



Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216

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www.dentalboard.org

MINUTES PUBLIC COMMENTS MEETING September 15, 2023

The President called to order the Public Comments Meeting at 8:30 a.m. with the following members in attendance: Dr. Marshall A. Williams, President; Dr. Bruce E. Cunningham, Vice President; Dr. Roberto V. Pischek, Secretary/Treasurer; Dr. Melodie A. Jones; Dr. Kevin 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; Shannon Youngblood, Investigator; and Dr. Mary Beth Finn, Financial Services Manager.

Guests included: Dr. Mike Koslin, BDEAL Anesthesia Committee Chairman; and, Ragan Ingram of Windom, Galliher & Associates.

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.

There were no comments by the public on the following:

- Alabama Administrative Code, r. 270-X-2-.07 (Retired/Disabled Licensee) – 2nd Read
- Alabama Administrative Code, r. 270-X-2-.17 (Anesthesia Inspection Teams) – 2nd Read
- Alabama Administrative Code, r. 270-X-2-.24 (Anesthesia Inspection Teams) – 2nd Read
- Alabama Administrative Code, r. 270-X-4-.04 (Retired/CE Req.) – 2nd Read
- Alabama Administrative Code, r. 270-X-4-.12 (Retired/Fee Waiver) – 2nd Read
- Alabama Administrative Code, r. 270-X-5-.13 (Electronic Signatures) – 2nd Read

The President adjourned the Public Comments Meeting at 8:35 a.m.

BOARD MEETING September 15, 2023

The President called the board meeting to order at 8:35 a.m. with the following members in attendance: Dr. Marshall A. Williams, President; Dr. Bruce E. Cunningham, Vice President; Dr. Roberto V. Pischek, Secretary/Treasurer; Dr. Melodie A. Jones; Dr. Kevin 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; Shannon Youngblood, Investigator; and Dr. Mary Beth Finn, Financial Services Manager.

Guests included: Dr. Mike Koslin, Chair, BDEAL Anesthesia Committee; Ragan Ingram of Windom, Galliher & Associates; Michelle Huebner, Executive Director, ALDA.

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 Board Minutes from August 18, 2023. Dr. Cunningham moved to approve the minutes as presented. Dr. Jones seconded the motion. The minutes were approved by unanimous consent.

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

Dr. Cunningham requested a moment of silence in remembrance of the four young girls who were killed in the bombing of the 16th Street Baptist Church in September 1963 (60 year anniversary).

Director Strickland provided the final 2023-2024 Budget to the board members and asked for their final discussion and approval. Dr. Jones moved to accept the 2023-2024 Budget as presented with no changes. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Director Strickland requested the Board's final vote to approve the amended or proposed administrative codes (board rules):

- Alabama Administrative Code, r. 270-X-2- .07 (Retired/Disabled Licensee)
- Alabama Administrative Code, r. 270-X-2- .17 (Anesthesia Inspection Teams)
- Alabama Administrative Code, r. 270-X-2- .24 (Anesthesia Inspection Teams)
- Alabama Administrative Code, r. 270-X-4- .04 (Retired/CE Req.)
- Alabama Administrative Code, r. 270-X-4- .12 (Retired/Fee Waiver)
- Alabama Administrative Code, r. 270-X-5- .13 (Electronic Signatures)

Dr. Pischek made a motion to approve the proposed board rules as presented without change. Dr. Jones seconded the motion. The motion was approved by unanimous consent. Director Strickland advised that all the proposed rules are located on the board's website for public review (www.dentalboard.org). Mr. Dettling stated after the rules are published, they will take effect November 13, 2023.

Director Strickland presented initial drafts of proposed legislation, as requested by the Board. Each proposed amendment and/or new draft were discussed at length. Director Strickland requested the board members continue to review the drafts and advise the staff of any suggestions, changes, or deletions requested. The amended drafts, if any, along with several new drafts will be presented at the October 2023 board meeting for further discussion. Several board members offered suggestions to amend the statute and board rule concerning Oral Conscious Sedation, to include monitoring equipment requirements, requirement of ACLS, clarification on routes of administration for oral conscious sedation, etc. Director Strickland advised that all suggestions will be reviewed and/or integrated, if possible, and the staff will present working drafts at the next board meeting for consideration.

Mr. Lane, along with Mr. Dettling presented their work on the creation of a new volunteer license classification as requested by Alabama State Representative A.J. McCampbell (AL House District 71) at the May 12, 2023, board meeting. The classification, currently referred to as "Special Temporary Charity License" is meant to address a need in areas of the state where access to dental care is minimal. The license would allow out-of-state dentists to cross state lines and participate in charitable, pro bono events. Board members discussed the new statute and provided suggestions and directions for Mr. Lane and staff to continue their work.

Dr. Williams called for a break at 9:40 a.m. The meeting resumed at 9:50 a.m.

Dr. McIlwain made an impromptu presentation on monitoring devices and discussed the need for the Board to develop an appropriate standard relating to sedation and anesthesia requirements for monitoring documentation, monitoring equipment, appropriate use of multi-dose medications, and patient safety.

Mr. Ingram expressed appreciation of the Board's response to Representative McCampbell's request. He updated the Board on the work of the firm and advised of 2 new additions: Cooper Trent and John Ross. Mr. Ingram advised that the Governor's Office was conducting a lot of work on state efficiency. He reminded the Board of their upcoming 2024 Sunset Review and the need to underscore the importance of the Board's work.

Mr. Lane presented a discussion regarding Continuing Education and the continued collaboration with CE Broker. He asked the Board to consider simplifying the current continuing education cycle by having all continuing education due annually. This would affect the required BLS/CPR training, Infection Control/Infectious Disease training, Prescribing training, and Oral Conscious Sedation training. Dr. Jones supported the change. The Board agreed to continue to discuss prior to making a definitive change. During this discussion, the Board discussed if a change is needed on recognizing live/interactive online training as meeting the requirement of "in-person" training. The Board agreed to re-visit this topic in the future.

Director Strickland presented a request from Dr. Michael Irwin to modify his continuing education requirements due to a current/degenerative medical condition. Additionally, due to the medical condition, he is currently behind on obtaining continuing education for the 2021-2022 cycle, as well. Dr. Cunningham made a motion to 1) allow Dr. Irwin to obtain all his current and future continuing education fully online; 2) require Dr. Irwin to have all his continuing education for both the 2021-2022 and 2022-2023 cycles entered in his CE Broker account on/before 12/31/2023; 3) no continuing education obtained by Dr. Irwin after 10/01/2023 that is being applied to his deficit can be counted towards the 2023-2024 cycle. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Director Strickland presented a request from Dr. Preston Adams to release him from Probation. Dr. McIlwain made a motion to release Dr. Adams from Probation. Dr. Cunningham seconded the motion. Dr. Williams, Dr. Pischek, Dr. Jones, and Dr. Sims voted "no". The motion failed to pass.

Ms. Latham presented a request from an ADHP student to remain in the program for to missing class due to a severe illness. Ms. Alexander made a motion for the student to remain in the ADHP program. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

At the request of Mr. Dettling, Director Strickland presented for discussion the ADA information regarding Locum Tenes that was forwarded to the board members by Dr. Cunningham. Mr. Dettling reminded the Board that any discussions regarding insurance and/or insurance reimbursements for dentists would be outside their jurisdiction and should be avoided.

Dr. Jones presented for discussion the AADB Dental Compacts Initiative. She explained that it was proposed as a better alternative to the current Dental Interstate Compact being presented by the Council of State Governments. Dr. Jones will get a full draft of the compact for the Board to review at a future board meeting.

Dr. Jones presented her report regarding the AGD Annual Review of Dentistry.

Dr. Jones presented her report regarding the SCPH.

Dr. Pischek presented his report regarding the CRDTS Annual Meeting.

Ms. Alexander presented her report regarding the CRDTS Annual Meeting.

Dr. Williams called for a break at 11:20 a.m. The meeting resumed at 11:34 a.m.

Dental License Applications:

- **By Credentials**

- Peter Grumbos, DDS; University of Detroit (1971)
- Janna Routh, DMD; A. T. Still University (2018)
- Brian Schweers, DDS; University of Texas San Antonio (2016)

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

- **By Regional Exam**

- Mary Hickerson, DDS; University of Utah (2020)
- Kimberly P. Winborn, DMD; University of Mississippi (2021)

Dr. Jones recommended approval of Dental Licensure by Regional Exam based on successful completion of the jurisprudence exam for the above applicants. Dr. McIlwain 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**

- Merari Barrera, RDH; Fortis (2022)
- Britney Bates, RDH; ADHP (2023)
- Chasity Bracy, RDH; Fortis (2023)
- Mia Clark, RDH; Fortis (2023)
- Jessika Gallegos, RDH; Fortis (2023)
- Leanne Green, RDH; ADHP (2023)
- Samantha Hill, RDH; ADHP (2023)
- Alex Holmes, RDH; ADHP (2023)
- Dakota Lesley, RDH; ADHP (2023)
- Chrystal Nobles, RDH; ADHP (2023)
- Kailaaya Romo, RDH; Fayetteville Technical CC (2023)
- Natalee Robinson, RDH; Fortis (2022)
- Zeena Sabbah, RDH; Fortis (2022)
- Jasmine Thomas, RDH; ADHP (2023)
- Brianna Tucker, RDH; ADHP (2023)
- Kimberly Vanover, RDH; ADHP (2023)
- Raven Entrekin, RDH; Fortis (2023)

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

Ms. Latham presented the ADHP Report. All open faculty positions have been filled. The next ADHP-Instructor Course will be held at the Montgomery-Prattville Marriot on October 6, 2023, from 9:00 a.m. until 11:00 a.m.

Director Strickland added that a Town Hall meeting from 11:00 a.m. to 1 p.m. will occur directly following the ADHP-Instructor Course. The following board members will represent the Board: Dr. Marshall Williams, Dr. Kevin Sims, and Dr. Roberto Pischek.

Mr. Youngblood presented the Investigator's Report. He is currently conducting the annual site evaluations for the UAB-School of Dentistry and other educational institutions. Additionally, he has several OCS Facility Inspections scheduled.

Mr. Dettling presented the Attorney's Report. The Military Spouse Licensing Relief Act went into effect September 14, 2023. The requirement from Governor Ivey's Executive Order No. 735 to submit a rules inventory to the Governor's Office was completed on September 15, 2023. Mr. Dettling briefly discussed the Dental Interstate Compact from the Council of State Governments.

Dr. Garver presented the Wellness Report.

Case Reviews-Dr. Dixon/Mr. Lane

Dr. Jones made a motion that case #2023-88 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 #2023-97 be noticed for a 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. Jones made a motion that case #2023-99 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. Sims made a motion that case #2023-106 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. McIlwain made a motion that case #2023-86 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 #2023-98 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 that case #2023-42 is out of jurisdiction. Dr. McIlwain 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 that case #2023-50 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 that case #2023-117 is outside of jurisdiction. Dr. Cunningham 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 #2023-96 is outside 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. Jones made a motion that case #2023-74 is noticed for 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 #2023-55 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.

Director Strickland presented the Executive Director's report.

- Update on the building renovations and furniture delivery, as well as the work completed in the lobby.
- Update on the status of CE Broker and the number of licensees that have created their free basic accounts.
- He presented the Board with a copy of the new Student/Instructor handbook for the ADHP. It includes several changes to the application process.
- Reminded the Board of the protocols regarding the election of a new board member. The results will be received October 1st.
- Reminded the Board of the ongoing audits by the PDMP. Several formal investigations have been generated due to dentists being in violation of the AL Dental Practice Act and/or board rules.

Dr. Williams requested the Board move into Executive Session to discuss a matter(s) imminently likely to be litigated. Dr. Cunningham made the motion to enter an Executive Session for a period of 15 minutes, then return to the Board Meeting. Dr. Jones seconded the motion. In the roll call vote, Dr. Sims, yes; Dr. Jones, yes; Dr. Pischek, yes; Dr. Williams, yes; Dr. Cunningham, yes; Dr. McIlwain, yes; Ms. Alexander, yes. The Board entered Executive Session at 12:15 p.m. and returned to the Board Meeting at 12:30 p.m.

Dr. Williams called for a break at 12:35 p.m. The meeting resumed at 1:00 p.m.

Mr. Dettling advised the Board that a discussion regarding the Board's wellness program was needed due to recent issues with a wellness complaint and misinformation being communicated by someone outside of the Board. By statute, the Board is required to have a Wellness Program. The program is to have a wellness committee of between 3 and 15 members, all of which must be currently licensed dental professionals. Currently, Dr. Garver serves as the chair of the committee and confirms that he currently has 6 committee members. Mr. Dettling discussed formalizing a protocol to establish the wellness committee members to meet statutory requirements. Additionally, the distinct differences between a "wellness complaint" and a "self-report" or deferred prosecution-type case (also known as a "deferral") were discussed. After a lengthy discussion between the board members, Dr. Garver, Mr. Dettling, and staff members, it was determined that an update to our current definitions and protocols was warranted. The staff agreed to have draft documents for the Board's review at the October 2023 board meeting.

ADJOURNED by the President at 2:11 p.m.

Respectfully Submitted,



Dr. Roberto V. Pischek, Secretary/Treasurer

Approved: _____

Submitted by: Dr. Mary Beth Finn