



Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216

205.985.7267

www.dentalboard.org

MINUTES BOARD MEETING November 3, 2023

The President called the board meeting to order at 8:00 a.m. with the following members in attendance: Dr. Roberto V. Pischek, President; Dr. Melodie A. Jones, Vice-President; Dr. Marshall A. Williams, Secretary/Treasurer; Dr. Kevin Sims; Dr. Mark R. McIlwain; Dr. Holt Gray; 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; Shannon Youngblood, Investigator; Dr. Mary Beth Finn, Financial Services Manager and Steve Hancock, Licensing Specialist/ Public Records Coordinator.

Guests included: Ragan Ingram of Windom, Galliher & Associates; Cecelia Havard, RDH, Bay Area Dental Hygienist Organization; Shari Gantz, RDH; Dr. Mike Garver, chair, Alabama Dental Professionals Wellness Committee; and Executive Director Michele Huebner, Alabama Dental Association (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 October 13, 2023. Kay Alexander moved to approve the minutes as presented. Dr. Jones seconded the motion. The minutes were approved by unanimous consent.

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

Ms. Sheri Gantz, RDH presented information on the use of Diode Laser by dental hygienists. After her presentation, Ms. Gantz requested the Board look at the Texas model and consider this for Alabama in the future.

Director Strickland presented a request from an ADHP student asking to remain in the program after having missed 2 classes and an exam due to a known medical issue. Director Strickland stated that the board rule regarding absences in the ADHP is that a student is no longer eligible for a training permit after missing one (1) class. Without the permit, a student is ineligible to complete the course. Director Strickland advised the board members that the request would include 1) whether the student can maintain the training permit and continue in the program and 2) whether the student will be allowed to make up the exam. After a lengthy discussion, Ms. Alexander made a motion that the Board does not approve the student to remain in the program. The motion was seconded by Dr. Jones. The motion was approved by unanimous consent.



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Director Strickland requested the Board approve travel and expenses for members to attend the Southern Conference of Dental Deans and Examiners to be held in Charleston, SC on 01/19-21/2024. Dr. Williams made a motion to approve travel and expenses for this conference for any board members who request to attend. Dr. McIlwain seconded the motion. The motion was approved by unanimous consent (All board members except Dr. Gray and Dr. McIlwain have requested to attend.)

Director Strickland asked the Board's approval for Ms. Alexander to audit a CRDTS exam in Atlanta, GA on 12/01-02/2023. He advised that most, if not all, of the expenses would be covered by CRDTS. The approval would be to authorize Ms. Alexander to represent the Board and to cover any expenses not covered by CRDTS. Dr. Jones made a motion to approve the travel. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Director Strickland asked the Board's approval for Dr. Pischek to attend the CRDTS conference in Kansas City, MO in January 2024. Dr. McIlwain made a motion to approve the travel. Dr. Williams seconded the motion. The motion was approved by unanimous consent.

Dr. Jones presented her report on the general AADB Conference.

Dr. Jones presented her report on the meeting of the Southern Caucus at the AADB Conference.

Dr. Jones presented her report on the State Committee on Public Health (SCPH) meeting.

Dr. Jones presented her report/information on Gentox (DNA-verified drug testing).

Ms. Alexander presented her report on the Dental Hygiene Caucus at the AADB Conference.

Director Strickland presented a revision to the current Complaints and Investigative Protocols (the last revisions occurred in 2018). The revisions mainly centered around updating how self-report/deferral complaints are handled. Additionally, he advised that Mr. Dettling was completing a new self-report document to be utilized by the Alabama Dental Professionals Wellness Committee, as well as helping create a separation of the committee and the Board as it relates to "self-reporters". After a discussion, Dr. McIlwain asked for clarification on when/if the Board would be aware of a licensee who has been classified as a "self-reporter" or "deferral". Director Strickland explained that unless the licensee failed to comply with the protocols set out by the wellness committee, the Board would not be aware of those licensees in the program. The chair of the committee, Dr. Garver, was able to answer several questions and gave his approval of the revisions to the protocols.

Based on the number of questions regarding the new protocols, Director Strickland advised the Board that he would delay a board vote on the revisions until the December 2023 board meeting to allow the board members more time to review.

Dr. Garver presented the Wellness Report.



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- **Dental License Applications**

- **By Regional Exam**

- Kurt Hofius, DMD; Medical College of GA – Augusta (2019)
 - Brooke Houston, DMD; Southern Illinois University (2020)

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

- **By Credentials**

- Scott Blackman, DDS; Univ. of TN (1994)
 - Robert D. Bradberry, DMD; Medical College of GA – Augusta (1988)
 - Jeffery Pascal, DDS; Loma Linda University (2016)
 - Andrea Talley, DDS; Univ. of TX San Antonio (2009)

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

- **Dental Hygiene License Applications**

- **By Regional Exam**

- Yajaira Arreguin, RDH; Wallace St. CC (2023)
 - Madelyn Brown, RDH; Georgia Highlands College (2023)
 - Anna Fore, RDH; Univ. of Mississippi (2023)
 - Madison Morris, RDH; ADHP (2023)
 - Brittany Tanks, RDH; ADHP (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. Williams made a motion to approve the applications. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Dr. Pischek called for a break at 8:45 a.m.

Dr. Pischek called for the start of the scheduled Disciplinary Hearing at 9:00 a.m.

Dr. Pischek gavelled in the Disciplinary Hearing at 9:10am.



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At the conclusion of the hearing, Dr. McIlwain made a motion to enter into Executive Session for deliberation. Motion was seconded by Dr. Williams. A roll call vote was taken with Dr. Pischek, yes; Dr. McIlwain, yes; Dr. Williams, yes; Dr. Jones, yes; Dr. Sims, yes; Dr. Gray, yes; Ms. Alexander, yes. Dr. Sims, the assigned team leader for this case, excused himself from the Executive Session, per current protocols.

Upon the completion of the disciplinary hearing and board deliberations, Dr. Pischek resumed the board meeting at 12:20 p.m.

Director Strickland presented the ADHP report. The program still currently has 209 students. All faculty positions have been filled. Dr. Basma and Ms. Latham are pleased with the students' progress and both like the new venue. Director Strickland is working with the venue to develop a new contract for the 2024-2025 ADPH.

Investigator Youngblood presented the Inspection Report.

Mr. Dettling presented the Attorney Report.

Case Reviews – Dr. Dixon/Mr. Lane

Dr. Sims made a motion that case #2023-87 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. Sims made a motion that case #2023-111(part 1) receive 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 #2023-111(part 2) 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. Sims made a motion that case #2023-112 is noticed for hearing. Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote. Upon a "conflict check", Dr. Gray asked to be recused due to a potential conflict of interest.

Dr. Williams made a motion that case #2023-114 receive a non-disciplinary fine. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Williams made a motion that case #2023-115 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.



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Dr. Sims made a motion that case #2023-102 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 #2023-105 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 #2023-116 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. Jones made a motion that case #2023-132 has no evidence to sustain. Dr. Williams 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 #2023-119 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 #2023-41 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 #2023-104 is noticed for hearing. Dr. Williams seconded the motion. Motion carried with the case team leader and hygiene member abstaining from the vote. Dr. Gray abstained.

Director Strickland presented the current legislative package being developed by the Board and staff. (The following are in no particular order of importance.)

Administrative

- §20-2-214 (PDMP) (Amend to allow dentists to have 2 delegates in their office)
- §34-9-25 (Judicial Review of Contested Cases) (Amend)
- §34-9-18 (Disciplinary Actions) (Amend)
- §34-9-43.3 (Investigative & Deliberative Privilege) (New)
- §34-9-16 (Fee Schedule) (Amend)
 - Increase maximum amount for Dental Hygiene Renewal
 - Create Fees for new Special Volunteer License
 - Create Fees for Dental Assisting License



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- §34-9-40 (Board Composition) (*Discussion point only*-reference dental assistant license)

Sedation/Anesthesia

- 34-9-82 (OCS) (Amend) (Adding ACLS to the requirements)
- 34-9-83 (OCS-Dental Assistants) (Amend) (Clean-up language – Basic Life Support)*

*Director Huebner advised that the ADA would have information concerning OCS in the Spring that may clarify this for licensees.

Licensure

- §34-9-7.3 (Special Volunteer License) (New)
- §34-9-4.1 (Dental Assisting) (New)-Includes full DPA and Board Rule edits for all instances “dental assistant” appears.
- §34-9-26.1 (Dental Assisting) (New)
 - Dr. Sims suggested that the minimum age for a dental assistant may need to be lowered to 17 years of age.

General Supervision

- §34-9-27 (Dental Hygienists) (New)
 - Director Strickland noted that dental assistants may be added to this should the Board begin to license assistants.

Director Strickland presented his Executive Director’s Report. He discussed the progress in complying with Governor Ivey’s series of executive orders. Many requirements have been met on/before the required deadlines. Other issues are still being reviewed and discussed. As part of that discussion, Mr. Dettling and Director Strickland reviewed their recent meeting with the State Comptroller’s Office, Treasury, and a representative from the Governor’s Office. Mr. Ingram provided insight into what other regulatory boards are experiencing and some possible suggestions as it relates to our current legislative package.

After a lengthy discussion, Director Strickland requested the Board’s permission to move forward with a smaller legislative package that would include the Special Volunteer License, the fee schedule authorizing the fee for a Special Volunteer License, and the amendment to the Alabama Controlled Substance Act that would allow dentists to have 2 delegates in their clinic that can access the PDMP. The Board agreed with the request. Director Strickland and Mr. Dettling will complete the work on these amendments and submit them to the Legislative Services Agency at the appropriate time.



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Director Strickland and Director Huebner agreed to continue the work on the other legislative items over the next several months to prepare for the 2025 legislative session.

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

Dr. Pischek adjourned the meeting at 2:25 p.m.*

*He requested the board members take a brief break then return to the scheduled board member training.

The board members attended a 2-hour training session that covered ethics, board member responsibilities, investigative protocols, and how to manage complaints as a team leader. The presenters were Mr. Dettling, Dr. Dixon, and Mr. Lane.

Respectfully Submitted,

Marshall A. Williams DDS

Dr. Marshall Williams, Secretary/Treasurer

Approved: _____

Submitted by: Steve Hancock