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Mark R. McIlwain, DMD, MD
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Executive Director

Donna L. Dixon, DMD, MA, JD
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BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES BOARD MEETING February 14-15, 2019

The Board of Dental Examiners of Alabama met Thursday February 14, 2019 at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 6:07 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. 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; 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 January 2019 meeting. Dr. Beckham moved to approve the minutes as presented. Dr. Jackson seconded the motion and it was approved by general consent.

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

Blaine Galliher presented the Legislative Report.

He updated members on possible upcoming actions by the Governor. The Board's last State audit was for 2017; the Board will have another Sunset audit for 2019.

He updated members on those who plan to run in the upcoming Senate race. This concluded the report. The President thanked Mr. Galliher who then left the meeting.

Ms. Lankford gave updates on the new building and the impending move.

She discussed quotes for moving services. Members authorized up to \$7,500.00 to engage a mover.

Members gave their approval to return to using Data House for IT services with the provision that they do not transport or send any data from the existing database to any other entity. Data House will move all IT equipment and re-install it at the new building in a matter of hours.

Dr. Cunningham opened discussion on requiring an ethics CE class for dentists. After discussion and other members' opinions, Dr. Cunningham was asked to research what other states require in regards to ethics CEs and report to members at the next meeting.

Dr. Jackson opened discussion on CODA Alert IPE Guidance – education in dentistry. CODA is changing their curriculum in order to better educate dental students on how to help their patients with specific issues.

Dr. Walker gave an update on his attendance at the CRDTS Exam Review Committee (ERC) held in Kansas City. Dr. Thomas Willis was also present at that meeting. They discussed new regulations in WREB testing that allows an applicant to skip Class II restorative component if he/she scores high enough on Class III. This led to discussion of acceptable standards on Regional Exams. Dr. Walker appointed a committee of Ms. Campbell, Dr. Jackson, Dr. Beckham, and Dr. Cunningham, to review the requirements that make a Regional Exam acceptable for Alabama initial dental licensure. They may follow the ADEX model. The committee will spend no more than 6 hours collaborating/meeting and report to members at the April meeting.

Dr. Walker has a conflict with July 11-12 meeting date. After discussion, members decided not to change the date of the meeting because of conflicts on other possible dates. Dr. Walker and Dr. Cunningham will not be able to attend.

Dr. McIlwain said that some Alabama dentists have a problem with the new Rule 270-x-2-.20 Reporting Adverse Occurrences. Members discussed the Rule and no changes were proposed.

At 8:28 p.m. the President recessed the meeting until 8:30 a.m. Friday.

MINUTES
BOARD MEETING
Friday February 15, 2019

The Board of Dental Examiners of Alabama met Friday February 15, 2019 at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 8:34 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. 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; 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 welcomed guest, Krista Puczylofski, RDH, and interviewed her regarding her application for Dental Hygiene Licensure by Regional Exam. When the interview was concluded Ms. Puczylofski left the meeting.

Dr. McIlwain moved to approve Dental Hygiene Licensure by Regional Exam for Krista Puczylofski, RDH, based on successful completion of the jurisprudence exam and subject to other agreed upon terms. Dr. Beckham seconded the motion and it was approved by general consent.

Mr. Edmonds distributed a list of proposed licensing fee increases. Fees have not been raised in 9 years even though costs have risen on average 30%. Members reviewed the suggested fee raises. Dr. Cunningham moved to make changes in fee schedules as discussed and agreed upon effective April 1, 2019. Any applications postmarked by March 31, 2019 will be accepted under current fees. Dr. Beckham seconded the motion and it was approved by general consent. Licensing fees will be posted on respective applications found on the Board's State License Applications page.

Dr. Cunningham moved to waive an administrative fine assessed to Dr. D. Keith McDuffie. After discussion, Dr. Cunningham withdrew the motion. Dr. McIlwain moved to assess a reduced administrative fine of \$100.00 to Dr. McDuffie. Dr. Cunningham seconded the motion and it was approved by general and it was approved by general consent.

Dr. Dixon opened discussion regarding complaints she has received from dentists that a Board Rule defines a reportable action against a dentist who does not sign up for the PDMP. Members discussed making the action a non-disciplinary penalty; this would require editing the Rule. Further discussions were tabled until a later date.

Mr. Edmonds presented the Executive Director report.

He updated members on the status of a Civil law suit against the Board.

The Annual Random CE Audit of 5 dentists and 5 hygienists has been completed. All 10 of the licensees responded and passed the audit. This process will be repeated several times per year.

Dr. Cunningham moved to authorize travel and expenses for members, Mr. Edmonds, Ms. Lankford, and Ms. Johnson to attend the ALDA Conference at Perdido in June; for Ms. Johnson and Ms. Lankford to travel and conduct the Instructor Certification class at Turtle Point in April; and for members and Board staff to attend the Public Accountants Board Orientation Program in Montgomery March 1. Dr. McIlwain seconded the motion and it was approved by general consent.

Mr. Edmonds will be attending a ceremony February 27 in Montgomery hosted by Governor Ivey in celebration of Children's Dental Health Month.

Mr. Edmonds distributed copies of a newly drafted Weapons Protocol. The Executive Director can give verbal permission for a guest to enter the office with a weapon if there is a witness present when permission is given. The Investigator can legally act as necessary in regards to security in the office.

Mr. Edmonds reminded members to notify Ms. Harlequin immediately upon deciding to travel for Board business so that she can submit State required forms.

Mr. Edmonds asked for approval to close the office on July 5 this year because the 4th falls on a Thursday. Members did not object.

The Property audit was successfully completed this past week by a State auditor. Ms. Lankford is in charge of the Board's property. This concluded the report.

At 10:08 a.m. the President announced a break; the meeting resumed at 10:31 a.m.

Dr. Beckham moved to approve Dental Licensure by Credentials based on successful completion of the jurisprudence exam for David Curtis, DMD. Dr. Cunningham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

After reviewing application for Dental Licensure by Credentials for Anthony Caputo, DDS, members requested more information to be obtained from the applicant before considering approval of his application.

Dr. Jackson moved to invite James Whitt, DMD, to be interviewed in consideration of his application for Dental Licensure by Credentials. Dr. Beckham seconded the motion. After discussion, Dr. Jackson rescinded the motion. Dr. Cunningham moved to deny Dental Licensure by Credentials for Dr. Whitt. Dr. Beckham seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Beckham, yea, Dr. Walker, yea, Dr. McIlwain, nay, Dr. Jackson, nay. The motion carried with the hygiene member abstaining from the vote.

Dr. Beckham moved to approve Dental Hygiene Infiltration/Anesthesia permits for the following applicants who obtained their infiltration education by the UAB Infiltration course. Ms. Campbell seconded the motion and it was approved by general consent.

- Zenobia Baker, RDH
- Tracy Bonner, RDH
- Dianna Clifton, RDH
- Amanda Cobb, RDH
- Krystal Cobble, RDH
- Kelli Cole, RDH
- Tina Connell, RDH
- Beth Cook, RDH
- Shelby Danley, RDH
- Christina Davis, RDH
- Audrey Dollar, RDH
- Paige Eads, RDH
- Lauren Fuqua, RDH
- Amber Guerra, RDH
- Heather Hamm, RDH
- Audrey Harbison, RDH
- Jamie Howell, RDH
- Julie Isbell, RDH
- Tonya Johns, RDH
- Patricia Kiser, RDH
- Alisa Knox, RDH
- Sandra Loper, RDH
- Melanie Moss, RDH
- Sandra Najarro, RDH
- Melanie Owens, RDH
- Mary Pilgrim, RDH
- Cathy Portwood, RDH
- Kelly Sadler, RDH
- Amanda Sanders, RDH
- Angela Sanderson, RDH
- Mary Saunders, RDH
- Patrick Self, RDH
- Megan Smith, RDH
- Angernetta Snoddy, RDH
- Tara Sockwell, RDH
- Cheryl Souder, RDH
- Chancey Taylor, RDH
- Farrah Tucker, RDH
- Sherry Veal, RDH
- Holli Watford, RDH
- Kailey Watts, RDH
- Candace Weatherby, RDH
- Tonya Woodley, RDH
- Rebecca Woods, RDH
- Paola Yocum, RDH

Dr. McIlwain moved to approve Dental Hygiene Infiltration/Anesthesia permits for the following applicants who obtained their education in another state. Dr. Cunningham seconded the motion and it was approved by general consent.

- Angela Gautney, RDH
- Tiffany Hatch, RDH
- Kylie Keen, RDH

Dr. Beckham moved to deny Dental Hygiene Infiltration/Anesthesia permit to the following applicants because of insufficient education requirements. Ms. Sherry Campbell seconded the motion and it was approved by general consent.

- Tammy Stewart, RDH
- Bridgett Tucker, RDH

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

- Emily Knight, DMD
- Hamel Sevak, DDS
- Sheshaben Shah, DDS
- Darrell Walker, DDS
- Katherine Windham, DMD

Dr. McIlwain moved to approve Dental Hygiene 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.

- Meredith Chrestman, RDH
- Sheryl Wright, RDH

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

- Rachel Diaz, RDH
- Haden Searcy, RDH

Dr. Dixon presented the Wellness report supplied by Dr. Garver. The report detailed any activity of participants in the past month.

Dr. McIlwain moved that case #2018-43 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.

Members gave Dr. Dixon authority to assess an administrative fine of \$500.00 against dentists and \$250.00 against hygienists who practiced after their license expiration date without renewing: cases #2019-12 through #2019-24.

Dr. Cunningham moved that case #2018-71 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 that case #2018-23 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 that case #2018-84 has 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. Cunningham moved that adverse occurrence case #2018-50 has 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 adverse occurrence case #2019-01 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. Cunningham moved that adverse occurrence case #2019-02 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. McIlwain moved that case #2019-03 has 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 #2018-78 has 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.

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

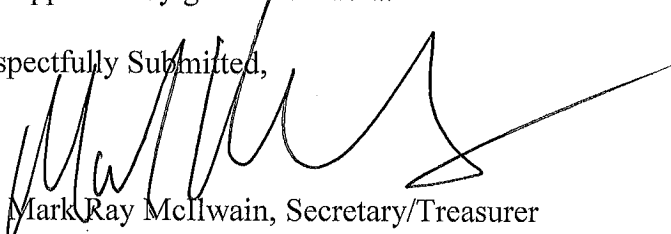
Twenty students have failed and left the program. There are 141 remaining, 14 of which are on the passing edge and could fail. This could bring the total graduation class to about 125 which is average for the past few years. March 10 will be the last lecture meeting. April will be for review, Crest's presentation, Dr. Garver's presentation, and Ms. Campbell's presentation. The comprehensive exam will be administered May 4. The pinning ceremony will take place after the exam.

Seventy-four dentists attended the Instructor class at the Wynfrey during UAB Alumni Weekend. Ms. Johnson thanked members for being present to address the dentists. The next Instructor class is scheduled to be held at Turtle Point in Killen, Alabama on April 5. So far, a few dentists have registered for that class. This concluded the report and Ms. Johnson left the meeting.

Dr. Dixon presented the Attorney Report. Dr. Cunningham moved to notice Dr. Louis Mendel for a hearing based on non-compliance with his Consent Order. Dr. Jackson seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

At 12:22 p.m. Dr. McIlwain moved to adjourn the meeting. Dr. Beckham seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. Mark Ray McIlwain, Secretary/Treasurer

Approved: March 14, 2019
Submitted by: Linda Dlugosz

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

Dec 2018 for February 2019
Balance as of 12/31/2018
Checking: \$779,604.74
MM: \$1,651,952.83

	<u>Dec 18</u>	<u>Budget</u>	<u>Oct - Dec 18</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	Variance
Ordinary Income/Expense						
Income						
317 · Def. Revenue MDF Permit	0.00	0.00	0.00	0.00	0.00	
501 · Annual Dental Registration	28,075.00	171,933.34	485,150.00	515,800.00	515,800.00	
502 · Annual Hygiene Registration	28,525.00	95,073.34	271,474.58	285,220.00	285,220.00	
503 · Controlled Substance Fee	13,035.00	82,000.00	201,400.00	246,000.00	246,000.00	
504 · Annual Teaching Permits	0.00	2,000.00	3,600.00	6,000.00	6,000.00	
505 · ADHP Certification	150.00	0.00	150.00	0.00	12,000.00	
508 · ADHP	0.00	0.00	0.00	0.00	135,000.00	
509 · Dental Exam Fee	300.00	750.00	500.00	2,250.00	9,000.00	
510 · Original License Fee	200.00	322.92	350.00	968.76	3,875.00	
511 · Licenses Reprint Fee	25.00	83.33	175.00	249.99	1,000.00	
512 · Dental Hygiene Exam Fee	1,000.00	1,250.00	1,800.00	3,750.00	15,000.00	
515 · Penalty Fee	550.00	583.33	1,300.00	1,749.99	7,000.00	
516 · Privilege License Money	0.00	0.00	0.00	0.00	20,000.00	
517 · Interest Inc - checking	28.06	16.67	83.27	50.01	200.00	
518 · Parental Sedation Permit Fee	900.00	916.67	7,700.00	2,750.01	11,000.00	
519 · Anesthesia Permit	1,000.00	2,500.00	30,800.00	7,500.00	30,000.00	
521 · Other Income	0.00	41.67	0.00	125.01	500.00	
525 · Dent Hyg Bd Appl	0.00	625.00	0.00	1,875.00	7,500.00	
526 · ADHP Materials	0.00	0.00	0.00	0.00	65,000.00	
527-1 · Administrative Costs	2,500.00	416.67	4,088.00	1,250.01	5,000.00	
527-3 · Administrative Fines	0.00	0.00	1,000.00	0.00	0.00	
527 · Disciplinary Fines (Prior)	2,650.00	0.00	72,228.00	0.00	0.00	
528 · Initial Anesthesia Evaluation	2,450.00	2,083.33	12,600.00	6,249.99	25,000.00	
529 · OCS Annual Reg. Fee	1,000.00	6,675.00	14,800.00	20,025.00	20,025.00	
530 · Licensure By Credentials	0.00	4,166.67	11,675.00	12,500.01	50,000.00	
531 · RETURNED CHECK CHARGES	0.00	41.67	1,335.00	125.01	500.00	
532 · OCS Initial App. Fee	0.00	83.34	0.00	250.02	1,000.00	
533 · Dental Lic. Bd Exam Application	600.00	1,500.00	1,000.00	4,500.00	18,000.00	
540 · Special Purpose Dental Lic Fee	0.00	83.33	0.00	249.99	1,000.00	
545 · Special Purpose Hygiene Lic Fee	0.00	41.67	0.00	125.01	500.00	

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617 · MDF Permits	3,500.00	541.67	3,500.00	1,625.01	6,500.00	
620 · Hygiene Infiltration Permit	1,500.00		1,850.00			
800 · 800-OVERPAYMENTS	0.00	0.00	0.00	0.00	0.00	
Total Income	<u>87,988.06</u>	<u>373,729.62</u>	<u>1,128,558.85</u>	<u>1,121,188.82</u>	<u>1,497,620.00</u>	
Gross Profit	87,988.06	373,729.62	1,128,558.85	1,121,188.82	1,497,620.00	
Expense						
Refund	0.00		-106.72			
0100-0 · Personnel Costs	46,277.94	42,500.00	138,833.82	127,500.00	510,000.00	Longevity pmts
0114-0 · Board Member Compensation	5,450.00	8,333.33	16,950.00	24,999.99	100,000.00	
0198-0 · Bonus	3,200.00	0.00	3,200.00	3,200.00	3,200.00	
0201-0 · Payroll Expenses	4,210.43	4,000.00	14,466.50	12,000.00	48,000.00	Taxes on pmts
0202-0 · Pension Plan	0.00	0.00	84,194.25	0.00	75,000.00	
0203-0 · Medical Insurance	7,008.67	7,500.00	19,079.34	22,500.00	90,000.00	
0204-0 · Workman Comp. Ins.	0.00	0.00	0.00	0.00	6,600.00	
0205 · Unemployment Fees	0.00	0.00	0.00	0.00	0.00	
0300-0 · Travel - In-State	1,368.28	2,083.34	3,364.29	6,250.02	25,000.00	
0400-0 · Travel - Out-of-State	0.00	2,333.33	1,699.51	6,999.99	28,000.00	
0500-0 · Repairs & Maintenance	295.00	425.00	885.00	1,275.00	5,100.00	
0600-1 · Rentals & Leases/Offsite Meetin	0.00	87.50	0.00	262.50	1,050.00	
0600-2 · NEW OFFICE SPACE	0.00	2,083.34	0.00	6,250.02	25,000.00	
0602-1 · Rent on Building	8,692.36	8,700.00	26,077.08	26,100.00	104,400.00	
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	387.82	708.34	1,048.46	2,125.02	8,500.00	
0700-2 · Utilities - Cell Phone	0.00	0.00	0.00	0.00	0.00	
0700-3 · Utilities - Power	624.79	708.34	1,715.09	2,125.02	8,500.00	
0700-4 · Utilities - Internet	375.00	375.00	1,125.00	1,125.00	4,500.00	
Total 0700-0 · Utilities & Communications	<u>1,387.61</u>	<u>1,791.68</u>	<u>3,888.55</u>	<u>5,375.04</u>	<u>21,500.00</u>	
0800-0 · Professional Services	10,871.58	15,416.67	37,503.73	46,250.01	185,000.00	
0800-1 · Membership Dues & Subscriptions	730.14	1,333.34	2,682.64	4,000.02	16,000.00	
0801-0 · Board Attorney Fees						
0801-1 · Attorney General's Office	0.00		3,060.61			
0801-0 · Board Attorney Fees - Other	0.00	1,250.00	0.00	3,750.00	15,000.00	

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Total 0801-0 - Board Attorney Fees	0.00	1,250.00	3,060.61	3,750.00	15,000.00	
0840-0 - CONSULTANTS	6,000.00	6,000.00	18,000.00	18,000.00	72,000.00	
0899-1 - Evaluator Fees	0.00	1,000.00	1,200.00	3,000.00	12,000.00	
0899-2 - Hearing Officer Fees	0.00	166.67	0.00	500.01	2,000.00	
0899-5 - Website	0.00	0.00	0.00	0.00	0.00	
0899-6 - A.D.H.P. Materials & Supplies	0.00	250.00	0.00	750.00	3,000.00	
0900-0 - Office Expense	575.61	1,125.00	2,516.91	3,375.00	13,500.00	
0900-1 - Recycle / Paper Disposal	50.00	50.00	150.00	150.00	600.00	
0902-0 - NPDB HIPDB License Background	24.00	16.67	40.00	50.01	200.00	
0906-0 - Printing & Supplies	230.00	166.67	334.21	500.01	2,000.00	
0910-0 - Postage	0.00	583.34	1,999.77	1,750.02	7,000.00	Rule copies
0924-0 - Insurance	0.00	0.00	9,465.00	0.00	9,000.00	
0944 - Computer Expenses						
0944-0 - Computer Updates	969.94	1,500.00	969.94	4,500.00	18,000.00	
0944-1 - Computer Support	1,908.17	5,833.34	4,217.53	17,500.02	70,000.00	
0944 - Computer Expenses - Other	792.98	0.00	1,087.98	0.00	0.00	
Total 0944 - Computer Expenses	3,671.09	7,333.34	6,275.45	22,000.02	88,000.00	
0950-0 - Penalty	0.00	0.00	0.00	0.00	0.00	
0951-0 - NSF	0.00	8.34	1,284.00	25.02	100.00	
0999-0 - MISC.	120.26	83.34	649.71	250.02	1,000.00	Board Food
1000-1 - Vehicle Repairs & Maint.	0.00	83.34	0.00	250.02	1,000.00	
1000-2 - Vehicle Fuel	0.00	250.00	897.47	750.00	3,000.00	
1400-0 - Equipment						
0600-3 - Equipment Rental/Lease	0.00	1,860.00	509.79	5,580.00	22,320.00	
1400-0 - Equipment - Other	1,852.94		5,558.82		0.00	
Total 1400-0 - Equipment	1,852.94	1,860.00	6,068.61	5,580.00	22,320.00	
6950 - Bank & CC Service Fees	78.34	170.84	426.10	512.52	2,050.00	
Total Expense	102,094.25	116,985.08	405,085.83	354,155.24	1,497,620.00	
Net Ordinary Income	-14,106.19	256,744.54	723,473.02	767,033.58	0.00	
Other Income/Expense						
Other Income						
524 - NSF Checks	0.00	0.00	0.00	0.00	0.00	

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527-2 · ADPWC - Monitoring Fee	0.00	0.00	965.00	0.00	0.00	
Total Other Income	0.00	0.00	965.00	0.00	0.00	
Net Other Income	0.00	0.00	965.00	0.00	0.00	
Net Income	<u>-14,106.19</u>	<u>256,744.54</u>	<u>724,438.02</u>	<u>767,033.58</u>	<u>0.00</u>	