



**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
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**MINUTES**  
Board Meeting  
March 2-3, 2017

The Board of Dental Examiners of Alabama met Thursday March 2, 2017 at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 6:01 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. Matt Hart, Esq., Executive Director, 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](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 February 9-10, 2017 meeting. Dr. Stricklin moved to approve the minutes as presented. Dr. McIlwain seconded the motion and it was approved by general consent.

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

The President welcomed guests and invited any comments. Ms. Rebecca Foster, Director of the Hygiene Program at Fortis Institute posed questions about practices that a student in the Fortis Hygiene program can perform with or without a dentist present. Members explained that students can only perform clinical practices if under the direct supervision of a licensed dentist.

Dr. David Northcutt, guest, presented some new information that he had received about mid-level providers. There are a total of 13 states that are preparing to allow mid-level providers. There is much controversy over whether dentists really prefer to have this licensee in their state.

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Board of Dental Examiners of Alabama

Members reviewed and denied a request by Aspen Dental to be refunded the fee for dental license application for Dr. Alan Bernbaum. They instructed Mr. Hart to inform Aspen Dental that the Board will follow Board Rule and not refund the application fee.

Members reviewed and discussed a request from Dr. Jason Northcutt for the Board to waive the \$100.00 fee for *Special Purpose Dental Licensure for 10x in One Year* for dentists to cross the State line to volunteer at *Dentistry from the Heart*. After discussion, members concurred that as long as the dentist complies with Code of Alabama 34-9-7(9) he/she is not required to obtain a license.

Nothing in this chapter shall apply to the following practices, acts, and operations: ...

(9) A dentist who engages in the practice of dentistry across state lines on an irregular or infrequent basis. The "irregular or infrequent" practice of dentistry across state lines is considered to occur if the practice occurs less than 10 times in a calendar year or involves fewer than 10 patients in a calendar year, or the practice comprises less than one percent of the diagnostic or therapeutic practice of the dentist.

Dr. Walker moved to approve requests from Dr. Chitwan Sachdev and Dr. Ben Kellum to supplement their WREB regional scores with another regional exam in order to comply with initial dental license requirements. Dr. Stricklin seconded the motion and it was approved by general consent.

The President recognized guest, Dr. King, who distributed copies of articles identifying off-label drug use and pointed out highlights of the articles. Once the FDA approves a drug it is possible to use the drug for medical uses other than what is on the label. If a doctor misuses the medication and it causes a problem with the patient the doctor is responsible, not the FDA or the pharmaceutical company.

Members reviewed a letter from Dr. Adam Cole complaining about insurance companies that will not pay for certain procedures that a doctor has recommended. They concurred that the Board has no statutory authority to direct an insurance company's right to pay or not pay for a procedure. They would advise Dr. Cole to pose his complaint to Medicaid or the Legislature.

Ms. Campbell presented an annual report by CRDTS showing exam results of the colleges who use that exam for hygienists in Alabama – Fortis and Wallace State. The report also showed an overall score that each school has had in the past. Ms. Campbell pointed out particular statistics such as patients rejected, points on each part of the exam, etc.

Mr. Hart asked members if they wanted to re-apply for Board membership in the Alabama Association of Regulatory Boards. The Board has historically held membership in this association but it did lapse in 2016. Dr. Stricklin moved to approve paying the \$975 yearly membership dues for the Alabama Association of Regulatory Boards. Dr. Beckham seconded the motion and it was approved by general consent

At 6:58 the President announced a break; the meeting resumed at 7:12 p.m.

Ms. Sherry Campbell moved to approve Dental Hygiene Licensure by Regional based on successful completion of the jurisprudence exam for Nicra Githire, RDH, and Sarah Wright, RDH. Dr. McIlwain seconded the motion and it was approved by general consent.

Dr. Chesser moved to approve Dental Hygiene Licensure by Credentials based on successful completion of the jurisprudence exam for Amy Brown, RDH, and Shannon Michie, RDH. Dr. McIlwain seconded the motion and it was approved by general consent.

Members reviewed current cases:

Dr. McIlwain moved to administratively close cases #2016-79 and 2017-10. 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. Walker moved that case #2016-75 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. Walker moved that case #2017-01 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 to notice the Respondent of case #2017-09 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.

Members directed Counsel to send a *cease and desist* letter to the respondent of case #2016-82 that is unlawfully bleaching teeth.

Dr. Walker moved that case #2016-92 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.

Mr. Hart presented the Legislative Report. He reviewed House Bill 309 and Senate Bill 94 and pointed out issues that state auditors are identifying.

At 7:55 p.m. the President recessed the meeting until Friday at 8:30 a.m.

**MINUTES**  
Board Meeting  
Friday, March 3, 2017

The meeting of the Board of Dental Examiners of Alabama reconvened Friday, March 3, 2017 at the Board Office in Hoover, Alabama.

The President called the meeting to order at 8:39 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. Matt Hart, Esq., Executive Director, 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](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.

Members invited Ms. Cassandra Harlequin to the meeting and welcomed her as the newly hired Bookkeeper.

Dr. Dixon presented the Wellness Report provided by Dr. Mike Garver. Members discussed possibly changing current protocol so that when a licensee voluntarily, permanently surrenders his/her license the licensee will immediately be issued a consent order so that it can be reported to the PDMP and so that other boards in the future would be aware of it. Counsel will research to make sure the Board is required to report a voluntary surrender while under disciplinary action.

Dr. Jackson volunteered to serve as the Board's representative to the National Dental Examiners' Advisory Forum in Chicago on April 24, 2017 in conjunction with the AADB Mid-Year Meeting.

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

ADHP class is this weekend; it will be the last lecture class. April's class will be review for comprehensive exams. Currently there are 158 in class but some may be dropped because of failing scores.

There are 21 dentists enrolled to attend the April 7th Instructor Course to be held in Huntsville.

Dr. Wayne Kerr will present a lecture on *Anatomy and Oral Anesthesia* to the new students at the July class in preparation for hygienists being allowed to perform infiltration injections.

Mr. Hart presented the Attorney Report. He updated members on pending circuit court cases.

Mr. Hart presented the Executive Director Report.

Ms. Cassandra Harlequin came on board last week as Bookkeeper. She has been an excellent hire; she is organized, a quick learner, and proactive. Ms. Lankford is bringing her up to speed.

State auditors are finding errors in travel vouchers. This is why members have been waiting to receive their checks; Mr. Hart wants to make sure they are all correct before authorizing payment.

Dr. William E. Chesser requested that Ms. Harlequin email members when their expense monies have been direct deposited and to mail their pay stubs.

The ordering of new letterhead for the Board was discussed and board members decided that they would like for their names to be included on the letterhead.

Dr. Stricklin moved to approve paying for Mr. Hart's fees for Alabama Bar License, Birmingham Bar Association, and Certified Fraud Examiner. Dr. McIlwain seconded the motion and it was approved by general consent.

Dr. Mark Ray McIlwain moved to give Ms. Linda Dlugosz a 5% raise plus a one-time taxable payment of \$2,103.72 order to honor the Board's previous promise to cover Medicare premiums. Ms. Campbell seconded the motion and it was approved by general consent.

Members agreed that Mr. Hart will explore new software system for database. This concluded the Report.

At 9:49 a.m. the President announced a break; the meeting resumed at 10:01 a.m.

Members discussed the Allied Dental Personnel survey results. Based on the results of the survey, the Board decided to halt the creation of the Expanded Duty Dental Assistant category of license. The Board discussed the possibility and necessity as to removing the Expanded Duty Dental Assistant language from the Dental Practice Act – the Board instructed Mr. Hart to discuss this further with Sen. Bussman and Mr. Windom. In lieu of continuing to pursue licensure of Expanded Duty Dental Assistants, the Board discussed implementing several other rule-changes in order to more efficiently and effectively expand access to care, including: establishing a permit allowing for properly trained Registered Dental Hygienists to administer infiltration injections, allowing Dental Assistants to place and polish pit and fissure sealants, and to discuss the introduction and implementation of Community Dental Health Coordinators (an unlicensed auxiliary role) throughout the state.

At 11:00 a.m. Dr. McIlwain moved to enter into executive session for the purpose of discussing the reputation, character, physical condition, professional competence or mental health of a licensee(s) and to return to public session at 11:30 a.m. Dr. Chesser seconded the motion and the President called for the vote: Dr. Stricklin, yea, Dr. McIlwain, yea, Dr. Jackson, yea, Dr. Chesser, yea, Dr. Walker, yea, Dr. Beckham, and Ms. Sherry Campbell, yea. The motion carried. At 11:12 the Board retired from executive session and continued with public session.

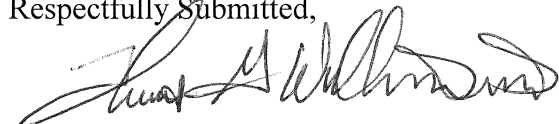
Dr. Walker initiated a discussion on possible action against a clinic if the practicing licensee is not available to be the subject of a complaint or if he/she cannot be identified. He suggested that the Board should consider holding the principal practitioner responsible in these circumstances; he also would like to make it part of the complaint protocol that if the wrong licensee is named in a complaint, counsel will research who the actual licensee was that should be the subject of the complaint. After much discussion, it was decided that counsel should let the complainant know that such information may be obtained through the patient's

record of treatment with the clinic. The complainant may refile the complaint at any time after obtaining such information. If, after receiving the record of treatment and/or communicating with the clinic, the name of the dentist performing the patient's dental treatment may not be obtained, the complainant/practitioner may file a complaint with the board against the owner of that dental practice.

Dr. Beckham read a letter from the UAB School of Dentistry regarding continuing education.

At 11:48 a.m. Dr. McIlwain moved to adjourn; Dr. Stricklin seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. Thomas Gerald Walker, Secretary/Treasurer

Approved: April 7, 2017

Submitted by: Linda Dlugosz

**BOARD OF DENTAL EXAMINERS OF ALABAMA**  
**Profit & Loss Budget Performance**  
January 2017

Jan, 2017 for March, 2017 Bd Mtg  
Bk bal as of 01/31/2017  
Ck \$ 1,790,076.37  
MM \$ 301,631.40

	<u>Jan 17</u>	<u>Budget</u>	<u>Oct '16 - Jan 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
501 · Annual Dental Registration	7,000.00		487,600.00	513,000.00	513,000.00
502 · Annual Hygiene Registration	1,625.00		263,185.00	277,375.00	277,375.00
503 · Controlled Substance Fee	2,675.00		232,615.00	261,375.00	261,375.00
504 · Annual Teaching Permits	450.00		4,950.00	5,500.00	5,500.00
505 · ADHP Certification	750.00	0.00	1,125.00	0.00	12,000.00
507 · Drug Log Books	0.00	45.83	70.00	183.36	550.00
508 · ADHP	0.00	0.00	0.00	0.00	85,000.00
509 · Dental Exam Fee	200.00	666.66	1,300.00	2,666.72	8,000.00
510 · Original License Fee	50.00	333.33	325.00	1,333.36	4,000.00
511 · Licenses Reprint Fee	50.00	166.66	425.00	666.72	2,000.00
512 · Dental Hygiene Exam Fee	200.00	1,250.00	1,600.00	5,000.00	15,000.00
513 · Directory Fee	0.00	325.00	50.00	1,300.00	3,900.00
515 · Penalty Fee	10,700.00	1,250.00	12,100.00	5,000.00	15,000.00
516 · Privilege License Money	0.00	0.00	0.00	0.00	20,000.00
517 · Interest Inc - checking	5.12	16.66	24.13	66.72	200.00
518 · Parental Sedation Permit Fee	0.00	833.33	3,200.00	3,333.36	10,000.00
519 · Anesthesia Permit	0.00	2,500.00	26,800.00	10,000.00	30,000.00
521 · Other Income	0.00	41.66	0.00	166.72	500.00
525 · Dent Hyg Bd Appl	0.00	583.33	0.00	2,333.36	7,000.00
526 · ADHP Materials	0.00	0.00	0.00	0.00	45,000.00
527-1 · Administrative Costs	0.00	416.66	0.00	1,666.72	5,000.00
527-3 · Administrative Fines	0.00		250.00		
527 · Disciplinary Fines (Prior)	21,200.00		56,100.00		
528 · Initial Anesthesia Evaluation	0.00	1,333.33	4,500.00	5,333.36	16,000.00
529 · OCS Annual Reg. Fee	300.00		20,050.00	21,000.00	21,000.00
530 · Licensure By Credentials	9,000.00	3,333.33	30,000.00	13,333.36	40,000.00
531 · RETURNED CHECK CHARGES	60.00	83.33	150.00	333.36	1,000.00
533 · Dental Lic. Bd Exam Application	400.00	1,250.00	2,600.00	5,000.00	15,000.00
540 · Special Purpose Dental Lic Fee	100.00	83.33	550.00	333.36	1,000.00
545 · Special Purpose Hygiene Lic Fee	0.00	66.66	390.00	266.72	800.00

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617 · MDF Permits	1,500.00	333.33	4,250.00	1,333.36	4,000.00
800 · 800-OVERPAYMENTS	50.00		50.00		
<b>Total Income</b>	<u>56,315.12</u>	<u>14,912.43</u>	<u>1,154,259.13</u>	<u>1,137,900.56</u>	<u>1,419,200.00</u>
<b>Gross Profit</b>	56,315.12	14,912.43	1,154,259.13	1,137,900.56	1,419,200.00
<b>Expense</b>					
0100-0 · Personnel Costs	38,526.24	39,833.33	172,468.25	159,333.36	478,000.00
0114-0 · Board Member Compensation	4,400.00	8,333.33	28,750.00	33,333.36	100,000.00
0198-0 · Bonus	0.00		0.00	3,500.00	3,500.00
0201-0 · Payroll Expenses	3,621.71	4,166.66	17,652.35	16,666.72	50,000.00
0202-0 · Pension Plan	0.00	0.00	0.00	0.00	75,000.00
0203-0 · Medical Insurance	5,422.77	3,833.33	21,836.58	15,333.36	46,000.00
0204-0 · Workman Comp. Ins.	0.00	0.00	0.00	0.00	16,000.00
0205 · Unemployment Fees	50.00	41.66	50.00	166.72	500.00
0300-0 · Travel - In-State	784.88	2,250.00	5,370.58	9,000.00	27,000.00
0400-0 · Travel - Out-of-State	0.00	2,291.66	2,514.20	9,166.72	27,500.00
0500-0 · Repairs & Maintenance	5,214.10	225.00	5,869.66	900.00	2,700.00
0600-1 · Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	333.36	1,000.00
0602-1 · Rent on Building	8,174.65	8,166.66	32,698.60	32,666.72	98,000.00
<b>0700-0 · Utilities &amp; Communications</b>					
0700-1 · Utilities - Telephone	0.00	708.33	4,061.74	2,833.36	8,500.00
0700-2 · Utilities - Cell Phone	0.00	41.66	0.00	166.72	500.00
0700-3 · Utilities - Power	0.00	708.33	2,372.67	2,833.36	8,500.00
<b>Total 0700-0 · Utilities &amp; Communications</b>	0.00	1,458.32	6,434.41	5,833.44	17,500.00
0800-0 · Professional Services	14,147.50	13,583.33	60,502.58	54,333.36	163,000.00
0800-1 · Membership Dues & Subscriptions	695.00	416.66	4,948.00	1,666.72	5,000.00
0801-0 · Board Attorney Fees	0.00	4,166.66	0.00	16,666.72	50,000.00
0840-0 · CONSULTANTS	5,000.00	5,000.00	20,000.00	20,000.00	60,000.00
0899-1 · Evaluator Fees	0.00	333.33	4,675.00	1,333.36	4,000.00
0899-2 · Hearing Officer Fees	0.00	666.66	0.00	2,666.72	8,000.00
0899-6 · A.D.H.P. Materials & Supplies	0.00	125.00	0.00	500.00	1,500.00
0900-0 · Office Expense	1,275.00	833.33	4,163.43	3,333.36	10,000.00
0900-1 · Recycle / Paper Disposal	50.00	83.33	200.00	333.36	1,000.00



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0902-0 · NPDB HIPDB License Background	0.00	41.66	59.00	166.72	500.00
0906-0 · Printing & Supplies	0.00	83.33	0.00	333.36	1,000.00
0910-0 · Postage	2,000.00	833.33	6,000.00	3,333.36	10,000.00
0924-0 · Insurance	0.00	0.00	9,831.00	0.00	10,000.00
<b>0944 · Computer Expenses</b>					
0944-0 · Computer Updates	0.00	2,500.00	0.00	10,000.00	30,000.00
0944-1 · Computer Support	405.28	5,416.66	6,935.72	21,666.72	65,000.00
<b>Total 0944 · Computer Expenses</b>	<u>405.28</u>	<u>7,916.66</u>	<u>6,935.72</u>	<u>31,666.72</u>	<u>95,000.00</u>
0951-0 · NSF	0.00	41.66	27.00	166.72	500.00
0999-0 · MISC.	0.00	83.33	140.94	333.36	1,000.00
1000-0 · Auto Expense	0.00	2,083.33	1,334.97	8,333.36	25,000.00
1000-1 · Vehicle Repairs & Maint.	0.00	83.33	114.36	333.36	1,000.00
1000-2 · Vehicle Fuel	0.00	250.00	764.80	1,000.00	3,000.00
<b>1400-0 · Equipment</b>					
0600-3 · Equipment Rental/Lease	0.00	1,250.00	4,528.38	5,000.00	15,000.00
<b>Total 1400-0 · Equipment</b>	<u>0.00</u>	<u>1,250.00</u>	<u>4,528.38</u>	<u>5,000.00</u>	<u>15,000.00</u>
6950 · Bank & CC Service Fees	4,066.06	1,000.00	40,087.80	4,000.00	12,000.00
<b>Total Expense</b>	<u>93,833.19</u>	<u>109,558.21</u>	<u>457,957.61</u>	<u>441,734.32</u>	<u>1,419,200.00</u>
<b>Net Ordinary Income</b>	<u>-37,518.07</u>	<u>-94,645.78</u>	<u>696,301.52</u>	<u>696,166.24</u>	<u>0.00</u>
<b>Other Income/Expense</b>					
<b>Other Income</b>					
524 · NSF Checks	305.00		185.00		
527-2 · ADPWC - Monitoring Fee	1,615.00		5,297.68		
560 · Online Renewals	20,010.00		13,478.72		
<b>Total Other Income</b>	<u>21,930.00</u>		<u>18,961.40</u>		
<b>Net Other Income</b>	<u>21,930.00</u>		<u>18,961.40</u>		
<b>Net Income</b>	<u><u>-15,588.07</u></u>	<u><u>-94,645.78</u></u>	<u><u>715,262.92</u></u>	<u><u>696,166.24</u></u>	<u><u>0.00</u></u>