



Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216

205.985.7267

www.dentalboard.org

MINUTES

LEGISLATIVE MEETING

November 4, 2022

The Board of Dental Examiners of Alabama met Friday, November 4, 2022, 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 Cunningham, Vice President, Dr. Roberto V. Pischek, Secretary/Treasurer; Dr. Melodie A. Jones; Dr. Mark R. McIlwain, , Dr. Kevin Sims; and Sandra Kay Alexander, R.D.H. 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; and Brooke Schwartz, Licensing Clerk. Guests: Dr. Zack D. Studstill, Executive Director, ALDA; Michele Waren, Associate Executive Director, ALDA; Blaine Galliher, Lobbyist; Dr. Michael G. Koslin, Anesthesia Committee Chair; and Steve Windom, Lobbyist (on voice call).

The group discussed suggested changes to the Alabama Dental Practice Act and administrative code.

The meeting concluded at 10:08 a.m.

MINUTES
BOARD MEETING
November 4, 2022

The Board of Dental Examiners of Alabama met Friday, November 4, 2022, at the Board office to conduct business.

The President called the meeting to order at 10:18 a.m. with the following members in attendance: Dr. Marshall A. Williams, President; Dr. Bruce 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, R.D.H. 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; and Brooke Schwartz, Licensing Clerk. Guests in attendance: Dr. Paul Wilson and Dr. Austin Powell.

The President determined that a quorum was present, and the Executive Director 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 11, 2022, minutes. Upon review, Dr. Jones requested a change of spelling for "Mark Munsey" to be corrected to "Mark Muncy". Dr. Cunningham made a motion to approve the minutes with one correction. Ms. Alexander seconded the motion. It was approved by unanimous consent.

Dr. Pischek presented the Financial Report for September 2022. 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 read the following resolution regarding Dr. Ray H. McLaughlin into record:

“WHEREAS, Dr. Ray H. McLaughlin, D.M.D., was duly elected and took the oath of office as a member of the Board of Dental Examiners of Alabama on October 1, 2021.

WHEREAS, Dr. McLaughlin has, since that date, served the Board with distinction, consistently demonstrating commitment to the Board's mission of service to public health.

WHEREAS, Dr. McLaughlin, for reasons related to personal health, has submitted his resignation from the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DENTAL EXAMINERS OF ALABAMA:

1. That the Board formally commends Dr. McLaughlin and thanks him for his service to the Board and extends its well-wishes for a full recovery.
2. That the Board, with regrets, accepts Dr. McLaughlin's resignation from the Board; and
3. That the Board, pursuant to Ala. Code (1975) §34-9-40, hereby appoints Kevin M. Sims, D.M.D., M.S., to fill the vacancy created by Dr. McLaughlin's resignation, to serve the unexpired term.

ADOPTED at a public meeting of the Board of Dental Examiners of Alabama on November 4, 2022.”

Dr. Jones made a motion to adopt the resolution. Dr. Cunningham seconded the motion. It was approved by unanimous consent. Dr. Sims was sworn in by Dr. Williams to serve the completion of Dr. McLaughlin's term.

Dr. Paul Wilson presented information on mobile dental anesthesia and its use for the pediatric dental patient. He requested the Board consider modifying current board rules to allow this model. Dr. Koslin, the chair of the Anesthesia Committee, was in attendance and provided his insight into this new dental model.

Director Strickland called for a break at 11:05 a.m. The meeting resumed at 11:15 a.m.

Director Strickland presented a request from Dr. Jim Phillips asking the Board to allow waivers for Registered Nurses from the employment requirement of Alabama Administrative Code, r. 270-X-3-.04 (2). The rule requires an applicant to have at least 24 months of full-time, chairside dental assisting experience as one of the qualifications to apply for the ADHP. After discussion, the Board took no action, which left the current board rule in place.

Director Strickland requested the Board review their current opinion for clinical operations under COVID restrictions dated May 30, 2020. After discussion, the Board determined all dental professionals should follow the current CDC recommendations for clinical operations as required by Alabama Administrative Code, r. 270-X-2 .15. This determination supersedes all previous guidance and recommendations issued by the Board concerning COVID-related issues. Dr. McIlwain made the motion to return to the current board rule. Dr. Jones seconded the motion. It was approved by unanimous consent. Director Strickland advised the update would be published on the Board's website.

Director Strickland presented the updated ADHP-Instructor & Student handbook and new ADHP application. The handbook is going into immediate use. The application has been simplified as well as having a checklist attached to assist ADHP applicants and their sponsoring dentists. The application will be published on the Board's website in February 2023.

Director Strickland discussed updating the current investigative protocols by mailing letters to complainants to notify them of the outcome of their cases. The Board agreed. During this discussion, the Board directed the staff to begin publishing all disciplinary actions that are considered to be public documents beginning January 1, 2023. It was determined that the staff would create a process to publish these actions on the Board's website.

Dr. Jones presented her report from the State Committee on Public Health.

The Board approved travel to the CDCA-WREB-CITA Conference in January 2023. Dr. Williams, Dr. Cunningham, Dr. Pischek, Dr. Jones, Dr. Sims, Mrs. Alexander, Director Strickland, and Ms. Latham will attend. Dr. Williams made the motion to approve travel. Dr. McIlwain seconded the motion. It was approved by unanimous consent.

The Board approved travel for Director Strickland to attend the AARB Investigator Conference. Dr. McIlwain made the motion to approve travel. Dr. Jones seconded the motion. It was approved by unanimous consent.

Director Strickland presented a request from CODA inviting 2 board members to attend site visits at Calhoun Community College (Decatur, AL) for the Dental Hygiene Program (dates April 18-19, 2023) and Lawson State Community College (Birmingham, AL) for the Dental Assisting Program (dates October 12-13, 2023). Board members interested in attending will email Director Strickland.

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

- Marc Vallee, DMD; CITA 2022; UAB SOD

- Manika Arora, DDS; CDCA 2022; Arthur A Dugoni School of Dentistry/University of the Pacific

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

- Madison Clements, R.D.H.; CRDTS 2022; Wallace State 2022
- Delicia Sigler, R.D.H.; CITA 2022; Fortis 2022

Ms. Alexander recommended approval of Dental Hygiene License by Credentials, based on successful completion of the jurisprudence exam for the below applicant. Dr. Jones made a motion to approve the application. Dr. McIlwain seconded the motion. It was approved by unanimous consent.

- Susan Dunmire, R.D.H.; North Virginia CC 2011

Director Strickland presented the Wellness Report from Dr. Garver.

Dr. McIlwain made a motion to notice the Respondent of case #2022-101 for a hearing. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. McIlwain made a motion that case #2022-74 has no evidence to sustain. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. McIlwain made a motion that case #2022-99 has no evidence to sustain. Dr. Jones 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 to issue the Respondent of case #2022-115 a cease and desist letter. 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 to notice the Respondent of case #2022-86 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 #2022-103 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 #2022-104 has no evidence to sustain. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Dixon presented a request by Dr. William Eastburn to release him early from probation in his Consent Order. The probation was set to expire in January 2023. Dr. Cunningham made a motion to lift probation immediately. Dr. Pischek seconded the motion. It was approved by unanimous consent.

Ms. Gina Latham presented the ADHP Report.

- The ADHP program will be held next weekend for month five of program. Statistics include: 204 students are remaining, 70% of students are passing with a 75% GPA or higher, 14% have a GPA between 70%-74%, and 16% have a GPA below 70%. A midterm review will be held in December and exams will not be administered. Midterms will be administered January 2023. 60% of the students' GPA is based on six regular monthly exam scores, 15% from the midterm didactic, 15% from the midterm

practical, and the remaining 10% from homework and performance checks. The ADHP program is preparing students for the ADEX/OSCE exam.

Director Strickland presented the Inspection Report. Forty-six clinics were inspected this year at the request of educational institutions. There is a 100% pass rate for all clinics inspected.

Mr. Aaron Dettling, Esq., presented the Attorney Report.

Director Strickland presented the Executive Report.

- Director Strickland and Dr. Dixon presented a lecture to a dental study club in Fairhope. Dr. Pischek was in attendance.
- Director Strickland and Dr. Dixon are scheduled to present a lecture at UAB's Oral and Maxillofacial Grand Rounds.
- A pre-bid meeting is scheduled with several companies for the AC unit replacement. This project is scheduled to be completed by 12/31/2022.
- Office furniture is being ordered as part of the renovation project. The majority of the furniture is being ordered through contracts on state bid, which is both cost and timesaving.
- All forms accessed by the public have been updated and posted on the Board's website. These forms are fillable PDF's.
- The Board's website is being updated to be more user friendly.
- The Investigator position is open and should be filled by January 2023.

Ms. Linda Dlugosz was recognized for her twelve years of service as the Board's Licensing Clerk. Linda retired on 10/31/2022. Brooke Schwartz was introduced as the Board's new Licensing Clerk.

Ms. Alexander made a motion to adjourn the Board meeting. Dr. Cunningham seconded the motion. Meeting was adjourned at 12:40 p.m.

Respectfully Submitted,

Roberto V. Pischek, DMD

Dr. Roberto V. Pischek, Secretary/Treasurer

Approved: 12/02/2022

Submitted by: Brooke Schwartz

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

Nov 2022 for Sept 2022
 Bk Bal as of 9/30/22
 MM: \$391,685.42
 Checking: \$2,618,638.74
Variance

Ordinary Income/Expense	Sep 22	Budget	Oct '21 - Sep 22	Annual Budget
Income				
501 - Annual Dental Registration	0.00		690,275.00	715,000.00
502 - Annual Hygiene Registration	350.00		287,165.00	296,790.00
503 - Controlled Substance Fee	2,130.00		252,540.00	246,100.00
504 - Annual Teaching Permits	1,670.00		8,970.00	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	600.00	750.00	11,300.00	9,000.00
510 - Original License Fee	250.00	322.88	4,175.00	3,875.00
511 - Licenses Reprint Fee	0.00	41.63	625.00	500.00
512 - Dental Hygiene Exam Fee	1,300.00	416.67	12,600.00	5,000.00
515 - Penalty Fee	500.00	583.33	13,300.00	7,000.00
516 - Privilege License Money	0.00	0.00	31,410.12	20,000.00
517 - Interest Inc - checking	6.43	16.67	78.32	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	13,463.86	500.00
525 - Dent Hyg Bd Appl	0.00	0.00	11,400.00	7,500.00
526 - ADHP Materials	-255.50	0.00	114,836.70	74,375.00
527-1 - Administrative Costs	0.00	625.00	66,225.00	7,500.00
527-3 - Administrative Fines	0.00		610.00	0.00
527 - Disciplinary Fines (Prior)	0.00		140,035.00	0.00
528 - Initial Anesthesia Evaluation	2,700.00	2,083.33	30,900.00	25,000.00
529 - OCS Annual Reg. Fee	0.00		18,150.00	19,450.00
530 - Licensure By Credentials	11,400.00	4,166.67	86,725.00	50,000.00
531 - RETURNED CHECK CHARGES	0.00	41.67	240.00	500.00
532 - OCS Initial App. Fee	1,000.00		2,100.00	
533 - Dental Lic. Bd Exam Application	3,450.00	1,666.67	45,350.00	20,000.00
545 - Special Purpose Hygiene Lic Fee	0.00		450.00	0.00
617 - MDF Permits	1,500.00		8,500.00	6,500.00
620 - Hygiene Infiltration Permit	16,575.00		31,050.00	7,775.00

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Variance

	<u>Sep 22</u>	<u>Budget</u>	<u>Oct '21 - Sep 22</u>	<u>Annual Budget</u>
800 - 800-OVERPAYMENTS	0.00		-245.50	
Total Income	43,175.93	10,756.19	2,251,378.50	1,781,440.00
Gross Profit	43,175.93	10,756.19	2,251,378.50	1,781,440.00
Expense				
0205 - Unemployment Fees	0.00		533.94	
0500-0 - Repairs & Maintenance	2,290.04	1,666.67	42,057.19	20,000.00
0600-1 - Rentals & Leases/Offsite Meetin	6,600.00	666.67	31,298.88	8,000.00
0600-2 - NEW OFFICE SPACE	7,346.09	347.92	15,811.04	4,175.00
0700-0 - Utilities & Communications				
0700-1 - Utilities - Telephone	259.04	535.00	7,367.33	6,420.00
0700-3 - Utilities - Power	849.14	1,000.00	12,470.21	12,000.00
0700-4 - Utilities - Internet	399.00	400.00	4,389.00	4,800.00
0700-5 - Utilities - Water/Sewer	153.42	333.33	1,746.15	4,000.00
Total 0700-0 - Utilities & Communications	1,660.60	2,268.33	25,972.69	27,220.00
0800-0 - Professional Services	13,656.08	16,791.67	163,696.77	201,500.00
0800-1 - Membership Dues & Subscription:	1,809.00	2,500.00	23,337.54	30,000.00
0801-0 - Board Attorney Fees				
0801-1 - Attorney General's Office	0.00	416.67	7,945.44	5,000.00
0801-0 - Board Attorney Fees - Other	0.00	12,083.33	9,337.51	145,000.00
Total 0801-0 - Board Attorney Fees	0.00	12,500.00	17,282.95	150,000.00
0840-0 - CONSULTANTS	6,000.00	6,000.00	72,000.00	72,000.00
0899-1 - Evaluator Fees	1,200.00	1,000.00	8,100.00	12,000.00
0899-2 - Hearing Officer Fees	11,807.25	166.67	31,449.75	2,000.00
0899-4 - WITNESSES	0.00		600.00	
0899-6 - A.D.H.P. Materials & Supplies	0.00	250.00	450.60	3,000.00
0900-0 - Office Expense	4,290.12	1,666.67	20,783.36	20,000.00
0900-1 - Recycle / Paper Disposal	64.10	54.17	664.58	650.00
0902-0 - NPDB HIPDB License Background	22.50	15.00	233.00	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

Roof (reimbursement in income acct #521), Water heater, Land clearing
 ADHP Class Room
 Security System

AG Services

Cases

BOARD OF DENTAL EXAMINERS OF ALABAMA
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Nov 2022 for Sept 2022
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Variance

	<u>Sep 22</u>	<u>Budget</u>	<u>Oct '21 - Sep 22</u>	<u>Annual Budget</u>
0944 - Computer Expenses				
0944-0 - Computer Updates	0.00	2,083.33	279.99	25,000.00
0944-1 - Computer Support	6,410.19	6,666.67	85,248.92	80,000.00
0944 - Computer Expenses - Other	<u>3,672.17</u>		<u>3,672.17</u>	
Total 0944 - Computer Expenses	<u>10,082.36</u>	<u>8,750.00</u>	<u>89,201.08</u>	<u>105,000.00</u>
0951-0 - NSF	0.00	8.33	189.00	100.00
0999-0 - MISC.	2,209.46	625.00	10,013.87	7,500.00
1000-1 - Vehicle Repairs & Maint.	0.00	416.67	8,281.61	5,000.00
1000-2 - Vehicle Fuel	1,074.68	422.08	8,129.54	5,065.00
1400-0 - Equipment				
0600-3 - Equipment Rental/Lease	<u>2,309.14</u>	<u>3,333.33</u>	<u>28,790.01</u>	<u>40,000.00</u>
Total 1400-0 - Equipment	<u>2,309.14</u>	<u>3,333.33</u>	<u>28,790.01</u>	<u>40,000.00</u>
6100-0 - Personnel Costs	55,367.76	51,083.33	608,137.69	613,000.00
6114-0 - Board Member Compensation	4,100.00	8,333.33	73,871.91	100,000.00
6198-0 - Bonus	0.00		3,400.00	4,000.00
6201-0 - Payroll Expenses	4,557.40	5,250.00	67,995.40	63,000.00
6202-0 - Pension Plan	0.00	0.00	89,390.94	93,000.00
6203-0 - Medical Insurance	8,382.39	9,166.67	100,768.36	110,000.00
6204-0 - Workman Comp. Ins.	0.00	0.00	6,809.00	10,000.00
6300-0 - Travel - In-State	1,347.89	2,083.33	21,234.73	25,000.00
6400-0 - Travel - Out-of-State	0.00	2,333.33	3,424.74	28,000.00
6700.1 - Utilities - Telephone	0.00		358.90	
6950 - Bank & CC Service Fees	<u>162.22</u>	<u>170.83</u>	<u>2,488.82</u>	<u>2,050.00</u>
Total Expense	<u>146,339.08</u>	<u>138,453.34</u>	<u>1,592,117.89</u>	<u>1,779,440.00</u>
Net Ordinary Income	<u>-103,163.15</u>	<u>-127,697.15</u>	<u>659,260.61</u>	<u>2,000.00</u>
Other Income/Expense				
Other Income				
524 - NSF Checks	0.00		1,433.00	
527-2 - ADPWC - Monitoring Fee	<u>2,325.00</u>		<u>18,834.00</u>	<u>0.00</u>
Total Other Income	<u>2,325.00</u>		<u>20,267.00</u>	<u>0.00</u>
Net Other Income	<u>2,325.00</u>		<u>20,267.00</u>	<u>0.00</u>
Net Income	<u><u>-100,838.15</u></u>	<u><u>-127,697.15</u></u>	<u><u>679,527.61</u></u>	<u><u>2,000.00</u></u>

ZOOM

Travel Reimbursements
 Transmission
 Gas Prices

Salaries