



Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216
205.985.7267

www.dentalboard.org

MINUTES BOARD MEETING June 02, 2023

The President called the board meeting to order at 9:30 a.m. with the following members in attendance: Dr. Marshall A. Williams, President; Dr. Bruce E. Cunningham, Vice President; Dr. Melodie A. Jones; Dr. Kevin M. Sims; Dr. Mark R. McIlwain; 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: Dr. Preston Reynolds, Alabama Dental Association; Michele Huebner, Executive Director, Alabama Dental Association.

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.

The President asked for a review of the May 12, 2023 board minutes. Dr. Jones moved to approve the minutes as presented. Dr. McIlwain seconded the motion. The minutes were approved by unanimous consent.

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

Mr. Aaron Dettling presented a legislative update. The Board's final bill passed both houses and Governor Ivey signed it into law. He added that everything the Board requested remained in the bill with the exception of the definition of "General Supervision". An unexpected addition to the bill by Senator April Weaver (14th Senate District) increased the penalty for practicing dentistry without first obtaining a license from a misdemeanor to a felony. This was a welcomed inclusion supported by the Board and the state association. A copy of the full bill has been added to the Board's website. The new laws will go into effect on September 1, 2023.

Director Strickland discussed the topics for the scheduled WebEx meeting to take place later in the board meeting with members from the state association.

Director Strickland asked the Board if it was still their intent to host several town hall-style meetings around the state to discuss legislative issues. The Board confirmed it was still their intent. Director Strickland advised that staff will be presenting an ADHP-Instructor Course in the Montgomery area in October and the venue may be available to host a town hall after the class concludes. Dr. Jones offered to contact Auburn University-Montgomery (AUM) to see if space was available for the course and meeting.

Board members also discussed having a formal board meeting at the upcoming ALDA-Gulf Coast Dental Conference

(GCDC) in July. Director Strickland advised that Director Huebner had agreed to provide a space and time at the venue to host the board meeting. The Board was reminded the meeting had to meet the requirements of Alabama's "Open Meetings Act" and would have to be appropriately advertised and open to the public. Director Strickland was asked to complete the process and work with Director Huebner in confirming the meeting.

Mr. Dettling gave an update on Alabama Administrative Code, r. 270-X-4-.11 (Dental/Dental Hygiene License Portability-Military) and reported the rule was officially published on May 31, 2023 and is out for public comments.

Mr. Dettling gave an update on the Interstate Dental Compact. Three states have adopted the compact, and 4 additional states have initiated some legislative initiatives (e.g., study committees, etc.). It is not believed that the compact will be enacted this legislative cycle. Mr. Dettling will continue to monitor.

Mr. Dettling addressed questions regarding any protocols the Board may need to implement or review regarding Alabama's new Medical Cannabis law:

- Can a licensee work at a dispensary?
Currently, there are no statutory limitations. Only physicians can prescribe medical cannabis for a very few medical conditions. No dentist should have a dispensary in the dental office.
- Can a licensee have ownership in a dispensary?
Yes.
- Can a licensee consume prescribed medical cannabis and practice?
This is a more difficult question to answer, and it cannot be answered with broad generalizations, nor absolute statements. The Board may want to consider developing rules regarding licensees taking legally prescribed controlled substances (e.g., medical cannabis, opioids, other medications) to ensure licensees are able to practice in a safe manner with patients. This may be in some form of limited monitoring or requesting documentation from the prescribing physician that the licensee will not be impaired or performance-inhibited by the prescription. Currently, practitioners are not required to disclose his/her use of legally prescribed medical cannabis to their patients.
- Can a licensee consume CBD products and practice?
CBD products are not currently regulated and it's not clear how long the effects last or how these products affect drug testing.

Dr. Sims suggested this topic be added to the July agenda at the GCDC for public comments and input.

Dr. Finn and Ms. Latham presented the results of the recent virtual review of the Alabama Dental Hygiene Program (ADHP) by the American Council on Education (ACE). Dr. Finn provided a recap of ACE and how they evaluate programs. This recap included ACE credits being accepted at over 1,700 colleges/universities internationally. Dr. Finn added that our board is the first dental board in the country to go through this review and will be listed on the ACE website. Ms. Latham reviewed the evaluator's comments, which were all positive. Our program was awarded 17 semester credit hours. These credits will be awarded to all graduates beginning with the 2023-2024 ADHP class. ACE provides student services to assist in applying these credits for admissions into colleges/universities. Dr. Jones asked if previous graduates would be able to receive these semester credit hours. Dr. Finn advised the official ACE documentation is being sent to the Board and should include that information. She will update the Board when an answer is determined. Dr. Williams congratulated Dr. Finn and Ms. Latham on this outstanding accomplishment and reiterated his thanks to Dr. Finn for all of her hard work.

Dr. Williams called for a break at approximately 10:30 am. The board meeting resumed at 10:45 am.

Director Strickland discussed several changes to the ADHP application process beginning with the 2024-2025 class cycle.

- He requested a \$100.00 increase in the instructional materials portion of the ADHP tuition. (This portion applies to renting the course venue.) Due to the last several classes and the current class being over 200 students, a larger venue had to be secured at a cost of over \$70,000.00. Additionally, the course curriculum has been updated to include a hands-on practical lab to be held at the UAB-School of Dentistry. The program will incur a rental cost from UAB. Director Strickland and Ms. Latham have worked with the current vendor who provides the student resource kits and reduced the cost of the kits by \$300-\$400 by moving to e-Books in lieu of actual textbooks. Even considering the \$100 increase to the tuition, the 2024-2025 ADHP student will see a savings of several hundred dollars.
 - Ms. Alexander made a motion to increase the instructional materials fee by \$100.00. Dr. McIlwain seconded the motion. The motion was approved by unanimous consent.
- He asked the Board's opinion on the ADHP student resource kits as to whether the students should remain responsible for the purchase through the vendor or if the Board wanted to place one large order to the vendor and we add the costs into the overall tuition. After discussion, it was decided to leave the current system in place allowing the students to purchase the resource kits from the vendor during orientation.
- He discussed the ongoing complaints from sponsoring dentists and ADHP applicants regarding the fees being non-refundable/non-transferable on applications that were denied. Recently, the Board staff has established an online payment portal, as well as online submission of applications. He advised the staff to institute a \$300.00 application fee that would accompany future ADHP applications. Once the application has been vetted and approved, the applicant will receive an email with a link to pay the remaining tuition costs. Once the remaining portion of the tuition has been received, the applicant will be added to the course. This change was well received by board members.
- Due to several recent changes regarding HepB series and titers, future applicants for ADHP and licensure will be asked to provide a positive titer (showing immunity) that has been administered within 12 months of the date of the application. This is in line with requirements from UAB and other institutions. The primary goal is to ensure the safety and health of the students and the general public.

Director Strickland relayed an update from Laura Howell, Esq. with the Alabama Attorney General's Office regarding an appeal to a Final Order. The appeal is ongoing.

Director Strickland provided the board members with a draft update on the current personnel policies and procedures. Additional documents and policies will be added to the draft over the next several weeks. The final version will be presented to the Board for their approval at the July 6-7, 2023 board meeting.

Dr. Jones presented her report from the State Committee of Public Health meeting held in Montgomery, Alabama. Part of her report included the following information: The following substances were placed on the Alabama Controlled Substances list - Brorphine was placed into Schedule I; Eutylone was added to Schedule I. The Alabama Department of Forensic Sciences placed 10 substances on the controlled substances list. Brorphine is a Fentanyl-like substance. Eutylone is a substance similar to Pentalone, MDMA, and Ecstasy. The substances/compounds added by the Alabama Department of Forensic Sciences were stimulants and synthetic cannabinoids.

Dr. Jones presented her report regarding her experience as an examiner for the CDCA/WREB/CITA in Nashville, TN.

Dr. Jones presented her report on auditing the DOCS Education-Oral Conscious Sedation Interactive Livestream Seminar held May 19-20, 2023. Investigator Youngblood also attended. Dr. Jones advised it was a good program, but she would like to see more hand-on training in the course.

Dr. Cunningham presented the Wellness sub-committee report. Two recommendations that came out of this sub-committee were: 1) Find ways to increase licensees' awareness of the opportunity and benefits of self-reporting impairment/wellness issues to the Alabama Dental Professionals Wellness Committee; 2) Better define methods for licensees to gain deferral status.

Director Strickland advised that there were 15 or less active licensees on probation status out of over 8,000 total licensees. Dr. McIlwain suggested the Board work towards different formative alternatives to placing a licensee on probation. Director Strickland agreed but added that probationary status was a disciplinary action rarely taken by the Board and often was used in lieu of the revocation of a license. Dr. Sims suggested the Board more thoroughly discuss the issue at the July 6-7, 2023, board meeting, especially as it relates to the Wellness Program.

- **Dental License Applications**

- **By Regional Exam**

- Jason K. East, DDS; University of TN (2023)
- Russell Fabian, DMD; Midwestern University (2023)
- Sabina N. Habib, DDS; LSU (2023)
- Rachel Hartmann, DMD; University of Louisville (2023)
- Khrystyna Hrebeshchenko, DMD; Rutgers (2023)
- Emily B. Johnson, DMD; Dental College of GA/Augusta (2023)
- Harrison S. Jordan, DMD; University of Louisville (2023)
- Alexander Lucas, DMD; Midwestern University (2023)
- Alexander Mathews, DMD; UAB (2022)
- Megan M. Sanders, DDS; LSU (2023)
- Jinesh Shah, DDS; Marquette (2023)
- Richard E. Wetherill, DMD; Univ. of NC Chapel Hill (2023)
- James Cutrer, DMD; University of Mississippi (2023)
- Claire Pitts, DDS; LSU (2023)
- William Akhigbe, DMD; University of Illinois-Chicago (2023)
- Michael A. Dubuc, DMD; LECOM (2021)
- Margaret K. Jachimiec, DDS; LSU (2023)
- Ryan Wise, DDS; LSU (2023)

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. Cunningham seconded the motion. The motion was approved by unanimous consent.

- **By Credentials**

- Kevin Eatmon, DDS; Meharry (2001)
- John Kerr, DDS; Univ. of Washington (2017)
- Alicia J. Mickles, DDS; Meharry (2014)

- Russell C. Parker, DMD; Univ. of Mississippi (2005)
- Nathaniel M. Baker, DDS; Meharry (2013)

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

- **Dental Hygiene License Applications**

- **By Regional Exams**

- Anna Allen, RDH; Wallace State CC (2023)
- Kylie Cloud, RDH; Pierce College (2018)
- Emily Cortez Rodriguez, RDH; Wallace State CC (2023)
- Jessica Dow, RDH; Wallace State CC (2023)
- Calli Farris, RDH; Wallace State CC (2023)
- Ashlyn Floyd, RDH; Wallace State CC (2023)
- Oliva Glass, RDH; Wallace State CC (2023)
- Lauren Haney, RDH; NE Mississippi CC (2023)
- Madison Harris, RDH; Wallace State CC (2023)
- McKenzi Keasler, RDH; Wallace State CC (2023)
- Casey Kelley, RDH; Wallace State CC (2023)
- Bethany Morrison, RDH; Wallace State CC (2023)
- Sophia Patterson, RDH; Wallace State CC (2023)
- Victoria Rhyno, RDH; Wallace State CC (2023)
- Lauren Segers, RDH; Wallace State CC (2023)
- Bailee Sims, RDH; Wallace State CC (2023)
- Karli Wood, RDH; Columbus Technical College (2023)
- Madelyn Zickella, RDH; Utah College of DH (2020)
- Vanessa R. Alexander, RDH; Columbus Tech (2022)
- Hannah Bowling, RDH; Wallace State (2023)
- Hosmer, Hannah, RDH; Wallace State CC

Ms. Alexander recommended approval of Dental Hygiene 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. Jones seconded the motion. The motion was approved by unanimous consent.

- **By Credentials**

- Brittany Brooks, RDH; Fayetteville Tech CC (2010)
- Shari Gantz, RDH; Collin County CC (1999)

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

The following individuals are being added to the previous UAB graduate list presented in the May 2023 Board meeting. These graduates will be completing Dental Licenses by Regional Exam. Their licenses are dependent upon successful completion of the jurisprudence exam and receipt of final transcripts.

- Jeffrey Vincent
- Lauren Greene

Dr. Jones recommended approval of Dental Licensure by Regional Exam for the above added UAB graduates, based on receipt of final transcript and successful completion of the jurisprudence exam for the above applicants. Dr. Sims made a motion to approve the applications. Dr. Cunningham seconded the motion. The motion was approved by unanimous consent.

Director Strickland requested travel approval for Dr. Jones to attend the ADEX meeting July 20-25, 2023, in Aurora, CO. She serves on the House of Delegates and the Exam Committee. Motion by Dr. Williams to approve sending Dr. Jones to the ADEX meeting. Dr. Cunningham seconded the motion. The motion was approved by unanimous consent.

Ms. Alexander requested travel approval to attend the CRDTS national meeting August 25-26, 2023 in Kansas City, MO. Dr. Cunningham made a motion to approve allowing Ms. Alexander to attend the CRDTS national meeting. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Ms. Latham presented the ADHP Report. The 2022-2023 ADHP graduated 138 students. Students will take their regional exams in the month of June. As of June 1st, 56 students have taken the OSCI Exam with 48 passing.

Investigator Youngblood presented the Inspection Report. He completed an OCS Facility Inspection in Ft. Payne. A second inspection (OCS) scheduled for a clinic in Huntsville has been delayed at the request of the licensee. An inspection for a Portable Unit was conducted at the board office.

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

Mr. Dettling presented the Attorney's Report. After a brief recap of the earlier legislative discussion, he added that Investigator Youngblood and he are continuing to work on the complaint against an individual in Clanton, AL in which the Board secured a permanent injunction regarding his practice of dentistry without a license.

Case Reviews-Mr. Lane

Dr. McIlwain made a motion that case #2023-49 be administratively closed. 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 that case #2023-60 is out of jurisdiction. 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 #2023-61 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.

Mr. Lane announced a hearing will be held on Friday, July 7, 2023.

Director Strickland presented the Executive Director's report:

- CE Broker – As of June 2, 2023- 3,809 licensees have created his/her free basic account
- Starting final phase of building improvements which includes painting and replacing flooring.
 - The work is anticipated to be completed in 3-4 stages to displace employees the least time possible
- ACI has delivered the guest chairs for the boardroom; office furniture and cabinetry are still outstanding.
- We are getting bids for the drainage issue in the back of the building.
- We are getting bids to install an audio/video system for the boardroom to facilitate WebEx meetings.
- A new intercom system has been installed at the front door. This was the last part of the security upgrade for the building
- He will meet with the Executive Committee to review budget items prior to submitting the 2023-2024 budget.

Ms. Alexander asked when the 2024 board meeting schedule would be published. Director Strickland advised that it is discussed by the Board in the 4th quarter, then published by the end of the year. Several board members asked if the schedule could be discussed earlier. Director Strickland advised that he would present a tentative schedule for the Board's review at the July 6-7, 2023 board meeting. Director Strickland asked the board members how the newly adopted 1-day board meeting schedule was working. All agreed that a Friday only board meeting has been easier to schedule around.

Dr. Williams called for a break at approximately 12:25 pm. The board meeting resumed at 1:45 pm.

The Board conducted a WebEx meeting with representatives of ALDA concerning several legislative initiatives. Director Huebner was still in attendance; however, Dr. Reynolds left. He joined the meeting via WebEx. During the course of the discussion, ALDA members requested the Board return to the sub-committee format (3 appointed board members and 3 appointed ALDA representatives) in the future. Board members encouraged ongoing communications regarding anticipated legislative initiatives to include topics such as general supervision and the licensing of dental assistants.

As the meeting progressed, Dr. Jones along with other board members suggested a survey be sent out to all actively licensed dentists regarding the legislative initiatives. Everyone agreed that it would be a great tool to assist in the discussion. Director Strickland was tasked with identifying what questions to include, the number of questions, and with the delivery of the survey to the licensees. He asked the board members and Director Huebner to email 3-5 questions or topics to include in the survey within the next several days and he would collate them. Director Strickland advised that once the survey closed, he would submit the raw data to Dr. Williams, then to the full board. Once the full board received the information, Director Strickland would submit the raw data to Director Huebner to dispense to her leadership.

Prior to concluding the meeting, Director Huebner addressed the Board regarding the scheduled board meeting to be held at the GCDC. She asked that the Board not engage in discussions concerning legislative initiatives with those attending the meeting while the Board/ALDA sub-committee is still having active discussions. Dr. Williams agreed that board members should not initiate those types of discussions.

Dr. McIlwain made a motion to adjourn. Ms. Alexander seconded the motion. It was approved by unanimous consent.

Meeting adjourned at 2:33pm.

ADJOURNED

Respectfully Submitted,

Roberto V. Pischek, SMO

Dr. Roberto V. Pischek, Secretary/Treasurer

Approved: _____

Submitted by: Steve Hancock