

Mark R. McIlwain, DMD, MD  
*President*  
Kevin M. Sims, DMD, MS  
*Vice-President*  
Bruce E. Cunningham, DMD  
*Secretary/Treasurer*  
Marshall A. Williams, DDS  
Roberto V. Pischek, DMD  
Dr. Melodie Anderson Jones, DMD  
Sandra Kay Alexander, 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 12, 2021

The Board of Dental Examiners of Alabama met Thursday, August 12, 2021 at the Board building to conduct business.

The President called the meeting to order at 6:00 P.M. with the following members in attendance: Dr. Mark R. McIlwain, President; Dr. Kevin M. Sims, Vice President; Dr. Bruce E. Cunningham, Secretary/Treasurer; Dr. Marshall A. Williams; Dr. Roberto V. Pischek; Dr. Melodie A. Jones; and Ms. Sandra Kay Alexander, RDH. Also in attendance were Bradley W. Edmonds, Esq., Executive Director; Dr. Donna L. Dixon, Esq., Prosecuting Counsel; Kevin Lane, Compliance Director; Blake Strickland, Investigator; Gina Latham, RDH, ADHP Coordinator; Sonya Lankford, Business Manager; Dr. Mike Garver, Wellness Committee Chair; 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 asked for review of the minutes from the July 8, 2021 meeting. Dr. Jones moved to approve the minutes as written. Dr. Williams seconded the motion and it was approved by unanimous consent.

Dr. Cunningham presented the Financial Report for June, 2021. The report was accepted as presented.

Ms. Alexander moved to accept the previously discussed revisions of Rule 270-X-3.01 *Examination Rules for Dental Hygienists* and Rule 270-X-3.04 *Alabama Dental Hygiene Program Requirements*. Dr. Jones seconded the motion and it was approved by unanimous consent.

The President invited Dr. Studstill, Executive Director, ALDA, to address the Board. He thanked members for their leadership and guidance in this past year and a half and introduced Dr. Jim Phillips, President of ALDA. Dr. Phillips asked questions regarding the Board's plans for the ADHP. Dr. McIlwain assured him that the Board plans to keep ADHP moving forward and detailed several changes that will be made to improve testing. When discussions were done the ALDA representatives left the meeting.

The President invited Dr. Ron Beasley to address the Board. Dr. Beasley is concerned with the State's lack of clarity of non-compete/non-solicit laws. He asked members to do whatever they could to help overcome this problem. When the discussion was done, Dr. Beasley left the meeting.

On the advice of Counsel and per the pertinent provision of the Open Meetings Act, at 6:48 P.M. Dr. Jones moved to enter Executive Session for the discussion of the general reputation, character, and/or professional competence of individuals and for the discussion of pending litigation, and to return to public session at 7:30 P.M. Dr. Williams seconded the motion and the President called for the vote: Dr. Williams, yea, Dr. Cunningham, yea, Dr. McIlwain, yea, Dr. Sims, yea, Dr. Pischek, yea, Dr. Jones, yea, Ms. Alexander, yea. The motion carried. At 7:27 P.M. the Board retired from Executive Session and returned to public session.

Dr. Jones moved that the Board agrees to resolve the pending litigation involving Smile Direct Club and the Federal Trade Commission based upon Counsel's advice and gives Counsel authority to take any action to effectuate the same. Dr. Pischek seconded the motion and it was approved by unanimous consent.

At 7:30 P.M. the President announced a break. The meeting resumed at 7:40 P.M. Dr. Pischek moved to enter Executive Session for the discussion of the general reputation, character, and/or professional competence of individuals and to return to public session at 8:05 P.M. Dr. Jones seconded the motion and the President called for the vote: Dr. Williams, yea, Dr. Cunningham, yea, Dr. McIlwain, yea, Dr. Sims, yea, Dr. Pischek, yea, Dr. Jones, yea, Ms. Alexander, yea. The motion carried. At 8:15 P.M. the board retired from Executive session.

Members agreed to allow an ADHP graduate student who did not show for the clinical exam this year to take the exam in 2022 along with that graduating class.

Ms. Alexander moved to allow an ADHP student who was terminated by her sponsoring dentist to continue in the program for 60 days in an effort to find a qualified replacement sponsor. She will be able to attend class but won't be able to perform hygiene until she is reasserted with a qualified sponsor. Dr. Cunningham seconded the motion and it was approved by unanimous consent.

ADHP students have been instructed to bring/wear a mask at every class. If the student has had a positive test he/she should not come to class and must show proof of a negative test. The Marriott requires masks for all people in the building.

Members added their suggestions for additions to the duties of an ADHP Educational Director contract position. The position will be advertised on the Board's website as well as sent to all active Alabama dentists.

Dr. Jones moved to renew the 2-year contract with CITA to administer the ADHP clinical exam. Dr. Williams seconded the motion and it was approved by unanimous consent.

After discussion, Ms. Alexander moved to extend the Board's prosecutorial discretion to allow all continuing education CE to be earned online through Sept. 30, 2022. Dr. Pischek seconded the motion and it was approved by unanimous consent.

Dr. Jones moved to renew a legal services contract with Lightfoot, Franklin & White for two years. Dr. Cunningham seconded the motion and it was approved by unanimous consent.

Mr. Edmonds distributed 2021-2022 budget. He explained that State Legislature passed a 2% cost of living increase for State staff which is in the budget to give to the Board's staff. Dr. Cunningham moved to approve the budget as presented. Dr. Williams seconded the motion and it was approved by unanimous consent.

Dr. Cunningham presented a report on the recent SRTA meeting.

Dr. Pischek recommended the following applicants for Dental License by Regional Exam. Dr. Williams moved to approve licensure based on successful completion of the jurisprudence exam. Dr. Jones seconded the motion and it was approved by unanimous consent with the hygiene member abstaining from the vote.

- Ian Haggard, DMD
- Orestes Riera, DMD
- Leslie Naritoku, DMD
- Herman Singh, DMD

Dr. Williams recommended the following applicants for Dental License by Credentials. Dr. Sims moved to approve licensure based on successful completion of the jurisprudence exam. Dr. Pischek seconded the motion and it was approved by unanimous consent with the hygiene member abstaining from the vote.

- Robert Crittenden, DMD
- Steven Lewis, DMD
- Joseph Ivory, DDS
- Erin Rake, DDS

Ms. Alexander recommended the following applicants for Dental Hygiene License by Regional Exam. Dr. Jones moved to approve licensure based on successful completion of the jurisprudence exam. Dr. Williams seconded the motion and it was approved by unanimous consent.

- Laila Abdulla, RDH
- Sydney Goff, RDH
- Madelyn Campbell, RDH
- Kristen Neville, RDH
- Candis Davison, RDH
- Candace Seasholtz, RDH
- Madison Gaydos, RDH
- Noelle Stoddard, RDH

Ms. Alexander recommended Stephanie Brozek, RDH for Dental Hygiene License by Credentials. Dr. Sims moved to approve licensure based on successful completion of the jurisprudence exam. Dr. Pischek seconded the motion and it was approved by unanimous consent.

Ms. Alexander recommended the following applicants for Dental Hygiene License by Alabama Board Exam Administered by CITA. Dr. Pischek moved to approve licensure. Dr. Jones seconded the motion and it was approved by unanimous consent.

- Caitlin Brooks, RDH
- Haley Saladin, RDH
- Morgan Clark, RDH
- McKenzie Warnock, RDH
- Helena Cochran, RDH
- Watson, Sarah, RDH
- Kelsey Johnson, RDH
- Chelsea Winborne, RDH
- Chelsea Jones, RDH
- Kendra Wudarczyk, RDH

Mr. Edmonds presented the Wellness Report provided by Dr. Garver.

Dr. Jones moved to administratively close case #2020-56. Dr. Sims seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham moved that case #2021-3 has no evidence to sustain. Dr. Jones seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams moved that case #2021-30 has no evidence to sustain. Dr. Sims seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Pischek moved to notice the Respondent of case #2020-60 for a hearing. Dr. Williams seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to assess an administrative fine to the Respondent of case #2021-55. Ms. Alexander seconded the motion and it was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Williams moved to assess an administrative fine to the Respondent of case #2021-56. Dr. Sims seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

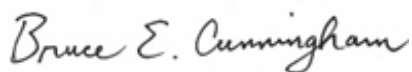
Dr. Pischek moved to assess an administrative fine to the Respondent of case 2021-11. Dr. Williams seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Pischek moved to notice the Respondent of case #2021-26 for a hearing. Dr. Cunningham seconded the motion and it was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Pischek moved to accept permanent surrender of dental hygiene license from the Respondent of case 2019-48 and administratively close the case. Dr. Williams seconded the motion and it was approved by unanimous consent.

At 9:04 P.M. Dr. Bruce Cunningham moved to adjourn the meeting. Dr. Pischek seconded the motion and it was approved by unanimous consent.

Respectfully Submitted,



Dr. Bruce Cunningham, Secretary/Treasurer

Approved: Sept. 2, 2021

Submitted by: Linda Dlugosz

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
June 2021

June 2021 for August 2021  
Balance as of 06/30/2021  
Checking \$1,079,751.07  
MM \$391,587.36

	<u>Jun 21</u>	<u>Budget</u>	<u>Oct '20 - Jun 21</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	VARIANCE
<b>Ordinary Income/Expense</b>						
<b>Income</b>						
501 · Annual Dental Registration	0.00	0.00	719,698.00	708,675.00	708,675.00	
502 · Annual Hygiene Registration	65.00	0.00	273,512.00	284,375.00	284,375.00	
503 · Controlled Substance Fee	1,750.00	0.00	257,835.00	246,100.00	246,100.00	
504 · Annual Teaching Permits	200.00	0.00	6,300.00	7,000.00	7,000.00	
505 · ADHP Certification	-300.00	0.00	18,000.00	15,000.00	15,000.00	
508 · ADHP	53,625.00	0.00	82,575.00	135,000.00	135,000.00	
509 · Dental Exam Fee	1,100.00	750.00	9,000.00	6,750.00	9,000.00	
510 · Original License Fee	375.00	322.92	3,375.00	2,906.28	3,875.00	
511 · Licenses Reprint Fee	100.00	41.66	625.00	374.94	500.00	
512 · Dental Hygiene Exam Fee	6,000.00	416.66	15,000.00	3,749.94	5,000.00	
515 · Penalty Fee	100.00	583.33	6,700.00	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	6.44	16.67	58.57	150.03	200.00	
518 · Parental Sedation Permit Fee	0.00	1,166.66	2,200.00	10,499.94	14,000.00	
519 · Anesthesia Permit	0.00	4,354.16	59,500.00	39,187.44	52,250.00	
520 · Refunds	0.00		297.99			
521 · Other Income	0.00	41.67	1,269.42	375.03	500.00	
525 · Dent Hyg Bd Appl	0.00	625.00	9,675.00	5,625.00	7,500.00	
526 · ADHP Materials	23,375.00	0.00	35,897.15	65,000.00	65,000.00	
527-1 · Administrative Costs	500.00	625.00	13,250.00	5,625.00	7,500.00	
527-3 · Administrative Fines	0.00	0.00	480.00	0.00	0.00	
527 · Disciplinary Fines (Prior)	2,935.00	0.00	32,525.00	0.00	0.00	
528 · Initial Anesthesia Evaluation	1,200.00	2,083.33	12,050.00	18,749.97	25,000.00	
529 · OCS Annual Reg. Fee	200.00	0.00	19,500.00	19,850.00	19,850.00	
530 · Licensure By Credentials	5,500.00	4,166.67	67,100.00	37,500.03	50,000.00	
531 · RETURNED CHECK CHARGES	0.00	41.67	315.00	375.03	500.00	
532 · OCS Initial App. Fee	0.00		100.00			
533 · Dental Lic. Bd Exam Application	4,125.00	1,666.66	33,750.00	14,999.94	20,000.00	
540 · Special Purpose Dental Lic Fee	0.00		0.00	0.00	0.00	
545 · Special Purpose Hygiene Lic Fee	0.00	0.00	0.00	0.00	0.00	

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	<u>Jun 21</u>	<u>Budget</u>	<u>Oct '20 - Jun 21</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	VARIANCE
617 · MDF Permits	0.00	541.67	4,000.00	4,875.03	6,500.00	
620 · Hygiene Infiltration Permit	600.00	462.50	9,254.00	4,162.50	5,550.00	
800 · 800-OVERPAYMENTS	0.00		0.00	0.00	0.00	
<b>Total Income</b>	<b>101,456.44</b>	<b>17,906.23</b>	<b>1,693,842.13</b>	<b>1,662,156.07</b>	<b>1,715,875.00</b>	
<b>Gross Profit</b>	<b>101,456.44</b>	<b>17,906.23</b>	<b>1,693,842.13</b>	<b>1,662,156.07</b>	<b>1,715,875.00</b>	
<b>Expense</b>						
0100-0 · Personnel Costs	48,672.76	50,833.33	441,254.84	457,499.97	610,000.00	
0114-0 · Board Member Compensation	3,600.00	8,333.33	43,475.00	74,999.97	100,000.00	
0198-0 · Bonus	0.00	0.00	3,200.00	4,000.00	4,000.00	
0201-0 · Payroll Expenses	4,003.77	5,083.33	39,247.90	45,749.97	61,000.00	
0202-0 · Pension Plan	0.00	0.00	87,338.96	90,000.00	90,000.00	
0203-0 · Medical Insurance	8,272.13	9,166.66	73,367.18	82,499.94	110,000.00	
0204-0 · Workman Comp. Ins.	1,691.00	0.00	-1,855.00	6,000.00	6,000.00	
0300-0 · Travel - In-State	379.59	2,083.33	3,435.05	18,749.97	25,000.00	
0400-0 · Travel - Out-of-State	0.00	2,333.33	555.00	20,999.97	28,000.00	
0500-0 · Repairs & Maintenance	2,958.51	1,666.66	27,438.41	14,999.94	20,000.00	TruTech/Raccoon
0600-1 · Rentals & Leases/Offsite Meetin	0.00	0.00	6,575.88	0.00	0.00	
0600-2 · NEW OFFICE SPACE	0.00	347.91	750.00	3,131.19	4,175.00	
0602-1 · Rent on Building	0.00		0.00	0.00	0.00	
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	234.08	535.00	4,401.40	4,815.00	6,420.00	
0700-3 · Utilities - Power	549.03	1,000.00	8,346.29	9,000.00	12,000.00	
0700-4 · Utilities - Internet	399.00	400.00	3,591.00	3,600.00	4,800.00	
0700-5 · Utilities - Water/Sewer	0.00	333.33	1,393.10	2,999.97	4,000.00	
<b>Total 0700-0 · Utilities &amp; Communications</b>	<b>1,182.11</b>	<b>2,268.33</b>	<b>17,731.79</b>	<b>20,414.97</b>	<b>27,220.00</b>	
0800-0 · Professional Services	11,021.33	15,833.33	121,675.36	142,499.97	190,000.00	
0800-1 · Membership Dues & Subscriptions	5,118.00	1,666.66	18,694.68	14,999.94	20,000.00	AADB Dues
0801-0 · Board Attorney Fees						
0801-1 · Attorney General's Office	0.00	416.66	0.00	3,749.94	5,000.00	
0801-0 · Board Attorney Fees - Other	5,309.08	11,666.66	81,262.87	104,999.94	140,000.00	
<b>Total 0801-0 · Board Attorney Fees</b>	<b>5,309.08</b>	<b>12,083.32</b>	<b>81,262.87</b>	<b>108,749.88</b>	<b>145,000.00</b>	
0840-0 · CONSULTANTS	6,000.00	6,000.00	54,000.00	54,000.00	72,000.00	

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0899-1 · Evaluator Fees	300.00	1,000.00	7,800.00	9,000.00	12,000.00	
0899-2 · Hearing Officer Fees	0.00	166.66	0.00	1,499.94	2,000.00	
0899-6 · A.D.H.P. Materials & Supplies	0.00	250.00	0.00	2,250.00	3,000.00	
0900-0 · Office Expense	2,404.50	1,458.33	11,520.85	13,124.97	17,500.00	
0900-1 · Recycle / Paper Disposal	67.03	54.16	446.21	487.44	650.00	
0902-0 · NPDB HIPDB License Background	0.00	15.00	124.00	135.00	180.00	
0906-0 · Printing & Supplies	0.00	166.67	259.31	1,500.03	2,000.00	
0910-0 · Postage	0.00	416.67	2,000.00	3,750.03	5,000.00	
0924-0 · Insurance	0.00	0.00	11,429.00	0.00	11,000.00	
0944 · Computer Expenses						
0944-0 · Computer Updates	0.00	2,083.33	10,063.78	18,749.97	25,000.00	
0944-1 · Computer Support	10,195.00	6,250.00	58,597.20	56,250.00	75,000.00	
0944 · Computer Expenses - Other	0.00		0.00	0.00	0.00	
<b>Total 0944 · Computer Expenses</b>	<b>10,195.00</b>	<b>8,333.33</b>	<b>68,660.98</b>	<b>74,999.97</b>	<b>100,000.00</b>	
0951-0 · NSF	0.00	8.33	345.00	74.97	100.00	
0999-0 · MISC.	0.00	291.67	291.54	2,625.03	3,500.00	
1000-1 · Vehicle Repairs & Maint.	113.92	416.67	867.43	3,750.03	5,000.00	
1000-2 · Vehicle Fuel	530.86	375.00	3,692.30	3,375.00	4,500.00	
1400-0 · Equipment						
0600-3 · Equipment Rental/Lease	2,188.89	2,916.67	21,638.00	26,250.03	35,000.00	
1400-0 · Equipment - Other	0.00		0.00	0.00	0.00	
<b>Total 1400-0 · Equipment</b>	<b>2,188.89</b>	<b>2,916.67</b>	<b>21,638.00</b>	<b>26,250.03</b>	<b>35,000.00</b>	
6950 · Bank & CC Service Fees	-192.12	170.83	-1,168.59	1,537.47	2,050.00	
<b>Total Expense</b>	<b>113,816.36</b>	<b>133,739.51</b>	<b>1,146,053.95</b>	<b>1,303,655.59</b>	<b>1,715,875.00</b>	
<b>Net Ordinary Income</b>	<b>-12,359.92</b>	<b>-115,833.28</b>	<b>547,788.18</b>	<b>358,500.48</b>	<b>0.00</b>	
<b>Other Income/Expense</b>						
<b>Other Income</b>						
524 · NSF Checks	0.00		-400.00			
527-2 · ADPWC - Monitoring Fee	0.00	0.00	30,742.00	0.00	0.00	
<b>Total Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>30,342.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Net Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>30,342.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Net Income</b>	<b>-12,359.92</b>	<b>-115,833.28</b>	<b>578,130.18</b>	<b>358,500.48</b>	<b>0.00</b>	