

T. Gerald Walker, DMD  
*President*  
Douglas Beckham, DMD  
*Vice-President*  
Mark R. McIlwain, DMD, MD  
*Secretary/Treasurer*  
Adolphus M. Jackson, DMD  
Kevin M. Sims, DMD, MS  
Bruce E. Cunningham, DMD  
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 August 8-9, 2019**

The Board of Dental Examiners of Alabama met Thursday, August 8, 2019, at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 6:08 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 L. Dixon, Esq., Prosecuting Counsel; Dr. Mike Garver, Chairman, Wellness Committee; 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](http://www.dentalboard.org), and on the Secretary of State's website, [www.sos.alabama.gov](http://www.sos.alabama.gov), in compliance with the Alabama Open Meetings Act.

The President welcomed guests, Dr. Mike Koslin, Dr. Marshall Williams, Dr. Lou Mitchell and Dr. Yung-Tsung Hsu.

Dr. Walker invited Dr. Mitchell to address the Board. He informed members of the pro-bono health clinic that will be offered by Remote Area Medical (RAM). It will provide free dental, vision and medical screening in Gadsden. There may be up to 300 volunteers with a hope to treat at least 1,000 patients. After members' questions were answered, Dr. Cunningham moved to waive the fee for Portable Dental Clinic permit. Dr. McIlwain seconded the motion and it was approved by general consent. Dr. Mitchell thanked the Board and invited members to volunteer to participate in the clinic-day events.

Dr. Walker introduced Dr. Marshall Williams, appointee to the Board by the Alabama Dental Society for the 2019-2024 Board term. Dr. Walker introduced Dr. Yung-Tsung Hsu, UAB faculty; he did not have any comments.

Dr. Mike Garver presented the Wellness Report which detailed activities of participants in the past month. At the conclusion of the report Dr. Garver left the meeting.

At 6:37 p.m. Dr. McIlwain moved to enter executive session to discuss the general reputation and character of individuals and to return to open session at 7:15 p.m. Dr. Cunningham 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 7:16 p.m. the Board retired from executive session and returned to open meeting.

Dr. Cunningham moved to deny General Anesthesia permit to Dr. Anthony C. Caputo. Dr. Sims seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote. Members discussed adding a question regarding adverse occurrences to the dental licensure application. Mr. Edmonds will compose language for the additional question to be added to the applications.

Dr. Walker asked for review of the minutes from the July 11-12 meeting. Dr. McIlwain moved to approve the minutes as presented. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. McIlwain presented the Financial Report. There were no questions or opposition to the report. Members authorized Mr. Edmonds to transfer monies from the Board's money market account to the Board's checking account.

Mr. Edmonds gave an update on status of the building. Members authorized Mr. Edmonds to contract for work for an amount up to \$25,000.

Two reputable companies have recommended replacing all 4 air conditioning units. Members asked for a third company to be consulted before making a decision.

The State's auditors will be at the office this coming Monday. Staff are well prepared with documents and information that has been requested. The auditors will be on site for a month. Last year's findings have all been corrected.

Dr. McIlwain moved to approve waiver of in-class CEs for Dr. Lucas Griffin for 2020 renewal because of serious physical limitations. Dr. Jackson seconded the motion and it was approved by general consent.

After discussion of allowing Veterinarian CEs to fulfill CE obligation, Dr. Cunningham moved to approve them. There was no second; the motion failed.

Mr. Edmonds distributed draft options for language to define the *hospital admission* requirement for reporting adverse occurrence. Dr. McIlwain moved to use this statement: *The Board opines that, for purposes of Rule 270-X-2.20, "hospital admission" means at least an overnight stay – inpatient, rather than outpatient (emergency room only) care.* Dr. Beckham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Mr. Edmonds distributed a PDMP report showing trends in opioid prescribing for patients of all ages. Mr. Edmonds will prepare the PDMP data for publication. He will push for additional data broken down by patient age.

Staff are still receiving PDMP profiles from licensees who write prescriptions. So far, around 2,200 out of 2,300 dentists have signed up for an account. Dr. Darleen Traffanstedt has invited members to serve on the Governor's Opioid Council. Dr. McIlwain agreed to serve.

Dr. Beckham asked to be withdrawn from nomination of *President of the Board* for 2019-2020 because of a heavy schedule and dedication to his own profession. The current Executive Board, Dr. Walker, Dr. McIlwain, and Dr. Beckham, will elect officers for this coming board term.

At 8:26 p.m. the President recessed the meeting until Friday at 8:30 a.m.

**MINUTES**  
**BOARD MEETING**  
Friday August 9, 2019

The Board of Dental Examiners of Alabama met Friday August 9, 2019 at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 8:33 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 L. Dixon, Esq., Prosecuting Counsel; 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](http://www.dentalboard.org), and on the Secretary of State's website, [www.sos.alabama.gov](http://www.sos.alabama.gov), in compliance with the Alabama Open Meetings Act.

Dr. Jackson and Dr. Walker presented a review of the SRTA meeting they attended in Leesburg, VA August 2-3, and updated the Board on SRTA's likely governance in the future. SRTA is planning to go with the OSCE exam and will probably ask to make a presentation to this Board.

Dr. Walker, Ms. Campbell, and Mr. Edmonds updated members on their attendance of the *Oral health Coalition of Alabama* meeting in Montgomery. The topic was teledentistry. Ms. Campbell said this is the future because using it, a hygienist can work without the physical presence of a licensed dentist. At this time the Alabama Dental Practice Act does not allow this.

Mr. Edmonds has given Dr. Danny Rush, Medicaid Dental Consultant, data that includes location and age of active licensees. Dr. Rush is calculating the *aging out* of dentists in rural areas and will share the results with the Board when completed.

Mr. Edmonds distributed a draft proclamation from Regan Ingram of Windom, Galliher & Associates discussing the need for access to care in rural and underserved areas. Dr. McIlwain moved to approve the text for public distribution. Dr. Jackson seconded the motion and it was approved by general consent.

Members discussed the need for dental providers to render uncompensated care to the underserved and indigent. Mr. Edmonds plans to create a section on the board's website listing opportunities for dentists to offer their pro bono services. Also, licensees need to be reminded that currently they can obtain 1 hour of CE credit for every 4 pro bono hours served. If licensees could obtain more credit for their volunteer work they might be more inclined to offer it. Members will revisit this need at a future meeting and consider editing Rule to increase CEs for volunteer work.

The office has received CITA's contract for administering the clinical exam to ADHP graduates. There were some errors in the contract; it will be corrected by CITA and sent again for execution. The contract will be for 2 years starting October 2019.

An Alabama licensed dentist has requested to use the word *Specialist* in advertising for practicing Dental Sleep Medicine for which the dentist is certified. The ADA no longer identifies specialties; they have renamed them *advanced education*. The Board opined that it is acceptable for that dentist to advertise advanced education in that field.

Dr. McIlwain brought up the subject of using anesthetics on children. The American Society of Anesthesiology (ASA) defines children as 18 and under. Currently the DPA does not require a dentist to have an assistant with special anesthesia training specifically for youth. Members agreed that protocol should be developed to address safety for using anesthetics on children that also promotes access to care. The Anesthesia Committee could help develop the protocol.

Members discussed the problem caused by itinerant dentists leaving patients without emergency follow up contact information. Mr. Edmonds will draft a statement for consideration at a future meeting.

Members discussed in much detail the difficulty of determining the responsible practitioner in a dental service organization and dental service-like organization when there is a complaint involving such. Signatures are often scribbled or unrecognizable and records unclear of the name of the treating doctor. Mr. Edmonds will draft a sentence that states that it is the Board's opinion that the treating doctor must be identified by a printed or legible name. Members also discussed the situation of while investigating a complaint, the complaint review team discovers another violation. Members agreed the Board has an obligation to follow through with an investigation when a serious issue is discovered because the Board's main duty is to protect the public.

At 9:55 a.m. the President announced a break; the meeting resumed at 10:05 a.m.

Kevin Lane presented the Inspection Report provided by Blake Strickland.

Schedules for the September and October clinic inspections will be emailed out to board members next week. Mr. Stricklin has added questions to the portable and mobile clinic inspection form that will include name of the primary dentist location where files will be stored. This concluded the report.

Mr. Edmonds presented the Executive Director Report.

Efforts are being continued to collect past-due debts. Some of these debts are uncollectable because of death, age of the debt, inability to locate the licensee, etc.

The Board's database is being prepared for facilitating online renewals. Some modifications are being made to make the process more user friendly. The notification email will be sent to all active licensees the last business day of August indicating that the portal will open September 1<sup>st</sup>.

License applications have been updated to ask, *In what part of Alabama do you intend to practice, if known?*

Members agreed that licensed physicians should be required to indicate if they are practicing dentistry as a specialty. Discussion on this subject will be continued at a future meeting.

Mr. Edmonds distributed his monthly plan. This concluded the Executive Director Report.

Ms. Johnson presented the ADHP Report, at the conclusion of which she left the meeting.

Dr. Cunningham moved that case #2019-57 has no evidence to sustain. Dr. McIlwain 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 #2019-43 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. Sims moved to notice the Respondent of case #2019-56 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. Sims moved to notice the Respondent of case #2019-50 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. Cunningham moved to notice the Respondents of cases #2019-51 and #2019-74 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. Jackson moved to notice the Respondent of case #2019-53 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. Dixon presented the Attorney Report. She updated members on the status of current litigation.

Ms. Campbell reported on actions of the Hiring Committee.

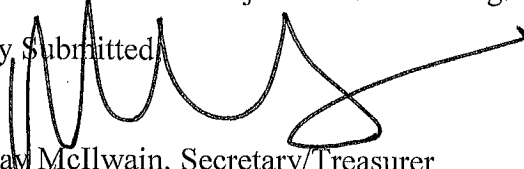
Dr. Beckham, Dr. Sims, and Ms. Sherry Campbell met Thursday August 8 to discuss the 29 resumes received for the ADHP. They selected 8 to interview. Out of these 8 3-5 will be selected to bring before the Board at the September meeting. This concluded the report.

Ms. Sherry Campbell moved to approve all members to attend the CITA Board Meeting in San Diego January 10-11, 2020. Dr. Beckham seconded the motion and it was approved by general consent.

Members thanked Blake Strickland for grilling the meat for a meal that would be shared after the meeting in celebration of Dr. Walker's and Dr. Jackson's service as Board members and as Officers. These two members will rotate off the Board this October.

At 12:11 p.m. the President adjourned the meeting.

Respectfully Submitted



Dr. Mark Ray McIlwain, Secretary/Treasurer

Approved: Sept. 12, 2019

Submitted by: Linda Dlugosz

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
June 2019

June 2019 for August 2019  
Balance as of 6/30/2019  
Checking: \$361,092.60  
MM: \$591,429.35

	<u>Jun 19</u>	<u>Budget</u>	<u>Oct '18 - Jun 19</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	<u>Variance</u>
<b>Ordinary Income/Expense</b>						
<b>Income</b>						
317 · Def. Revenue MDF Permit	0.00		0.00	0.00	0.00	
501 · Annual Dental Registration	0.00	0.00	494,085.00	515,800.00	515,800.00	
502 · Annual Hygiene Registration	130.00	0.00	276,319.58	285,220.00	285,220.00	
503 · Controlled Substance Fee	2,625.00	0.00	212,105.00	246,000.00	246,000.00	
504 · Annual Teaching Permits	200.00	0.00	3,950.00	6,000.00	6,000.00	
505 · ADHP Certification	2,325.00	0.00	10,725.00	12,000.00	12,000.00	
508 · ADHP	3,375.00	0.00	126,525.00	135,000.00	135,000.00	
509 · Dental Exam Fee	900.00	750.00	8,900.00	6,750.00	9,000.00	
510 · Original License Fee	325.00	322.92	3,625.00	2,906.28	3,875.00	
511 · Licenses Reprint Fee	200.00	83.33	675.00	749.97	1,000.00	
512 · Dental Hygiene Exam Fee	900.00	1,250.00	12,375.00	11,250.00	15,000.00	
515 · Penalty Fee	200.00	583.33	7,300.00	5,249.97	7,000.00	
516 · Privilege License Money	0.00	0.00	0.00	20,000.00	20,000.00	
517 · Interest Inc - checking	9.72	16.67	159.35	150.03	200.00	
518 · Parental Sedation Permit Fee	0.00	916.67	13,200.00	8,250.03	11,000.00	
519 · Anesthesia Permit	0.00	2,500.00	31,200.00	22,500.00	30,000.00	
521 · Other Income	0.00	41.67	0.00	375.03	500.00	
525 · Dent Hyg Bd Appl	1,250.00	625.00	7,950.00	5,625.00	7,500.00	
526 · ADHP Materials	1,625.00	0.00	61,100.00	65,000.00	65,000.00	
527-1 · Administrative Costs	0.00	416.67	24,254.58	3,750.03	5,000.00	
527-3 · Administrative Fines	0.00	0.00	1,000.00	0.00	0.00	
527 · Disciplinary Fines (Prior)	2,150.00	0.00	104,658.20	0.00	0.00	
528 · Initial Anesthesia Evaluation	12,000.00	2,083.33	31,400.00	18,749.97	25,000.00	
529 · OCS Annual Reg. Fee	0.00	0.00	15,300.00	20,025.00	20,025.00	
530 · Licensure By Credentials	4,400.00	4,166.67	48,775.00	37,500.03	50,000.00	
531 · RETURNED CHECK CHARGES	0.00	41.67	1,425.00	375.03	500.00	
532 · OCS Initial App. Fee	0.00	83.34	0.00	750.06	1,000.00	
533 · Dental Lic. Bd Exam Application	3,375.00	1,500.00	23,775.00	13,500.00	18,000.00	
540 · Special Purpose Dental Lic Fee	0.00	83.33	0.00	749.97	1,000.00	
545 · Special Purpose Hygiene Lic Fee	0.00	41.67	1,095.00	375.03	500.00	

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617 · MDF Permits	750.00	541.67	5,750.00	4,875.03	6,500.00	
620 · Hygiene Infiltration Permit	1,450.00		8,500.00			
800 · 800-OVERPAYMENTS	0.00		0.00	0.00	0.00	
<b>Total Income</b>	<b>38,189.72</b>	<b>16,047.94</b>	<b>1,536,126.71</b>	<b>1,449,476.46</b>	<b>1,497,620.00</b>	
<b>Gross Profit</b>	<b>38,189.72</b>	<b>16,047.94</b>	<b>1,536,126.71</b>	<b>1,449,476.46</b>	<b>1,497,620.00</b>	
<b>Expense</b>						
Refund	0.00		893.28			
0100-0 · Personnel Costs	46,277.94	42,500.00	416,501.46	382,500.00	510,000.00	Continuous
0114-0 · Board Member Compensation	6,500.00	8,333.33	63,350.00	74,999.97	100,000.00	
0198-0 · Bonus	0.00	0.00	3,200.00	3,200.00	3,200.00	
0201-0 · Payroll Expenses	4,042.71	4,000.00	39,363.32	36,000.00	48,000.00	
0202-0 · Pension Plan	0.00	0.00	159,819.02	75,000.00	75,000.00	
0203-0 · Medical Insurance	7,003.87	7,500.00	61,102.56	67,500.00	90,000.00	
0204-0 · Workman Comp. Ins.	-10,269.00	0.00	5,814.00	6,600.00	6,600.00	Refund
0205 · Unemployment Fees	0.00		0.00	0.00	0.00	
0300-0 · Travel - In-State	3,709.86	2,083.34	15,487.35	18,750.06	25,000.00	ADHP
0400-0 · Travel - Out-of-State	0.00	2,333.33	16,239.76	20,999.97	28,000.00	
0500-0 · Repairs & Maintenance	779.00	425.00	2,844.00	3,825.00	5,100.00	Pest
0600-1 · Rentals & Leases/Offsite Meetin	0.00	87.50	175.00	787.50	1,050.00	
0600-2 · NEW OFFICE SPACE	0.00	2,083.34	1,077,322.49	18,750.06	25,000.00	
0602-1 · Rent on Building	0.00	8,700.00	80,493.93	78,300.00	104,400.00	
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	121.22	708.34	2,568.26	6,375.06	8,500.00	
0700-2 · Utilities - Cell Phone	0.00	0.00	0.00	0.00	0.00	
0700-3 · Utilities - Power	548.10	708.34	8,596.58	6,375.06	8,500.00	
0700-4 · Utilities - Internet	611.80	375.00	3,968.49	3,375.00	4,500.00	Set up
0700-0 · Utilities & Communications - Other	0.00		1,009.72			
<b>Total 0700-0 · Utilities &amp; Communications</b>	<b>1,281.12</b>	<b>1,791.68</b>	<b>16,143.05</b>	<b>16,125.12</b>	<b>21,500.00</b>	
0800-0 · Professional Services	9,864.66	15,416.67	182,257.14	138,750.03	185,000.00	
0800-1 · Membership Dues & Subscriptions	788.00	1,333.34	8,529.50	12,000.06	16,000.00	
0801-0 · Board Attorney Fees						
0801-1 · Attorney General's Office	0.00		3,060.61			



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0801-0 · Board Attorney Fees - Other	0.00	1,250.00	0.00	11,250.00	15,000.00	
<b>Total 0801-0 · Board Attorney Fees</b>	0.00	1,250.00	3,060.61	11,250.00	15,000.00	
0840-0 · CONSULTANTS	6,000.00	6,000.00	54,000.00	54,000.00	72,000.00	
0899-1 · Evaluator Fees	0.00	1,000.00	7,450.00	9,000.00	12,000.00	
0899-2 · Hearing Officer Fees	0.00	166.67	0.00	1,500.03	2,000.00	
0899-5 · Website	0.00		0.00	0.00	0.00	
0899-6 · A.D.H.P. Materials & Supplies	0.00	250.00	1,257.73	2,250.00	3,000.00	
0900-0 · Office Expense	1,812.20	1,125.00	14,033.66	10,125.00	13,500.00	Office Pro
0900-1 · Recycle / Paper Disposal	0.00	50.00	400.00	450.00	600.00	
0902-0 · NPDB HIPDB License Background	0.00	16.67	168.00	150.03	200.00	
0906-0 · Printing & Supplies	0.00	166.67	594.21	1,500.03	2,000.00	
0910-0 · Postage	0.00	583.34	5,137.73	5,250.06	7,000.00	
0924-0 · Insurance	0.00	0.00	10,278.00	0.00	9,000.00	
<b>0944 · Computer Expenses</b>						
0944-0 · Computer Updates	0.00	1,500.00	2,690.65	13,500.00	18,000.00	
0944-1 · Computer Support	75.00	5,833.34	20,460.35	52,500.06	70,000.00	
0944 · Computer Expenses - Other	2,340.03	0.00	6,086.01	0.00	0.00	
<b>Total 0944 · Computer Expenses</b>	2,415.03	7,333.34	29,237.01	66,000.06	88,000.00	
0950-0 · Penalty	0.00		0.00	0.00	0.00	
0951-0 · NSF	84.00	8.34	2,885.00	75.06	100.00	
0999-0 · MISC.	0.00	83.34	1,365.07	750.06	1,000.00	
1000-1 · Vehicle Repairs & Maint.	90.91	83.34	179.47	750.06	1,000.00	
1000-2 · Vehicle Fuel	183.44	250.00	2,592.05	2,250.00	3,000.00	
<b>1400-0 · Equipment</b>						
0600-3 · Equipment Rental/Lease	0.00	1,860.00	4,229.03	16,740.00	22,320.00	
1400-0 · Equipment - Other	2,051.68	0.00	18,348.94	0.00	0.00	
<b>Total 1400-0 · Equipment</b>	2,051.68	1,860.00	22,577.97	16,740.00	22,320.00	
6950 · Bank & CC Service Fees	219.50	170.84	1,508.28	1,537.56	2,050.00	
<b>Total Expense</b>	<b>82,834.92</b>	<b>116,985.08</b>	<b>2,306,260.65</b>	<b>1,137,665.72</b>	<b>1,497,620.00</b>	
<b>Net Ordinary Income</b>	<b>-44,645.20</b>	<b>-100,937.14</b>	<b>-770,133.94</b>	<b>311,810.74</b>	<b>0.00</b>	
<b>Other Income/Expense</b>						
<b>Other Income</b>						

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524 - NSF Checks	0.00	0.00	0.00	0.00	0.00	
527-2 - ADPWC - Monitoring Fee	64.58	0.00	7,358.74	0.00	0.00	
<b>Total Other Income</b>	<u>64.58</u>	<u>0.00</u>	<u>7,358.74</u>	<u>0.00</u>	<u>0.00</u>	
<b>Net Other Income</b>	<u>64.58</u>	<u>0.00</u>	<u>7,358.74</u>	<u>0.00</u>	<u>0.00</u>	
<b>Net Income</b>	<u><u>-44,580.62</u></u>	<u><u>-100,937.14</u></u>	<u><u>-762,775.20</u></u>	<u><u>311,810.74</u></u>	<u><u>0.00</u></u>	