

Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216

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www.dentalboard.org

MINUTES PUBLIC HEARING April 7, 2023

The Board of Dental Examiners of Alabama met Friday, April 7, 2023, at the Board office to conduct business.

The President called the public hearing to order at 8:30 a.m. with the following members in attendance: Dr. Marshall A. Williams, President; Dr. Bruce E. Cunningham, Vice President; Dr. Roberto Pischek, Secretary/Treasurer; Dr. Melodie A. Jones; Dr. Mark R. McIlwain; Dr. Kevin M. Sims; and Sandra Kay Alexander, RDH. Also in attendance were W. Blake Strickland, Executive Director; Dr. Donna L. Dixon, Esq., Prosecuting Counsel/Red Tape Reduction Coordinator; Aaron Dettling, Esq., General Counsel; Kevin Lane, Compliance Director; Gina Latham, ADHP Coordinator; Dr. Mary Beth Finn, Financial Services Manager; and Steve Hancock, Licensing Specialist/Public Records Coordinator.

Guests included: Ragan Ingram of Windom, Galliher & Associates; Laura Howell, Esq., Alabama Attorney General's Office.

The President determined 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.

Dr. Marshall Williams asked if any member of the public was present to address the Board regarding the two proposed amendments to the following administrative codes (board rules).

- Alabama Administrative Code, r. 270-X-2-.12 "Maintenance of Controlled Substances Records and Inventory"
- Alabama Administrative Code, r. 270-X-4-.04 "Mandatory Continuing Education for Dentists and Dental Hygienists"

No members of the public were present. No additional changes were made by board members. Dr. Cunningham made a motion to adjourn the public hearing. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Public Hearing-Adjourned at 8:35 a.m.

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BOARD MEETING
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The President asked for a review of the March 6, 2023, minutes. Dr. Cunningham moved to approve the minutes as presented. Dr. McIlwain seconded the motion. The minutes were approved by unanimous consent.

Dr. Pischek presented the Financial Report for March 2023. Dr. Jones made a motion to accept the report as presented. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Dr. Cunningham made a motion that the Board move into Executive Session to discuss pending litigation and to return to public session at 9:00 a.m. Dr. McIlwain seconded the motion. A roll-call vote was requested: Dr. Williams-yes; Dr. Cunningham, yes; Dr. Pischek, yes; Dr. Jones, yes; Dr. McIlwain, yes; Dr. Sims, yes; Ms. Alexander, yes.

At 8:55 a.m., Ms. Alexander made a motion to close the executive session and return to the regular meeting agenda. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Director Strickland requested the Board take a final vote to approve the proposed amendments to the two administrative codes discussed in the public hearing. Dr. Jones made a motion to approve the amended administrative codes. Dr. Cunningham seconded the motion. The motion was approved by unanimous consent. Mr. Dettling advised the board rules would be advertised a second time, then board rule 270-X-2-.12 would become effective June 12, 2023. He advised that board rule 270-X-4-.04 would become effective October 1, 2023.

Director Strickland requested the Board take a final vote to approve the legislative package so that it can be submitted to the House and the Senate committees for review before moving to the legislature for a vote. The Board discussed the proposed amendment to the Code of Alabama (1975), §34-9-27 regarding the addition of "General Supervision" as the one piece of legislation that has received both positive and negative support. After a lengthy discussion, Dr. Cunningham made a motion to submit the full legislative package without change. Ms. Alexander seconded the motion. The motion was approved by unanimous consent.

Director Strickland advised the Board that a mass email would be sent to all dental and dental hygiene licensees explaining each of the proposed amendments to the Alabama Dental Practice Act.

Dr. Williams called for a break at 9:40 a.m.

Director Strickland discussed the recently passed, federal MATE Act regarding mandatory opioid training for dentists who hold a DEA registration. The DEA is updating published continuing education requirements to incorporate the new requirements. Our staff will publish information, as well as available courses, as it becomes available.

Director Strickland discussed the DOCS Education course for Oral Conscious Sedation. This course is fully online utilizing both lecture and interactive video of actual sedations. Dr. Silverman, the lead instructor for this course, has arranged for board members to audit the course to assist in any future discussions. Dr. Sims suggested that an applicant for an OCS permit should attend an “in-person” course and that required continuing education should be verified on those dentists currently holding OCS permits. Dr. McIlwain suggested additional language be added to the OCS renewal form attesting that the licensee has all the required training, emergency equipment, and appropriate controlled substances in clinic to continue providing sedation. Director Strickland advised the Board that he would arrange a presentation from Dr. Silverman to allow the Board to pose questions regarding the course.

Director Strickland presented a request from Dr. Angel Vasquez asking the Board if CO2 Lasers for Facial Aesthetics fall within the practice of dentistry. Dr. Dixon commented that this procedure has a complicated convalescence and is prone to infection and believes it is more a dermatological procedure. After discussion, the Board opined that this technology/procedure is not within the scope of dentistry. Director Strickland will notify Dr. Vasquez.

Director Strickland presented a request for Board approval of a continuing education course from Ms. Mewbourne, RDH. The course, entitled “The Preventative Therapist”, covers the use of fluoride, sealants, desensitizing procedures, etc. Ms. Mewbourne presented the course for approval of 4 hours of continuing education credit. After discussion, the Board advised that the content provided should be approved for a 2-hour course. Ms. Alexander requested a more in-depth course syllabus for review. Director Strickland will contact Ms. Mewbourne regarding the additional documentation and forward to Ms. Alexander prior to the next board meeting.

Ms. Latham requested a review and approval from the Board regarding ADHP students that missed class and wished to remain in the program:

ADHP Student #1 requested to remain in the program after missing class due to a medical issue. Ms. Alexander made a motion to approve the student to remain in the program. Dr. Pischek seconded the motion. It was approved by unanimous consent.

ADHP Student #2 requested to remain in the program after missing class due to a medical issue. Dr. Pischek made a motion to approve the student to remain in the program. Ms. Alexander seconded the motion. It was approved by unanimous consent.

Ms. Latham requested a review and approval from the Board regarding an applicant for the 2023-2024 ADHP who has been unsuccessful in passing the program in the past and is applying for a third time. Ms. Alexander made a motion to approve the student’s application for the third, and final, time. Dr. Cunningham seconded the motion. It was approved by unanimous consent.

Director Strickland requested guidance from the Board regarding ADHP applicants that attended a “home-school” program and did not graduate from an accredited high school. He requested and was granted permission to allow current applicants to complete a GED to replace the non-accredited high school transcripts, if the GED transcript was received on or before the closing date for 2023-2024 ADHP applications. Director Strickland advised this was a very limited and new issue the staff has not encountered. He will work with staff to identify an effective and more permanent way to address this in the future.

Director Strickland reported to the Board that CRDTS responded to the recent board inquiry regarding testing for dental hygienists. CRDTS confirmed their agency is available to provide licensure exams for graduates of the ADHP, should the Board wish. The current exam administration agreement is with CITA (now part of CDCA-WREB-CITA). The agreement is set to expire October 1, 2023. Ms. Alexander noted that CRDTS had not contacted her regarding being a test evaluator. The Board agreed to re-visit this topic in a future board meeting.

Dr. Jones presented her report from the State Committee of Public Health meeting. She included the committee has formed a sub-committee to review the response to COVID.

Dr. Jones presented her report on the 03/28/2023 AADB Webinar. This webinar is available on the AADB website.

Dr. Jones presented her report on the 03/30/2023 CODA Hearing on proposed educational standards.

Director Strickland provided statistical data to the Board regarding Adverse Occurrence reports associated with a patient death from 2017 until present.

Dr. McIlwain made a motion to approve Dr. Jones and Dr. Sims attending a CODA site visit to UAB. Dr. Pischek seconded the motion. It was approved by unanimous consent.

Dr. McIlwain made a motion to approve Dr. Dixon as the Board's Red Tape Reduction Coordinator, as required by Governor Ivey's Executive Order # 735. Dr. Pischek seconded the motion. It was approved by unanimous consent.

Dr. Cunningham made a motion to approve Steve Hancock as the Board's Public Records Coordinator, as required by Governor Ivey's Executive Order # 734. Dr. Jones seconded the motion. It was approved by unanimous consent.

Dental License Applications

- **By Regional Exam**

Soheil Karbassi, DMD; Nova Southeastern (2020)
Cale Kreger, DMD; UAB (2022)
Stephanie Sugg, DDS; University of Oklahoma (2018)

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

- **By Credentials**

Falona Glenn, DDS; Meharry Medical College (1997)
John Huggins, DMD; University of Mississippi (1994)
Khushbu Patel, DDS; New York University (2015)

Dr. Jones recommended approval of Dental Licensure by Credentials, based on successful completion of the jurisprudence exam for the above applicants. Dr. Pischek made a motion to approve the applications. Dr. McIlwain seconded the motion. It was approved by unanimous consent.

Dental Hygiene License Applications

- **By Regional Exam**

Daisha Hubbard, RDH; Fortis (2022)

Valerie Humphrey, RDH; Fortis (2022)
Taylor Silvia, RDH; Pensacola State College (2018)

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

- **By Credentials**

April Gilmer, RDH; Columbus Technical College (2017)
Ellen Crosby, RDH; Tennessee State University (1986)

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

Dr. Williams called for a break – 11:25a.m. – 11:35a.m.

Ms. Latham presented the ADHP Report. There are currently 163 students remaining in the program. The pinning ceremony is scheduled for 3:00 p.m., April 23, 2023, at Rosewood Hall in Homewood.

Investigator Youngblood presented the Inspection Report. One facility inspection was completed for an Oral Conscious Sedation permit. The clinic failed the inspection due to not having most of the required emergency equipment.

Director Strickland presented the Wellness Report on behalf of Dr. Garver.

Attorney Aaron Dettling presented the Attorney's report.

Director Strickland presented the Executive Director's Report.

- Renovations continue with the board office
- Furniture delivery from ACI has been delayed
- Staff continues to work on updating administrative code (board rules), to include the rule regarding "retired status" for dentists. There is a moratorium on submitting new/revised administrative codes, per Governor Ivey's Office.
- Update on expired licensees, both dental and dental hygiene
- 2023-2024 ADHP applications are being accepted. The numbers are slightly ahead of last year's applications.
- CE Broker reminders will continue to be emailed to licensees prior to the September 1, 2023 deadline.

Case Reviews – Dr. Dixon/Mr. Lane

Dr. Sims made a motion that case #2023-01 has no evidence to sustain. 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 made a motion that case #2023-20 has no evidence to sustain. Dr. Sims 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 #2023-44 has no evidence to sustain. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion that case #2023-45 has no evidence to sustain. 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 made a motion that case #2022-116 that the Board rescind the notice of hearing and offer a compassionate offer to overlook the non-disciplinary fine. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion that case #2022-142 that the Board rescind the notice of hearing and will be charged a non-disciplinary fine. Dr. McIlwain 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 #2023-43 be noticed 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.

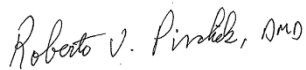
Dr. McIlwain made a motion that case #2022-106 has no evidence to sustain. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion for case #2023-51 authorizing an Emergency Suspension of License and a Notice of Hearing. 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 to adjourn. Dr. Jones seconded the motion. It was approved by unanimous consent. Meeting adjourned at 12:28pm.

ADJOURNED

Respectfully Submitted,



Dr. Roberto V. Pischek, Secretary/Treasurer

Approved:

Submitted by: Steve Hancock