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BOARD OF DENTAL EXAMINERS OF ALABAMA

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SUMMARY BOARD MEETING May 7, 2020

The Board of Dental Examiners of Alabama met Thursday, May 7, 2020, via videoconference.

The President called the meeting to order at 6:02 P.M. with all board members and many staff members in attendance. 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 Board first reviewed and approved minutes from prior meetings, and reviewed the financial report.

At 6:08 P.M., on the advice of counsel and pursuant to the pertinent provisions of the Open Meetings Act, Dr. Marshall A. Williams moved to enter Executive Session for the discussion of the general reputation or character of individual members of the public; and for the discussion of current or possible litigation, to return to public session at 7:00. Ms. Sherry S. Campbell seconded the motion and the President, Dr. Mark R. McIlwain, called for the vote: Dr. Cunningham, yea, Dr. Williams, yea, Dr. Pischek, yea, Dr. McIlwain, yea, Ms. Campbell, yea, Dr. Sims, yea, Dr. Beckham, yea. The motion carried. At 7:00 the Board retired from Executive Session.

The Board approved a request to apply for a General Anesthesia permit; a request to reapply for a hygiene license pending an evaluation for substance abuse; and a request to be removed from the wellness monitoring program. The Board then reviewed and approved license applications from four dentists and four hygienists.

Ms. Campbell discussed concerns by hygienists who say they are not being provided with PPE. Dr. McIlwain thanked Ms. Campbell for the information, adding that licensees must read the Board's April 29, 2020, opinion, whose intent is to make dentistry as safe as possible during the pandemic, while improving access to needed care. Among the states, Alabama has taken an approach less aggressive than some, but more proactive than others.

Licensees and Board members have made suggestions to modify and supplement the Board's April 29 opinion. Mr. Edmonds read the following proposed statement, of which the Board unanimously approved:

Current CDC and OSHA national interim guidance recommend postponing elective dental procedures, but the decision is left up to each state government. Governor Ivey and the Alabama Department of Public Health have reopened Alabama to elective medical and dental procedures based on the situation in Alabama. The opinion the Dental Board released on April 29 interprets the current CDC guidance and gives a practical way to practice consistently with OSHA's suggestions. The Dental Board has consulted with CDC and OSHA on these matters. Each individual dentist must decide his or her ability to practice safely in their office circumstance and environment.

Mr. Edmonds then read two proposed modifications to the opinion with respect to waiting rooms—one focused on the structure of the individual clinic's waiting room, and the other focused on the characteristics of the patients themselves. At Dr. McIlwain's suggestion, the modification to the opinion blends the two proposals, and modifies the opinion at Item 4 under the heading "Visit." The Board approved the following unanimously:

4. Generally, no use of the reception room will be allowed at any time for patients waiting for treatment. Use of the waiting room is allowed, however, under these circumstances:

If the dental office has a reception or waiting area that is closed off from the remainder of the office by a door, when the patient is called to enter the office, the patient and only one driver may wait in the enclosed waiting area until the patient is met by a staff member for their appointment. Each patient or driver in the waiting area must wear a mask and must remain at least six (6) feet, in all directions, from any other individual.

Also excepted are patients who had received IV or general anesthesia, accompanied by office staff, as drivers bring their cars to the front door; parents or caregivers of minor patients, of patients with a mental or physical disability, and of elderly patients needing assistance—given that caregivers will remain at least six (6) feet, in all directions, from any unrelated individual.

Consistent with those modifications, Item 2 under the heading "Patient Protection," which prohibits use of a reception or waiting room, will be deleted.

Dr. Cunningham then provided a report on the findings of the clinical examination committee, which has been studying clinical exams that are making the transition from live-patient to manikin-only procedures. At this time, no decision could be made because no testing agency had developed an acceptable periodontics examination using manikins by the time the committee met in late April. However, based on newer reports that at least one agency purports to have such an examination ready for administration, Mr. Edmonds will contact the members of the committee immediately and ask them to investigate further.

The Board then heard an update from Gina Latham, Alabama Dental Hygiene Program (ADHP) Coordinator, on progress with the program under social distancing restrictions; and reviewed disciplinary matters, dismissing some and determining to prosecute others.

The meeting adjourned at 8:08 P.M.