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Sherry S. Campbell, RDH, CDHC
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Kevin M. Sims, DMD, MS
Secretary/Treasurer
L. Douglas Beckham, DMD
Bruce E. Cunningham, DMD
Marshall A. Williams, DDS
Roberto V. Pischek, DMD



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 November 7-8, 2019

The Board of Dental Examiners of Alabama met Thursday, November 7, 2019, at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 6:14 p.m. with the following members in attendance: Dr. Mark R. McIlwain, President; Ms. Sherry Skinner, RDH, Vice President; Dr. Kevin M. Sims; Secretary/Treasurer; Dr. L. Douglas Beckham; Dr. Bruce E. Cunningham; Dr. Marshall A. Williams; and Dr. Roberto V. Pischek. 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, and on the Secretary of State's website, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

The President asked for review of the minutes from the October 2019 meeting. Dr. Sims made a motion to approve the minutes as presented. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. Sims presented the Financial Report. The report was accepted as presented.

The President recognized guests: Dr. Gerry Walker and Ms. Cheryl Pischek.

Dr. McIlwain administered the Board Member Oath to Dr. Roberto Victor Pischek, assisted by Mrs. Cheryl Pischek, who attached his official Board pin. All members and staff applauded and congratulated Dr. Pischek. Ms. Pischek left the meeting.

Dr. McIlwain suggested staff/board protocol.

The Executive Director will meet with staff the day before a board meeting to obtain any paperwork that is needed to be presented at the meeting.

He reminded members and staff that the Alabama Dental Practice Act calls for the board meeting to use parliamentary procedure. He made a *Roberts Rules cheat sheet* available for all to consult.

He presented a pre-meeting protocol to enable the meetings to flow more smoothly. Dental licensure by credentials will be reviewed by senior members; dental licensure by regional exam will be reviewed by junior members; hygiene license applications will be reviewed by the hygiene Board member. Any variances will be noted and made available to all members to review before the meeting. The legal team will continue to assign cases in light of the expertises of members. Dr. Garver will be the first word regarding the Wellness Program; but if the legal staff disagrees with his decision and needs assistance reviewing the case, 2 other members will be asked to review the case before requiring the licensee to subscribe to the Wellness Program.

Dr. McIlwain reviewed a proposed list of duties for the Executive Director (ED).

Dr. McIlwain presented a draft letter from the Board to State Health Planning and Development Agency/Certificate of Need (SHPDA/CON) which might attempt to regulate dental offices.

The purchase of a new vehicle for the Investigator has not gone forward because of a lack of communication from the State for updated bid forms. Dr. Sims moved to empower the Executive Director to pursue the purchase of a new vehicle within the budgeted amount and through the State purchase requirements. Dr. Beckham seconded the motion and it was approved by general consent.

After distributing staff performance reviews to the members, Mr. Edmonds asked to be able to use the budgeted amount to give raises to staff members. Dr. McIlwain moved to table the matter until Friday so staff performance reports could be reviewed.

Dr. McIlwain brought up the subject that only members should comment on cases or disciplinary actions during board meetings. Guests should only be observers of the discussion of a case.

Ms. Campbell moved to reimburse Renea Chapman, V.P. CITA, for travel reimbursement to ADHP meetings in order to instruct students on taking the CITA exam. Dr. Sims seconded the motion and it was approved by general consent.

A researcher asked the Board to email survey to licensees. The requestor may be provided a roster with physical addresses only.

Dr. Sims moved to approve Dental License by Regional Exam based on successful completion of the jurisprudence exam for the following applicants: Avery Anaje, DMD, Karunesh Chakote, DMD, Cameron Schoettler, DMD, and Joshua Tillinger, DMD. Dr. Cunningham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Cunningham moved to approve Dental License by Credentials based on successful completion of the jurisprudence exam for Brian Ingalls, DDS, and James Tennyson, DDS. Dr. Sims 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 Special Purpose License for 3 yrs. based on successful completion of the jurisprudence exam for Holly Brady, RDH. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. Sims moved to approve Dental Hygiene License by Credentials based on successful completion of the jurisprudence exam for Cindy McCoin, RDH. Ms. Campbell seconded the motion and it was approved by general consent.

Dr. Sims moved to approve Infiltration/Anesthesia permit for Jennifer Butler, RDH, and Emmy McCormack, RDH. Dr. Beckham seconded the motion and it was approved by general consent.

Ms. Campbell moved to approve Infiltration/Anesthesia permit for Cara Luquire, RDH. Dr. Sims seconded the motion and it was approved by general consent.

Blake Strickland presented the Inspection Report.

He advised that UAB-OMS clinic located in Hoover is moving to a new location and should be ready for inspection by mid-December. Mr. Strickland added that Dr. Koslin, BDEAL Anesthesia Committee, is also planning to have the clinic's new GA permit inspections around the same time.

Mr. Strickland provided an update on the upcoming Remote Area Medical (RAM) event scheduled for March 2020. He has been in contact with RAM as well as the local contact, Dr. Lew Mitchell, regarding the inspections of the multiple portable units that will be utilized. RAM's portable unit permit application has not been received by the Board, as of yet. Mr. Strickland assured that Board that RAM is aware that the application has to be received and processed and all of the portable units have to be inspected prior to the event. Per Dr. Mitchell, the event could see over 1,000 patients over a 2-day period. This concluded the report.

Dr. Sims moved to notice the Respondent of case #2019-82 for a hearing. Dr. Pischek seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

At 7:35 p.m. Ms. Campbell moved to recess the meeting until Friday at 8:30 a.m. Dr. Sims seconded the motion and it was approved by general consent.

MINUTES
BOARD MEETING
Friday November 8, 2019

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

The President called the meeting to order at 8:30 a.m. with the following members in attendance: Dr. Mark R. McIlwain, President; Ms. Sherry Skinner, RDH, Vice President; Dr. Kevin M. Sims; Secretary/Treasurer; Dr. Bruce E. Cunningham; Dr. Marshall A. Williams; and Dr. Roberto V. Pischek. 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, and on the Secretary of State's website, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

Legislative Committee Report:

Blake Strickland read aloud the approved proposed changes to Rules 270-X-2-.01 *Educational Requirements for Examination – Dentists*; and 270-X-2-.19, *Licensure by Credentials*. No further changes were suggested, and Members confirmed the approval of the drafted Rule.

Mr. Edmonds presented the Executive Director Report.

The Board's database cannot take ACH payments but may be able to do so at a future date.

The process has begun to order new laptops for staff who are currently using Windows 7 operating systems, and a new server for the agency.

The only licensee debts for collection that are outstanding are dental hygienist who have revoked licenses for substance abuse. Mr. Edmonds has determined that it would be fruitless to turn these over to a collection agency.

Of the latest CE audit, 8 of 10 licensees audited passed. One dentist has left the state and does not plan to renew; one dentist did not have sufficient CEs, does want to catch up, pay the administrative fine, and reinstate his dental license. Setting the fine for his failed CE audit will be addressed at the December meeting.

Sonya Lankford is working with iGov to enable license lookups for the public to use. Dr. McIlwain said that the status, *probation*, must be clearly stated on license lookup for the public to see. An NPDB report is run on every applicant for licensure who holds a license in another state. The background agency, PBIS, obtains a primary source verification of all licenses in other states as part of their background report. Dr. McIlwain asked that this statement be added to the Licensure by Credentials application:

If you are applying for DENTAL LICENSE: Have you ever practiced General Anesthesia or Parenteral Sedation? Yes_____ No_____ If you answered "Yes," list on a separate sheet all instances of

morbidity or mortality that have occurred in connection with your use of general anesthesia and/or parenteral sedation. Include a detailed explanation of any such occurrences.

A small refrigerator will be purchased for the upstairs kitchen to accommodate the 4 staff whose offices are upstairs.

Members addressed Mr. Edmonds's request posed last evening regarding staff salaries. Dr. Cunningham moved to approve Mr. Edmonds's request to make salary adjustments in accord with the approved budgeted amount. Dr. Sims seconded the motion, and it was approved by general consent. This concluded the report.

Mr. Edmonds, Dr. Beckham, Dr. Sims, Dr. Bruce Cunningham, and Ms. Campbell reported on their attendance at the AADA/AADB meetings. Ms. Campbell gave a report on the Hygiene Conference.

At 10:15 a.m. Dr. Sims moved to enter Executive Session for the discussion of the general reputation, character, and/or professional competence of licensees and for the discussion of pending litigation and to return to public session at 10:30 a.m. Ms. Campbell seconded the motion and the President called for the vote: Dr. Pischek, yea, Dr. Williams, yea, Dr. Cunningham, yea, Dr. McIlwain, yea, Dr. Beckham, yea, Dr. Sims, yea. The motion carried. At 10:33 a.m. the Board retired from Executive Session.

The President called a for a break; the meeting resumed at 10:46 a.m.

The ADHP team, Dr. Alvin Stevens, Hilda Johnson, and Gina Latham, joined the meeting to present the ADHP report.

ADHP class was last weekend. Currently there are 180 students still enrolled.

Renea Chapman will instruct students on taking the CITA exam at the January meeting and again in March. Diane Clifton will instruct instrumentation at the April class. There is no class scheduled in December. Dr. Weatherford and Dr. Kaur will lecture in January. Dr. Tilshalski will speak in March.

The ADHP team is working to produce a new video and updated documents for the website for the 2020-2021 Course. Hilda Johnson advised members that her official retirement as ADHP Coordinator will be January 15, 2020, but she will continue to be available on an "as needed" basis. Members thanked Ms. Johnson for her service to the Board. This concluded the report. The team left the meeting.

Dr. Dixon presented the Wellness Report provided by Dr. Garver. She reported on activities of participants in the past month.

Dr. Sims moved that case #2019-72 has no evidence to sustain. Dr. Pischek seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams moved that case #2019-78 has no evidence to sustain. Dr. Pischek seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Pischek moved to notice the Respondent of case #2019-90 for a hearing. Dr. Sims seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams moved that case #2019-89 has no evidence to sustain. Dr. Cunningham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

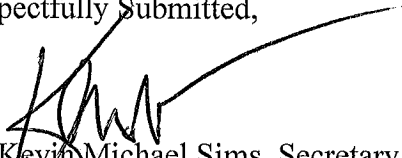
Dr. Cunningham moved to notice the Respondent of case #2019-36 for a hearing. Dr. Pischek seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to rescind notice for a hearing and direct Dr. Dixon to assess a non-disciplinary fine for the Respondent of case #2019-65. Dr. Williams seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

The President reminded members to turn in travel vouchers to Dr. Sims.

At 11:13 a.m. Dr. Cunningham moved to adjourn the meeting. Ms. Campbell seconded the motion and it was approved by general consent.

Respectfully Submitted,



Dr. Kevin Michael Sims, Secretary/Treasurer

Approved: 12/5/2017

Submitted by: Linda Dlugosz

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Profit & Loss Budget Performance
September 2019

Sept 2019 for Nov 2019
Balance as of 9/30/2019
Checking: \$1,150,653.09
MM: \$391,450.29

	<u>Sep 19</u>	<u>Budget</u>	<u>Oct '18 - Sep 19</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	<u>Variance</u>
Ordinary Income/Expense						
Income						
317 · Def. Revenue MDF Permit	0.00		0.00	0.00	0.00	
320 · Def. Hygiene Infiltration Permi	2,375.00		2,375.00			
501 · Annual Dental Registration	420,025.00	0.00	916,260.00	515,800.00	515,800.00	
502 · Annual Hygiene Registration	143,260.00	0.00	419,839.58	285,220.00	285,220.00	
503 · Controlled Substance Fee	148,620.00	0.00	363,850.00	246,000.00	246,000.00	
504 · Annual Teaching Permits	4,600.00	0.00	9,150.00	6,000.00	6,000.00	
505 · ADHP Certification	0.00	0.00	11,100.00	12,000.00	12,000.00	
508 · ADHP	-688.00	0.00	124,487.00	135,000.00	135,000.00	
509 · Dental Exam Fee	200.00	750.00	10,100.00	9,000.00	9,000.00	
510 · Original License Fee	150.00	322.88	4,250.00	3,875.00	3,875.00	
511 · Licenses Reprint Fee	50.00	83.37	825.00	1,000.00	1,000.00	
512 · Dental Hygiene Exam Fee	900.00	1,250.00	15,300.00	15,000.00	15,000.00	
515 · Penalty Fee	500.00	583.37	8,950.00	7,000.00	7,000.00	
516 · Privilege License Money	0.00	0.00	19,263.82	20,000.00	20,000.00	
517 · Interest Inc - checking	6.44	16.63	180.29	200.00	200.00	
518 · Parental Sedation Permit Fee	0.00	916.63	15,600.00	11,000.00	11,000.00	
519 · Anesthesia Permit	29,750.00	2,500.00	60,950.00	30,000.00	30,000.00	
521 · Other Income	0.00	41.63	47,211.50	500.00	500.00	
525 · Dent Hyg Bd Appl	0.00	625.00	8,100.00	7,500.00	7,500.00	
526 · ADHP Materials	0.00	0.00	60,450.00	65,000.00	65,000.00	
527-1 · Administrative Costs	0.00	416.63	26,254.58	5,000.00	5,000.00	
527-3 · Administrative Fines	0.00	0.00	1,160.00	0.00	0.00	
527 · Disciplinary Fines (Prior)	7,500.00	0.00	115,818.20	0.00	0.00	
528 · Initial Anesthesia Evaluation	9,950.00	2,083.37	49,750.00	25,000.00	25,000.00	
529 · OCS Annual Reg. Fee	11,600.00	0.00	27,300.00	20,025.00	20,025.00	
530 · Licensure By Credentials	7,700.00	4,166.63	74,075.00	50,000.00	50,000.00	
531 · RETURNED CHECK CHARGES	30.00	41.63	1,485.00	500.00	500.00	
532 · OCS Initial App. Fee	0.00	83.30	0.00	1,000.00	1,000.00	
533 · Dental Lic. Bd Exam Application	750.00	1,500.00	28,275.00	18,000.00	18,000.00	
540 · Special Purpose Dental Lic Fee	0.00	83.37	0.00	1,000.00	1,000.00	

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545 · Special Purpose Hygiene Lic Fee	0.00	41.63	1,095.00	500.00	500.00	
617 · MDF Permits	0.00	541.63	5,750.00	6,500.00	6,500.00	
620 · Hygiene Infiltration Permit	100.00		8,900.00			
800 · 800-OVERPAYMENTS	125.00		125.00	0.00	0.00	
Total Income	787,503.44	16,047.70	2,438,229.97	1,497,620.00	1,497,620.00	
Gross Profit	787,503.44	16,047.70	2,438,229.97	1,497,620.00	1,497,620.00	
Expense						
0100-0 · Personnel Costs	45,877.94	42,500.00	555,935.28	510,000.00	510,000.00	Continuous
0114-0 · Board Member Compensation	10,600.00	8,333.37	88,900.00	100,000.00	100,000.00	Interviews
0198-0 · Bonus	0.00	0.00	3,200.00	3,200.00	3,200.00	
0201-0 · Payroll Expenses	4,978.47	4,000.00	52,590.70	48,000.00	48,000.00	Continuous
0202-0 · Pension Plan	0.00	0.00	159,819.02	75,000.00	75,000.00	
0203-0 · Medical Insurance	7,906.72	7,500.00	84,822.72	90,000.00	90,000.00	Continuous
0204-0 · Workman Comp. Ins.	0.00	0.00	5,814.00	6,600.00	6,600.00	
0205 · Unemployment Fees	0.00		0.00	0.00	0.00	
0300-0 · Travel - In-State	736.36	2,083.30	18,732.03	25,000.00	25,000.00	
0400-0 · Travel - Out-of-State	967.95	2,333.37	18,107.71	28,000.00	28,000.00	
0500-0 · Repairs & Maintenance	1,947.00	425.00	22,559.33	5,100.00	5,100.00	Air Condition
0600-1 · Rentals & Leases/Offsite Meetin	0.00	87.50	212.50	1,050.00	1,050.00	
0600-2 · NEW OFFICE SPACE	135.00	2,083.30	1,070,434.80	25,000.00	25,000.00	
0602-1 · Rent on Building	0.00	8,700.00	80,493.93	104,400.00	104,400.00	
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	909.93	708.30	6,936.67	8,500.00	8,500.00	
0700-2 · Utilities - Cell Phone	0.00	0.00	0.00	0.00	0.00	
0700-3 · Utilities - Power	1,187.26	708.30	11,924.17	8,500.00	8,500.00	
0700-4 · Utilities - Internet	483.98	375.00	5,505.41	4,500.00	4,500.00	
0700-5 · Utilities - Water/Sewer	372.19		2,403.11			
Total 0700-0 · Utilities & Communications	2,953.36	1,791.60	26,769.36	21,500.00	21,500.00	
0800-0 · Professional Services	30,257.25	15,416.63	183,819.80	185,000.00	185,000.00	UAB ADHP
0800-1 · Membership Dues & Subscriptions	1,143.50	1,333.30	16,468.00	16,000.00	16,000.00	
0801-0 · Board Attorney Fees						
0801-1 · Attorney General's Office	0.00		4,770.61			

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0801-0 · Board Attorney Fees - Other	0.00	1,250.00	47,211.50	15,000.00	15,000.00	
Total 0801-0 · Board Attorney Fees	0.00	1,250.00	51,982.11	15,000.00	15,000.00	
0840-0 · CONSULTANTS	6,000.00	6,000.00	72,000.00	72,000.00	72,000.00	
0899-1 · Evaluator Fees	0.00	1,000.00	9,250.00	12,000.00	12,000.00	
0899-2 · Hearing Officer Fees	0.00	166.63	4,104.00	2,000.00	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	2,240.73	3,000.00	3,000.00	
0900-0 · Office Expense	1,556.00	1,125.00	16,217.11	13,500.00	13,500.00	File Cabinets
0900-1 · Recycle / Paper Disposal	50.00	50.00	550.00	600.00	600.00	
0902-0 · NPDB HIPDB License Background	34.00	16.63	248.00	200.00	200.00	
0906-0 · Printing & Supplies	0.00	166.63	1,523.81	2,000.00	2,000.00	
0910-0 · Postage	537.00	583.30	5,674.73	7,000.00	7,000.00	
0924-0 · Insurance	0.00	9,000.00	10,278.00	9,000.00	9,000.00	
0944 · Computer Expenses						
0944-0 · Computer Updates	0.00	1,500.00	2,690.65	18,000.00	18,000.00	
0944-1 · Computer Support	358.98	5,833.30	21,296.88	70,000.00	70,000.00	
0944 · Computer Expenses - Other	1,478.00	0.00	13,435.48	0.00	0.00	
Total 0944 · Computer Expenses	1,836.98	7,333.30	37,423.01	88,000.00	88,000.00	
0950-0 · Penalty	0.00		0.00	0.00	0.00	
0951-0 · NSF	0.00	8.30	2,944.00	100.00	100.00	
0999-0 · MISC.	0.00	83.30	1,504.74	1,000.00	1,000.00	
1000-1 · Vehicle Repairs & Maint.	0.00	83.30	282.89	1,000.00	1,000.00	
1000-2 · Vehicle Fuel	443.71	250.00	3,626.96	3,000.00	3,000.00	
1400-0 · Equipment						
0600-3 · Equipment Rental/Lease	0.00	1,860.00	6,790.71	22,320.00	22,320.00	
1400-0 · Equipment - Other	1,852.94	0.00	20,779.82	0.00	0.00	
Total 1400-0 · Equipment	1,852.94	1,860.00	27,570.53	22,320.00	22,320.00	
6950 · Bank & CC Service Fees	225.39	170.80	2,121.42	2,050.00	2,050.00	
Total Expense	120,039.57	125,984.56	2,638,221.22	1,497,620.00	1,497,620.00	
Net Ordinary Income	667,463.87	-109,936.86	-199,991.25	0.00	0.00	
Other Income/Expense						
Other Income						

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524 - NSF Checks	0.00	0.00	0.00	0.00	0.00	
527-2 - ADPWC - Monitoring Fee	300.00	0.00	9,683.32	0.00	0.00	
Total Other Income	<u>300.00</u>	<u>0.00</u>	<u>9,683.32</u>	<u>0.00</u>	<u>0.00</u>	
Net Other Income	<u>300.00</u>	<u>0.00</u>	<u>9,683.32</u>	<u>0.00</u>	<u>0.00</u>	
Net Income	<u><u>667,763.87</u></u>	<u><u>-109,936.86</u></u>	<u><u>-190,307.93</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	