



Board of Dental Examiners of Alabama

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www.dentalboard.org

MINUTES BOARD MEETING August 12, 2022

The Board of Dental Examiners of Alabama met Friday, August 12, 2022 at the Board office to conduct business.

The President called the meeting to order at 10:30 a.m. with the following members in attendance: Dr. Kevin M. Sims, President; Dr. Bruce Cunningham, Vice President, Dr. Marshall A. Williams, Secretary/Treasurer; Dr. Roberto V. Pischek; Dr. Melodie A. Jones; and Sandra Kay Alexander, RDH. Also in attendance were W. Blake Strickland, Executive Director/Investigator; Dr. Donna L. Dixon, Esq., Prosecuting Counsel; Aaron Dettling, General Counsel; Kevin Lane, Compliance Director; Dr. Mary Beth Finn, Financial Services Manager; Gina Latham, ADHP Coordinator; and Linda Dlugosz, Licensing Clerk.

The President determined that a quorum was present, and Counsel 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 July 8, 2022 meeting. Upon review, Dr. Jones moved to approve the minutes as presented and Ms. Alexander seconded the motion. The minutes were approved by unanimous consent.

Dr. Williams presented the Financial Report for June 2022. Dr. Jones moved to accept the report as presented and Dr. Pischek seconded the motion. The report was approved by unanimous consent.

Director Strickland advised members of the completion of interviews for the investigator position, which were conducted by Dr. Dixon, Mr. Lane, and himself. The investigator position was offered to Mr. George French III at an annual rate of \$62,500.00. Dr. Jones moved to approve the pay rate and Ms. Alexander seconded the motion. The rate was approved by unanimous consent. Mr. French will begin September 1, 2022.

Director Strickland reminded members that the CE waiver to allow licensees to obtain all required CEs online for renewals expires September 30, 2022. After discussion, members agreed not to renew the waiver. Effective October 1, 2022, Board Rule 270-X-4.04 must be observed by all licensees.

The Board waiver to allow clinical regional exams for initial licensing on a manikin expires December 31, 2022. During discussion, Dr. Jones advised that other states have been inquiring about the future clinical requirements for initial Alabama licensees. After discussion, Dr. Cunningham moved to approve live-patient as well as manikin clinical exams for initial licensing by Regional Examination, and Dr. Williams seconded the motion. It was approved by unanimous consent.

Director Strickland requested board approval to enter a contract with CE Brokers to handle continuing education documentation for all board licensees. Per the presentation at the July 8, 2022 board meeting, there is no cost to the Board or licensees. CE Brokers does offer expanded features to licensees at a cost if the licensee requests. The submission of CEs by licensees will be voluntary for the 2022-2023 renewal cycle. Submissions would become mandatory beginning with the 2023-2024 renewal cycle. After discussion, Dr. Jones moved to approve a contract with CE Brokers and Dr. Pischek seconded the motion. It was approved by unanimous consent.

Stone Creek Dental submitted requests for 2 CE courses (Business Management, Digital Solutions for Crowns/Bridges) to be hosted by their staff. Dr. Cunningham moved to approve the CE course and Dr. Jones seconded the motion. It was approved by unanimous consent.

Jennifer Segars, Esq. submitted a request for CE approval (Medical Malpractice) for training that she provided to Stone Creek Dental. Dr. Cunningham moved to approve the CE course and Dr. Williams seconded the motion. It was approved by unanimous consent.

Director Strickland requested and received Board approval to set the September 2022 board meeting on Thursday, September 1, 2022 and Friday, September 2, 2022 due to planned Legislative Meeting and a scheduled hearing.

Alabama Association of Nurse Anesthetists-State Political Director, Michael Humbert inquired about allowing expanded duties for CRNAs when working in dental clinics. After discussion, the Board agreed that current AL Dental Practice Act and administrative codes were adequate.

Dr. Jones presented several reports covering the following:

- State Committee on Public Health met in Montgomery in person and virtually. Members discussed many issues including the emergency Medical Services Annual Report and an opioid settlement with Johnson & Johnson, and monkey pox, which is being treated with the smallpox vaccine.
- SRTA Annual Meeting Report met by Zoom and discussed, among other items, changes for the dental manikin exam.
- ADEX 18th Annual meeting was held in Chicago. Dr. Jones served on the Dental Examination Committee and the ADEX House of Representatives representing Alabama.
- PDMP Town Hall Event presented *A Practical Approach to PDMP Usage* at the ADPH Training Facility in Prattville.

Dr. Cunningham presented his report on the SRTA Annual Meeting. He was encouraged that SRTA is working to maintain its presence in the dental examining world.

At 11:10 a.m. the President called for a break; the meeting resumed at 11:17 a.m.

Director Strickland presented the Executive Director Report:

- He distributed copies of the proposed budget for 2022-2023 (Profit & Loss Statement) for members to review and vote on at the September meeting. Items covered during this discussion:
 - o Dr. Finn reviewed all existing contracts and purged those that were expired or obsolete.
 - o The Board's current non-refundable/non-transferable protocol has eliminated outstanding reimbursement checks.
 - o Monthly bills average from \$38,000-\$58,000/month. Income is in spurts because of renewals, graduates, etc.
 - o Director Strickland has created policies to handle time sheets and comp time, entries to the check ledger, and submission of staff time sheets.
 - o The Board's financial software deposits are now congruent with the database.
 - o The Board office is migrating to the state phone system with a savings of about \$4,000 per year.

- The Workman's Comp coverage requires a yearly audit, or the insured pays a higher rate. The Board staff has brought the office current on the audit and the rate is being reduced.
- ⊖ The previous Board staff did not apply for the state Privilege Tax reimbursement. The reimbursement was recently requested resulting in a payment from the State of \$38,000.00.
- ⊖ The overall internal financial audit by the Board's administrative staff has yielded a savings of over \$100,000.

Director Strickland reviewed the current pay rate of the Board's staff. He explained staff salaries lagged behind other state agencies and presented his research. Director Strickland asked for the Board to consider a 7% pay increase for staff members, excluding those not currently eligible (executive director, financial services manager, and investigator), which would bring the staff in-line with other state employees. Dr. Cunningham moved to approve the pay increase effective September 1, 2022, and Dr. Jones seconded the motion. It was approved by unanimous consent.

As requested by Dr. Pischek during a previous board meeting, Director Strickland advised a protocol will be implemented on October 1, 2022, to move a designated amount of money into the Board's money market account to cover upcoming building expenses, as well as to have a legal defense reserve for potential future litigation. This protocol will stay in effect for 3 fiscal years, then be reviewed by the Board.

Dr. Jones recommended approval of Dental License by Regional Exam based on successful completion of the jurisprudence exam for the following applicants. Dr. Williams moved to approve the applications and Dr. Cunningham seconded the motion. It was approved by unanimous consent.

- Holton Deatherage, DMD
- Brooke Green, DDS
- Margaret Parker, DMD
- Tyler Tolbert, DMD

Dr. Pischek recommended approval of Dental License by Credentials based on successful completion of the jurisprudence exam for the following applicants. Dr. Williams moved to approve the applications and Dr. Jones seconded the motion. It was approved by unanimous consent.

- Jasma' McDonald-Davidson, DDS
- David Rebber, DDS
- Christopher Tully, DDS

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

- Emilee Falck, RDH
- Haley Holden, RDH
- Brittany Long, RDH
- Courtney Richardson, RDH
- Danielle Warren, RDH

Ms. Alexander recommended approval of Dental Hygiene License by Credentials based on successful completion of the jurisprudence exam for the following applicant. Dr. Jones moved to approve the application and Dr. Williams seconded the motion. It was approved by unanimous consent.

- Joy Marr, RDH

Ms. Alexander recommended approval of Dental Hygiene Licensure by Board Exam Administered by CITA for the following applicants. Dr. Pischek moved to approve the applications, and Dr. Williams seconded the motion. It was approved by unanimous consent.

- Emily Bates, RDH
- Heather Gruber, RDH
- Jana Murphy, RDH

At 11:50 a.m. Dr. Jones moved to enter executive session for reasons stated in Code of Alabama Section 36-25A-7(a)(1) and to return to public session at 12:30 p.m. Dr. Williams seconded the motion and the President called for the vote: Dr. Sims-yea, Dr. Williams-yea, Dr. Cunningham-yea, Dr. Pischek-yea, Dr. Jones-yea, Ms. Alexander-yea. The motion carried. At 12:32 p.m. the Board retired from executive session and returned to public session.

Mr. Lane advised the Board of a question that he received from a dentist regarding who can apply an Icon resin sealant. After discussion, the Board opined that only a dentist can apply this type of sealant.

Dr. Pischek moved that case #2022-78 has no evidence to sustain, and 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 moved that case #2022-55 has no evidence to sustain, and Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams moved that case #2022-62 has no evidence to sustain, and Dr. Cunningham seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones moved that case #2022-77 has no evidence to sustain, and Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams moved to notice the Respondent of case #2022-73 for a hearing, and 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 moved that case #2022-13 has no evidence to sustain, and Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams moved to send a *cease-and-desist* letter to the Respondent of case #2022-80 for practicing without a license, and 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 moved that cases #2022-65 and #2022-70 have no evidence to sustain, and Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to notice the Respondent of case #2022-76 for a hearing. There was no second and the motion failed. Dr. Cunningham moved that case #2022-76 has no evidence to sustain, and Dr. Jones seconded the motion. The President called for the vote: Dr. Jones-yea, Dr. Williams-yea, Dr. Sims-yea, Dr. Cunningham-yea. The motion carried with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham moved that case #2022-82 has no evidence to sustain. There was no second and the motion failed. Dr. Sims moved to notice the Respondent of case #2022-82 for a hearing, and Dr. Williams seconded the motion. The President called for the vote: Dr. Williams-yea, Dr. Sims-yea, Dr. Cunningham-yea, Dr. Jones-yea. The motion carried with the case team leader and hygiene member abstaining from the vote.

Ms. Latham presented the ADHP Report. The students' first exam will be given at the August meeting and senior dental students will assist instruction on instrumentation on Sunday. There are currently 208 students in the program.

Director Strickland presented the Inspection Report. One previously inspected clinic was re-inspected and approved.

Director Strickland updated members on several projects.

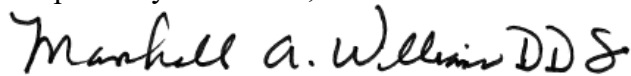
- New letterhead has been implemented without members/staff names.
- The building security system has been installed and implemented. Members and staff received card access.
- Recent storm damage to the Board office has been repaired. Insurance covered the costs.
- The Executive Director's comp time has been liquidated because that position cannot earn comp time.

Mr. Dettling announced that, with the Attorney General's approval, he has filed an injunction on a non-licensed person who was practicing dentistry in a garage.

Director Strickland presented the Wellness Report supplied by Dr. Garver. All participants are in compliance.

At 1:35 pm., Dr. Pischek moved to adjourn the meeting and Dr. Jones seconded the motion. It was approved by unanimous consent.

Respectfully Submitted,

A handwritten signature in black ink that reads "Marshall A. Williams DDS". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Dr. Marshall A. Williams, Secretary/Treasurer

Approved: Sept. 1, 2022

Submitted by: Linda Dlugosz

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
June 2022

August 2022 for June 2022
Bk Bal as of 6/30/22
MM: \$391,665.68
Checking: \$1,884,505.83

	<u>Jun 22</u>	<u>Budget</u>	<u>Oct '21 - Jun 22</u>	<u>Annual Budget</u>	Variance
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	0.00		685,475.00	715,000.00	
502 · Annual Hygiene Registration	130.00		286,325.00	296,790.00	
503 · Controlled Substance Fee	2,875.00		243,010.00	246,100.00	
504 · Annual Teaching Permits	200.00		6,600.00	7,000.00	
505 · ADHP Certification	0.00		15,900.00	15,000.00	
508 · ADHP	0.00	0.00	292,500.00	170,625.00	
509 · Dental Exam Fee	1,000.00	750.00	9,600.00	9,000.00	
510 · Original License Fee	450.00	322.92	3,350.00	3,875.00	
511 · Licenses Reprint Fee	50.00	41.67	550.00	500.00	
512 · Dental Hygiene Exam Fee	1,800.00	416.67	8,325.00	5,000.00	
515 · Penalty Fee	200.00	583.33	12,300.00	7,000.00	
516 · Privilege License Money	0.00	0.00	0.00	20,000.00	
517 · Interest Inc - checking	6.44	16.67	58.58	200.00	
518 · Parental Sedation Permit Fee	0.00		11,500.00	14,000.00	
519 · Anesthesia Permit	0.00		49,250.00	52,250.00	
521 · Other Income	0.00	41.67	0.00	500.00	
525 · Dent Hyg Bd Appl	9,450.00	0.00	11,100.00	7,500.00	
526 · ADHP Materials	0.00	0.00	115,547.20	74,375.00	
527-1 · Administrative Costs	7,700.00	625.00	47,625.00	7,500.00	
527-3 · Administrative Fines	0.00		110.00	0.00	
527 · Disciplinary Fines (Prior)	36,500.00		124,055.00	0.00	
528 · Initial Anesthesia Evaluation	3,600.00	2,083.33	19,200.00	25,000.00	
529 · OCS Annual Reg. Fee	0.00		18,150.00	19,450.00	
530 · Licensure By Credentials	3,300.00	4,166.67	58,300.00	50,000.00	
531 · RETURNED CHECK CHARGES	0.00	41.67	210.00	500.00	
532 · OCS Initial App. Fee	200.00		1,000.00		
533 · Dental Lic. Bd Exam Application	3,750.00	1,666.67	36,375.00	20,000.00	
545 · Special Purpose Hygiene Lic Fee	0.00		450.00	0.00	
617 · MDF Permits	500.00		6,250.00	6,500.00	
620 · Hygiene Infiltration Permit	700.00		13,900.00	7,775.00	

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	<u>Jun 22</u>	<u>Budget</u>	<u>Oct '21 - Jun 22</u>	<u>Annual Budget</u>	Variance
800 · 800-OVERPAYMENTS	0.00		-145.50		
Total Income	<u>72,411.44</u>	<u>10,756.27</u>	<u>2,076,870.28</u>	<u>1,781,440.00</u>	
Gross Profit	72,411.44	10,756.27	2,076,870.28	1,781,440.00	
Expense					
0100-0 · Personnel Costs	43,295.00	51,083.33	452,827.15	613,000.00	
0114-0 · Board Member Compensation	3,350.00	8,333.33	56,071.91	100,000.00	
0198-0 · Bonus	0.00		3,400.00	4,000.00	
0201-0 · Payroll Expenses	6,620.79	5,250.00	52,902.91	63,000.00	
0202-0 · Pension Plan	0.00	0.00	89,390.94	93,000.00	
0203-0 · Medical Insurance	10,144.48	9,166.67	78,077.25	110,000.00	
0204-0 · Workman Comp. Ins.	-1,415.00	0.00	6,809.00	10,000.00	
0205 · Unemployment Fees	0.00		508.94		
0300-0 · Travel - In-State	1,719.31	2,083.33	15,211.78	25,000.00	
0400-0 · Travel - Out-of-State	0.00	2,333.33	3,424.74	28,000.00	
0500-0 · Repairs & Maintenance	1,675.62	1,666.67	18,893.59	20,000.00	
0600-1 · Rentals & Leases/Offsite Meetin	600.00	666.67	16,781.23	8,000.00	ADHP Hyatt Pmts
0600-2 · NEW OFFICE SPACE	0.00	347.92	5,340.50	4,175.00	Lights
0700-0 · Utilities & Communications					
0700-1 · Utilities - Telephone	624.70	535.00	5,106.83	6,420.00	
0700-3 · Utilities - Power	764.12	1,000.00	9,770.25	12,000.00	
0700-4 · Utilities - Internet	0.00	400.00	2,793.00	4,800.00	
0700-5 · Utilities - Water/Sewer	<u>327.73</u>	<u>333.33</u>	<u>1,368.72</u>	<u>4,000.00</u>	
Total 0700-0 · Utilities & Communications	1,716.55	2,268.33	19,038.80	27,220.00	
0800-0 · Professional Services	10,031.33	16,791.67	118,139.81	201,500.00	
0800-1 · Membership Dues & Subscriptions	5,551.00	2,500.00	18,193.54	30,000.00	
0801-0 · Board Attorney Fees					
0801-1 · Attorney General's Office	0.00	416.67	3,023.11	5,000.00	
0801-0 · Board Attorney Fees - Other	<u>58.50</u>	<u>12,083.33</u>	<u>9,337.51</u>	<u>145,000.00</u>	
Total 0801-0 · Board Attorney Fees	58.50	12,500.00	12,360.62	150,000.00	
0840-0 · CONSULTANTS	6,000.00	6,000.00	54,000.00	72,000.00	
0899-1 · Evaluator Fees	600.00	1,000.00	4,500.00	12,000.00	
0899-2 · Hearing Officer Fees	0.00	166.67	2,688.00	2,000.00	Cases

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	<u>Jun 22</u>	<u>Budget</u>	<u>Oct '21 - Jun 22</u>	<u>Annual Budget</u>	Variance
0899-4 · WITNESSES	0.00		600.00		
0899-6 · A.D.H.P. Materials & Supplies	0.00	250.00	0.00	3,000.00	
0900-0 · Office Expense	2,563.33	1,666.67	15,030.16	20,000.00	
0900-1 · Recycle / Paper Disposal	241.04	54.17	541.68	650.00	
0902-0 · NPDB HIPDB License Background	17.50	15.00	135.50	180.00	
0906-0 · Printing & Supplies	0.00	166.67	649.00	2,000.00	
0910-0 · Postage	0.00	416.67	3,000.00	5,000.00	
0924-0 · Insurance	0.00		11,711.00	11,000.00	
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	2,083.33	0.00	25,000.00	
0944-1 · Computer Support	5,776.97	6,666.67	63,051.82	80,000.00	
Total 0944 · Computer Expenses	5,776.97	8,750.00	63,051.82	105,000.00	
0951-0 · NSF	0.00	8.33	189.00	100.00	
0999-0 · MISC.	0.00	625.00	1,684.59	7,500.00	
1000-1 · Vehicle Repairs & Maint.	0.00	416.67	1,515.66	5,000.00	
1000-2 · Vehicle Fuel	809.54	422.08	5,598.68	5,065.00	Gas Prices
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	2,442.70	3,333.33	22,050.13	40,000.00	
Total 1400-0 · Equipment	2,442.70	3,333.33	22,050.13	40,000.00	
6950 · Bank & CC Service Fees	216.72	170.83	1,907.07	2,050.00	
Total Expense	102,015.38	138,453.34	1,156,225.00	1,779,440.00	
Net Ordinary Income	-29,603.94	-127,697.07	920,645.28	2,000.00	
Other Income/Expense					
Other Income					
524 · NSF Checks	0.00		1,433.00		
527-2 · ADPWC - Monitoring Fee	775.00		9,804.00	0.00	
Total Other Income	775.00		11,237.00	0.00	
Net Other Income	775.00		11,237.00	0.00	
Net Income	-28,828.94	-127,697.07	931,882.28	2,000.00	