



BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
Board Meeting
November 3-4, 2016

The Board of Dental Examiners of Alabama met Thursday November 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. 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. Bill Garrett, Esq., Attorney General's Office, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, 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.

The President welcomed Dr. Mark McIlwain as the newest member of the Board.

The President asked for review of the minutes from October 13-14, 2016. Dr. Jackson moved to approve the minutes with one correction of the spelling of a name. Dr. Beckham seconded the motion and it was approved by general consent.

Because of license renewals and the inability to reconcile accounts, there was no Financial Report to present.

The President welcomed the guests and invited comments: Dr. Zack Studstill, Ms. Ree Glaze, Dr. Meyers, , Mr. Steve Windom, Dr. Charles King, Dr. John Northcutt, III, Dr. Lew Mitchell, and Mr. Peck Fox. None had comments.

Mr. Steve Windom presented the Legislative Report. He answered members' questions about Sunset Audit issues and possible consequences to making amendments to the Alabama Dental Practice Act. Mr.

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Windom also spoke about candidates who will be running in upcoming elections. This concluded his report.

Members interviewed Mr. Peck Fox, applicant for the Administrative Law Judge position. At the conclusion of the interview Mr. Fox left the meeting.

Dr. Walker moved to approve out-of-state travel for Dr. Beckham who plans to attend the CRDTS Steering Committee Meeting 1/27/2017. Dr. McIlwain seconded the motion and it was approved by general consent.

Dr. Stricklin moved to approve out-of-state travel for all Board members to attend the CITA Yearly Meeting. Dr. Beckham seconded the motion and it was approved by general consent. CITA will not be covering expenses for members to attend.

Dr. Stricklin moved to approve out-of-state travel for all members to attend the 62nd Southern Conference of Dental Deans and Examiners Meeting. Ms. Campbell seconded the motion and it was approved by general consent.

Dr. Jackson and Ms. Campbell gave an overview of the AADB Annual Meeting they attended in Denver on Oct 18-19.

Members discussed the AADB Assessment Services Program.

Dr. Walker brought to members' attention ADA Resolution #37. Members and guests discussed the Resolution. Dr. McIlwain stated that, in conjunction with Georgia and Mississippi, the Alabama Board should agree that, *The dentist must monitor ventilation continuously by observation of qualitative signs. This can be accomplished by monitoring end-tidal CO2 (capnography preferred) and/or auscultation of breath sounds with a precordial or pre-tracheal stethoscope, and/or by verbal communications.*

Dr. Stricklin mentioned the excellent article, *Saga of the EDDA*, written by Dr. William E. Chesser.

Members interviewed Mr. Dettling for the Administrative Law Judge position. At the conclusion of the interview Mr. Dettling left the meeting.

Members interviewed Mr. John Bahakel for the Administrative Law Judge position. At the conclusion of the interview Mr. Bahakel left the meeting.

Dr. Stricklin moved to hire Mr. Bahakel, Mr. Dettling and Mr. Fox as Administrative Law Judges. Dr. McIlwain seconded the motion and it was approved by general consent.

At 6:59 p.m. the President announced a break; the meeting resumed at 7:10 p.m.

The President opened discussion of Expanded Duties Dental Assistants (EDDA) to members and to the floor. Dr. Mitchell thanked the Board for all that they do and explained what type of program UAB would be willing to support. Guests and members offered suggestions for moving forward with defining the EDDA.

Dr. McIlwain distributed a document on *Submental Fat-Reduction Injections* and suggested that this procedure is not within the scope of dentistry. All members agreed.

Dr. McIlwain recommended an updated *Administrative Procedures Manual*. He volunteered to work with staff and/or members to update the current manual. Members agreed and will delegate the project to the new Executive Director when hired.

Dr. McIlwain brought up his concern for the need to follow the rules of the Open Meetings Act. Mr. Bill Garrett explained how members must comply with the open meetings act in regards to meeting outside of a regular board meeting/ sending emails/handling phone calls/etc.

Members reviewed and approved the Executive Director job description. Dr. Chesser appointed Dr. Stricklin, Ms. Sherry Campbell, Dr. Jackson and himself as members of the hiring committee for Executive Director. They will vet candidates against the job description and bring the best candidates to the Board for second interviews.

Members reviewed the Bookkeeping job description.

At 8:24 p.m. the President recessed the meeting until 8:30 a.m. Friday November 4.

MINUTES
Board Meeting
Friday, November 4, 2016

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

The President called the meeting to order at 8:40 a.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. Bill Garrett, Esq., Attorney General's Office, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, 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.

There are 108 licensees are currently being monitored; 48 are currently in *treatment-driven* aftercare.

Dr. Garver gave updates on the progress/failure of licensees to adhere to treatment.

Dr. Doug Grant had requested an amendment to his Consent Order. Members denied Dr. Grant's request. Dr. Garver will notify Dr. Doug Grant that his request was not approved. At the conclusion of his report Dr. Garver left the meeting.

At 8:54 a.m. Dr. Alan Yount joined the meeting and was invited to address the Board. He distributed a presentation on *Portable Care Health Act*. He said that 50% of the people involved in that program are not showing up for their appointments. He explained why he takes photographs (with a USB camera) of all his patients and their mouths. He asked for the Board's assistance to change insurance laws; this is not a function of the Board. At 9:35 a.m. Dr. Yount concluded his presentation and left the meeting.

Mr. Blake Strickland presented the Site Inspections Report.

Ms. Hilda Johnson presented the ADHP report.

Currently there are 187 students enrolled in the ADHP. Dr. Weatherford will speak on *perio* and Dr. Tilshalski will speak on *radiology* at the next class.

Dr. Wayne Kerr has agreed to teach the anatomy portion of the 2017 ADHP, replacing Dr. Nancy Hein. Teaching materials and textbook have been sent to him.

Ms. Johnson has emailed Ms. Renea Chapman, Head of the ADHP Restructuring Committee requesting a meeting to discuss limiting the class size and adding a pre-entrance exam.

The President announced a break at 9:55 a.m.; the meeting resumed at 10:03 a.m.

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

Monica Parham, DDS
John Norden, DMD

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

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

Lori Dutter, RDH
Simone Loncke, RDH
Morgan Moore, RDH

Dr. Walker moved to approve Dental Hygiene Licensure by Regional Exam based on successful completion of the jurisprudence exam for Morgann Bartlett, RDH. Dr. Stricklin seconded the motion and it was approved by general consent.

Mr. Lane distributed the Executive Director Report provided by Ms. Wilhelm.

Mr. Garrett brought up his concern for the personal liability of Board members in light of the *NC Dental Board Case*. He is working with the State Risk Manager to research additional coverage to defend board members. The State has identified 2-3 companies that will provide coverage and is taking bids. When a vendor has been selected the State will make coverage available for all board members to purchase. The Attorney General strongly recommends that members subscribe to additional liability insurance.

Dr. McIlwain moved that case #2016-60 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. Walker moved that cases #2016-61 and #2016-62 have 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. Dixon presented the Attorney Report.

Members approved to pay Ms. Wilhelm for annual leave and comp time due to her upon her retirement from her position as Executive Director.

Dr. Dixon presented the Legislative Committee Report.

Dr. Dixon distributed the Proposed Dental Practice Act Amendments for the 2017 General Session.

Dr. Stricklin moved to approve draft of changes to Code of Alabama (1975) 34-9-6.1 as presented. 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 draft of changes to Code of Alabama (1975) 34-9-13 with additional edits to effect *License and registration certificates to be kept in the office of the practitioner*. Dr. Beckham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Stricklin moved to approve draft changes to Code of Alabama (1975) 34-9-25 as presented. There was no second on the motion; the motion failed.

Dr. McIlwain moved to approve draft changes to Code of Alabama (1975) 34-9-88 with additional edits as discussed. Dr. Walker seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

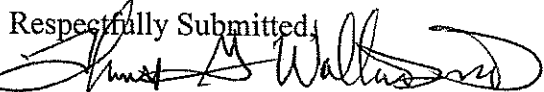
Dr. Walker moved to approve draft changes to Code of Alabama (1975) 34-9-10 as presented. Dr. McIlwain seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Stricklin moved to repeal the approval of a list of duties for Expanded Duties Dental Assistants that was passed at the October 2016 meeting. Dr. Beckham seconded the motion and the President called for the vote: Dr. Jackson, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Stricklin, yea, Dr. William E. Chesser, yea, Dr. McIlwain, yea, and Ms. Campbell, yea. The motion carried.

Dr. McIlwain moved to set a time limit of the December 2016 Board meeting for the Legislative Committee to bring a report of their recommendations for the implementations of the EDDA Rules. Dr. Jackson seconded the motion and the President called for the vote: Dr. Jackson, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Stricklin, yea, Dr. William E. Chesser, yea, Dr. McIlwain, yea, and Ms. Campbell, yea. The motion carried. The following are members of the EDDA Committee: Dr. Stricklin, Dr. Chesser, Ms. Campbell, Dr. Studstill, Dr. Mike Edwards, and other ALDA representatives.

Members appointed a committee consisting of Dr. McIlwain, Dr. Jackson, and Dr. Walker to start the Rule making process for expanding the duties of a hygienist to allow infiltration.

At 12:05 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: 12/8/2016

Submitted by: Linda Dlugosz
