.00	15,000.00
513 · Directory Fee	0.00		0.00	0.00	0.00
515 · Penalty Fee	200.00	2,020.83	6,800.00	24,250.00	24,250.00
516 · Privilege License Money	0.00	0.00	93,328.14	20,000.00	20,000.00
517 · Interest Inc - checking	27.15	16.66	198.17	200.00	200.00
518 · Parental Sedation Permit Fee	0.00	916.66	10,900.00	11,000.00	11,000.00
519 · Anesthesia Permit	0.00	2,500.00	27,400.00	30,000.00	30,000.00
521 · Other Income	0.00	41.66	125.00	500.00	500.00
525 · Dent Hyg Bd Appl	0.00	625.00	7,000.00	7,500.00	7,500.00
526 · ADHP Materials	0.00	0.00	60,150.00	45,000.00	45,000.00
527-1 · Administrative Costs	189.58	416.66	264.58	5,000.00	5,000.00
527-3 · Administrative Fines	0.00		2,800.00		
527 · Disciplinary Fines (Prior)	5,264.00		161,933.00		
528 · Initial Anesthesia Evaluation	0.00	1,500.00	27,000.00	18,000.00	18,000.00
529 · OCS Annual Reg. Fee	2,800.00		22,100.00	20,025.00	20,025.00
530 · Licensure By Credentials	8,000.00	4,166.66	65,100.00	50,000.00	50,000.00
531 · RETURNED CHECK CHARGES	30.00	41.66	210.00	500.00	500.00
532 · OCS Initial App. Fee	0.00	83.33	1,300.00	1,000.00	1,000.00
533 · Dental Lic. Bd Exam Application	200.00	1,333.33	22,800.00	16,000.00	16,000.00
540 · Special Purpose Dental Lic Fee	0.00	100.00	1,350.00	1,200.00	1,200.00

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545 · Special Purpose Hygiene Lic Fee	195.00	100.00	1,035.00	1,200.00	1,200.00
617 · MDF Permits	0.00	541.66	5,500.00	6,500.00	6,500.00
800 · 800-OVERPAYMENTS	0.00		65.00		
Total Income	19,735.73	16,810.34	1,697,573.89	1,440,920.00	1,440,920.00
Gross Profit	19,735.73	16,810.34	1,697,573.89	1,440,920.00	1,440,920.00
Expense					
0100-0 · Personnel Costs	39,881.12	41,916.66	515,756.23	503,000.00	503,000.00
0114-0 · Board Member Compensation	10,150.00	8,333.33	99,000.00	100,000.00	100,000.00 ED Hiring
0198-0 · Bonus	0.00		3,200.00	3,200.00	3,200.00
0201-0 · Payroll Expenses	5,295.39	3,750.00	49,824.45	45,000.00	45,000.00 Taxes
0202-0 · Pension Plan	0.00	0.00	60,786.61	50,000.00	50,000.00
0203-0 · Medical Insurance	7,867.80	7,133.33	97,008.39	85,600.00	85,600.00 Premium
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	500.00	500.00
0300-0 · Travel - In-State	1,500.49	2,250.00	20,081.46	27,000.00	27,000.00
0400-0 · Travel - Out-of-State	0.00	2,250.00	27,672.10	27,000.00	27,000.00
0500-0 · Repairs & Maintenance	295.00	250.00	3,452.60	3,000.00	3,000.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	982.00	1,000.00	1,000.00
0600-2 · NEW OFFICE SPACE	7,500.00		10,000.00		
0602-1 · Rent on Building	8,692.36	8,377.91	101,163.42	100,535.00	100,535.00 Down pmt
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	147.66	708.33	7,793.60	8,500.00	8,500.00
0700-2 · Utilities - Cell Phone	0.00	0.00	-131.90	0.00	0.00
0700-3 · Utilities - Power	629.93	708.33	8,124.27	8,500.00	8,500.00
0700-4 · Utilities - Internet	375.00	375.00	4,500.00	4,500.00	4,500.00
Total 0700-0 · Utilities & Communications	1,152.59	1,791.66	20,285.97	21,500.00	21,500.00
0800-0 · Professional Services	17,702.06	13,333.34	202,138.83	160,000.00	160,000.00 ADHP UAB
0800-1 · Membership Dues & Subscriptions	1,148.50	1,500.00	14,183.18	18,000.00	18,000.00
0801-0 · Board Attorney Fees	0.00	2,083.33	0.00	25,000.00	25,000.00
0840-0 · CONSULTANTS	5,000.00	5,000.00	60,000.00	60,000.00	60,000.00
0899-1 · Evaluator Fees	600.00	833.33	11,835.82	10,000.00	10,000.00
0899-2 · Hearing Officer Fees	0.00	416.66	1,440.00	5,000.00	5,000.00

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0899-5 · Website	0.00		674.98		
0899-6 · A.D.H.P. Materials & Supplies	0.00	333.33	2,780.24	4,000.00	4,000.00
0900-0 · Office Expense	945.27	1,166.66	12,469.58	14,000.00	14,000.00
0900-1 · Recycle / Paper Disposal	50.00	50.00	565.90	600.00	600.00
0902-0 · NPDB HIPDB License Background	18.00	25.00	164.00	300.00	300.00
0906-0 · Printing & Supplies	630.00	83.33	1,995.40	1,000.00	1,000.00 AL Code
0910-0 · Postage	2,000.00	583.33	10,184.71	7,000.00	7,000.00 Renewals
0924-0 · Insurance	0.00	10,000.00	8,459.00	10,000.00	10,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	1,666.66	710.20	20,000.00	20,000.00
0944-1 · Computer Support	1,055.57	5,833.33	40,513.77	70,000.00	70,000.00
0944 · Computer Expenses - Other	50,295.00		227,540.00		iGov
Total 0944 · Computer Expenses	51,350.57	7,499.99	268,763.97	90,000.00	90,000.00
0950-0 · Penalty	0.00		25.00		
0951-0 · NSF	0.00	8.33	0.00	100.00	100.00
0999-0 · MISC.	0.00	125.00	693.84	1,500.00	1,500.00
1000-0 · Auto Expense	0.00		0.00	0.00	0.00
1000-1 · Vehicle Repairs & Maint.	0.00	73.75	2,883.50	885.00	885.00
1000-2 · Vehicle Fuel	347.11	250.00	3,267.72	3,000.00	3,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	0.00	1,250.00	10,776.10	15,000.00	15,000.00
1400-0 · Equipment - Other	1,852.94		9,222.98		
Total 1400-0 · Equipment	1,852.94	1,250.00	19,999.08	15,000.00	15,000.00
6950 · Bank & CC Service Fees	199.63	3,583.33	44,838.51	43,000.00	43,000.00
Total Expense	164,178.83	124,376.59	1,683,149.49	1,440,920.00	1,440,920.00
Net Ordinary Income	-144,443.10	-107,566.25	14,424.40	0.00	0.00
Other Income/Expense					
Other Income					
524 · NSF Checks	0.00		1,005.00		
527-2 · ADPWC - Monitoring Fee	775.00		9,461.22		
Total Other Income	775.00		10,466.22		
Net Other Income	775.00		10,466.22		

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	<u>Sep 18</u>	<u>Budget</u>	<u>Oct '17 - Sep 18</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Net Income	<u>-143,668.10</u>	<u>-107,566.25</u>	<u>24,890.62</u>	<u>0.00</u>	<u>0.00</u>