

# Board of Dental Examiners of Alabama

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[www.dentalboard.org](http://www.dentalboard.org)

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## MINUTES BOARD MEETING February 10, 2023

The Board of Dental Examiners of Alabama met Friday, February 10, 2023, at the Board office to conduct business.

The President called the meeting to order at 8:30 a.m. with the following members in attendance: Dr. Marshall A. Williams, President; Dr. Bruce E. Cunningham, Vice President; Dr. Roberto V. Pischek, Secretary/Treasurer; Dr. Melodie A. Jones; Dr. Mark R. McIlwain; Dr. Kevin M. Sims; and Sandra Kay Alexander, RDH. Also in attendance were W. Blake Strickland, Executive Director; Dr. Donna L. Dixon, Esq., Prosecuting Counsel; Aaron Dettling, Esq., General Counsel; Kevin Lane, Compliance Director; Gina Latham, ADHP Coordinator; Dr. Mary Beth Finn, Financial Services Manager; and Steve Hancock, Licensing Specialist. Guests included: Dr. Stephen Mitchell, American Academy of Pediatric Dentistry-Alabama; Michele Huebner, Executive Director, Alabama Dental Association; Jay Love, American Association of Orthodontists-Lobbyist; Trey Lawrence, American Association of Orthodontist-General Counsel; Ragan Ingram and Blaine Galliher of Windom, Galliher & Associates.

The President determined a quorum was present, and the Executive Director 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 a review of the January 13, 2023, minutes. Dr. McIlwain moved to approve the minutes as presented. Dr. Jones seconded the motion. The minutes were approved by unanimous consent.

Dr. Pischek presented the Financial Report for January 2023. Dr. Williams made a motion to accept the report as presented. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Director Strickland introduced the proposed American Association of Orthodontists (AAO) legislation dealing with teledentistry for the Board's review. Jay Love and Trey Lawrence, AAO representatives, discussed the specifics of this proposed legislation and the purpose of creating a teledentistry protocol for the Board's consideration. No action was taken by the Board.

Blaine Galliher briefly reviewed the current executive orders issued by Governor Ivey. Mr. Galliher also discussed the legislative session that will open March 7<sup>th</sup> and some expected topics that will be addressed by the legislature.

Director Strickland advised the Board that a virtual meeting regarding the proposed Council of State Governments-Dental/dental hygiene Interstate Compact will be held on February 15<sup>th</sup>. He asked the Board to submit any questions or comments to him and he will relay them during the virtual meeting. Of note, graduates of the ADHP would not qualify to participate in this compact, should Alabama adopt it.

Director Strickland reviewed the public comments that he has received, thus far, concerning the proposed

amendments to board rules. The rules will be presented for a final vote at the March 3, 2023, board meeting.

Director Strickland briefly addressed the recent meeting between representatives from ALDA and the Board's executive committee held at UAB. Board members in attendance at this meeting agreed that it allowed both groups to express their respective opinions regarding proposed changes to the Alabama Dental Practice Act.

Director Strickland discussed current changes in CODA-approved dental schools regarding the introduction of dental schools outside the United States and Canada. The first such school is located in Saudi Arabia. Currently, the Board only recognizes CODA-approved schools in the US and Canada. Director Strickland asked the Board to consider amending the current board rule to accept any CODA-approved dental schools. This was postponed for a future board meeting.

Dr. Williams briefly discussed a letter he received from the American Academy of Dental Sleep Medicine and how the ADA encourages dentists to screen patients for sleep apnea.

Director Strickland asked the Board to make a final determination as to whether Microneedling falls within the dental scope of practice. Dr. McIlwain made a motion to include Microneedling, to the head and neck only, as within the dental scope of practice. Dr. Jones seconded the motion. It was approved by unanimous consent. Director Strickland advised this update would be added to the recent board opinion regarding PDO Thread lifts and added to the Board's website.

Director Strickland advised that Dr. Leroy Kamelchuk had petitioned the Board asking that his license be moved from "Probation" to "Active". After discussing the matter, Dr. McIlwain made a motion to approve Dr. Kamelchuk's request with the understanding that the rest of Dr. Kamelchuk's Consent Order remains in effect. Dr. Cunningham seconded the motion. It was approved by unanimous consent. Dr. Dixon advised that an amended consent order would be presented to Dr. Kamelchuk.

Director Strickland presented a request for a blanket approval of CE offered by Dr. Andrea Holzner (gerontologist), who teaches nationally. After discussion, the Board decided that Dr. Holzner would have to submit her requests on a course-by-course basis to allow for the review of the content.

Director Strickland presented a request for CE Approval by Dr. Minto for his area study club. After discussion, Dr. Jones suggested a course outline or syllabus would be helpful for the Board's review. Dr. McIlwain made a motion that CE requests from study clubs would need to include an outline, objectives, course title, presenter, date/location, and number of CE hours being granted for approval. Dr. Jones seconded the motion. It was approved by unanimous consent.

Director Strickland presented a request from the American Association of Dental Boards (AADB) for public records (e.g., consent orders, final orders) to include in the association's national clearinghouse database. After discussion, the Board asked Director Strickland to advise AADB of the new listing of disciplinary actions that will be posted on the board's website. The Board agreed to revisit this request at a future date, if needed.

The Board recognized Dr. Stephen Mitchell, who asked for consideration in amending the ADHP curriculum. More specifically, the recent change in patient age for approved prophylaxis exams (prophies) set at 15 years of age. This recent change was made to ensure the ADHP student would have the opportunity to be exposed to supra and subgingival calculus, as well as perform other techniques not common to mixed dentition. Dr. Mitchell and the Board discussed, at length, the concerns voiced by pediatric dentists about this change being attached to a specific age. After discussion between the Board, Dr. Mitchell, and Ms. Latham (ADHP Coordinator), it was agreed upon by everyone to remove the standard of "15 years of age" and make the standard "permanent dentition".

The Board recognized Dr. Jones's birthday.

Director Strickland introduced Shannon Youngblood who was recently hired as the new investigator for the Board.

Dr. Pischek requested approval for travel to audit the C-W-C Exam in Salt Lake City, Utah. Ms. Alexander made a motion to approve the travel. Dr. Jones seconded the motion. It was approved by unanimous consent.

Director Strickland advised the annual internal audit has been completed. The report will be disseminated to the Board for review at the March 2023 meeting.

Dr. Jones presented her State Committee of Public Health report.

Dr. Cunningham and Dr. Pischek presented their reports on the Southern Conference of Dental Deans and Examiners. Dr. Cunningham reported that four (4) new dental schools have been welcomed to the conference within the region.

Dr. Pischek presented his report from the ALDA Board of Trustees meeting. Dr. Pischek stated three (3) main topics were discussed: new dental codes for dental rehabilitation in hospital usage, dentist's ability to give HPV vaccinations, and the discussion of current EPA lawsuit regarding fluoride as a potential neurotoxin.

Director Strickland asked the Board to approve the SEP Retirement payments for 2022 for the staff. Dr. Jones made a motion to approve the retirement payments for 2022. Dr. Sims seconded the motion. It was approved by unanimous consent.

Ms. Latham presented a request by an ADHP student to remain in the program after having missed class. The student explained the absence was due to a death in her family (a nephew) that occurred, in which the funeral had already taken place prior to the ADHP weekend classes. Ms. Alexander was concerned that the student's grade point average may not be high enough to successfully graduate the program, at this point. Based on this information, as well as the established protocol to approve absence due to the death of immediate family members (e.g., parent, sibling), Ms. Alexander made a motion to dismiss the student. Due to no second to the motion, the motion failed. After additional discussion by the Board, Dr. Cunningham made a motion to allow the student to remain in the course. Dr. Sims seconded the motion. Dr.'s Williams, Cunningham, Pischek, Jones, and Sims voted in favor. Dr. McIlwain and Ms. Alexander voted no. The motion carried.

Dr. Jones recommended approval of Dental License by Regional Exam, based on successful completion of the jurisprudence exam for the below applicants. Dr. Pischek made a motion to approve the applications. Dr. McIlwain seconded the motion. It was approved by unanimous consent.

- Taylor Francis, DDS; Univ. of North Carolina 2022
- Collin Ritchie, DMD; Harvard University 2022
- Brigitte B. Trego, DMD; UAB 2021

Dr. Jones recommended approval of Dental License by Credential, based on successful completion of the jurisprudence exam for the following applicants. Dr. Pischek made a motion to approve the applications. Dr. McIlwain seconded the motion. It was approved by unanimous consent.

- Bryan Kendricks, DMD; Univ. of Louisville 2017
- Farhad F. Nia, DMD; Univ. of Penn. 2007
- Vladimir Jovic, DMD; Tufts University 2007
- Joseph D. Randall, DMD; Nova Southeastern 2017
- Mary L. Sharp, DMD; UAB 2017

Ms. Alexander recommended approval of Dental Hygiene License by Regional Exam, based on successful completion of the jurisprudence exam for the following applicants. Dr. Sims made a motion to approve the applications. Dr. Jones seconded the motion. It was approved by unanimous consent.

- Brook K. Brewer, RDH; Coastal Carolina Comm. College 2017
- Hasty H. Estes, RDH; E. Tenn. St. 2021
- Alicia N. Graham, RDH; La. Monroe 2018
- Beatrice Cordero Paz, RDH; Fortis 2022
- Ivory H. Roberts, RDH; Columbus Tech. College 2021

Ms. Alexander recommended approval of Dental Hygiene License by Credential, based on successful completion of the jurisprudence exam for the following applicants. Dr. Sims made a motion to approve the applications. Dr. Cunningham seconded the motion. It was approved by unanimous consent.

- Beth F. Jones, RDH; Columbus Tech. College 2004
- Breanna H. Wagner, RDH; Farmingdale St. College 2007

Ms. Latham gave the ADHP report. A total of 199 students entered the midterm exam. Currently, 178 students remain in the program. She advised that additional evaluators will be needed to administer the practical exams due to the number of students and the time constraints. Ms. Latham discussed potential issues with the current venue should the initial class size exceed 215 students, as it did in the current class. Director Strickland, Ms. Latham, and Dr. Finn are developing strategies to address this issue, if needed.

Director Strickland gave the Inspection Report. He stated staff are starting to get calls for Oral Conscious Sedation permits, which now require Facility Inspections. He updated an earlier report of several displaced oral surgeons in Tuscaloosa had returned to their clinic. These licensees expressed their appreciation to the Board for working with them during this emergency. Director Strickland reviewed a request for a re-inspection of an applicant for a General Anesthesia permit. Dr. Koslin agreed with the request and is planning for a new inspection.

The Board recessed for a break at 11:01 a.m. and returned from break at 11:18 a.m.

Dr. Dixon presented the Wellness Report on behalf of Dr. Garver.

- 2022-87 (dentist) completed treatment and is ready for return to work.
- 2022-79 (dentist) completed treatment and is ready for return.
- D-23 (dentist) was dismissed from Bradford due to behavioral issues. The licensee went to Acumen for treatment and was released to return to Bradford. After returning to Bradford, the licensee displayed additional behavioral issues resulting in being dismissed, again. The dentist has agreed to seek treatment at a facility in Texas.
- 2022-128 (dental hygienist) was arrested and is currently receiving treatment at Bradford. The hygienist's license has been voluntarily suspended.
- Currently monitoring approximately 18 licensees.

Mr. Aaron Dettling Esq. presented the Attorney's Report.

Director Strickland presented the Executive Director's Report.

- Updated the Board on currently expired dentists and hygienists.
- Furnishings purchased for the board room have been delayed due to unexpected issues with the vendor (Alabama Correctional Industries).
- The renovations to the Board Room have been completed.

- Representative Margie Wilcox is the new chair for the Committee on Boards, Agencies, and Commissions.
- Dr. Jones has been appointed to the C-W-C Steering Committee. Dr. Pischek has been appointed to the CRDTS Steering Committee.
- Updates to CE Broker information. Reminders will be sent out monthly beginning in March 2023.

The Board recessed at 1:00 p.m. for a break and returned at 1:20 p.m.

### **Case Reviews – Dr. Dixon/Mr. Lane**

Dr. Cunningham made a motion that case #2022-79 be noticed for a hearing. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion that case #2022-116 be administered a non-disciplinary fine and noticed for a hearing if licensee cannot produce proof of CE. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion that case #2022-142 be administered a non-disciplinary fine and noticed for a hearing if licensee cannot produce proof of CE. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims made a motion that case #2022-121 be noticed for a hearing. Dr. Jones seconded the motion. Drs. Williams, Pischek, Jones, and Sims voted in favor of the motion. Dr. Cunningham voted no. Motion carried with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2022-136 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion that #2022-67 Letter of Censure be rescinded from last month's meeting. Dr. Pischek seconded the motion. It was approved by unanimous consent.

Dr. McIlwain made a motion that case #2022-67 has no evidence to sustain. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2022-87 be noticed for a hearing. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2022-113 be noticed for hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Pischek made a motion that case #2022-117 has no evidence to sustain. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2022-141 be administratively closed. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-03 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-04 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member

abstaining from the vote.

Dr. Cunningham made a motion that case #2023-05 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-06 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-07 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-08 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-09 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-10 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-11 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-13 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Cunningham made a motion that case #2023-14 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-15 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Cunningham made a motion that case #2023-16 authorized Dr. Dixon to notice for hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-21 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Cunningham made a motion that case #2023-22 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-23 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Cunningham made a motion that case #2023-24 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-25 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Cunningham made a motion that case #2023-26 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2022-27 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-28 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-29 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-30 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-31 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-32 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-33 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-34 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-35 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-36 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member

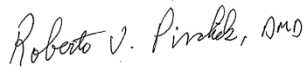
abstaining from the vote.

Dr. Cunningham made a motion that case #2023-37 be administered a non-disciplinary fine. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham made a motion that case #2023-38 be administered a non-disciplinary fine and authorized Dr. Dixon to notice for a hearing. Dr. Pischek seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Ms. Alexander made a motion to adjourn. Dr. Cunningham seconded the motion. It was approved by unanimous consent. Meeting adjourned at 1:54 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Roberto V. Pischek, DMD". The signature is written in a cursive style and is contained within a thin black rectangular border.

Dr. Roberto V. Pischek, Secretary/Treasurer

Approved:

Submitted by: Steve Hancock