



Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216

205.985.7267

www.dentalboard.org

MINUTES BOARD MEETING December 8, 2023

The President called the board meeting to order at 8:10 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. 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.

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 November 3, 2023. Dr. Jones moved to approve the minutes as presented. Dr. McIlwain seconded the motion. The minutes were approved by unanimous consent.

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

Director Strickland presented a request from Dr. Brent McFarland on the ability of a dentist to use a nurse or a CRNA to provide certain esthetic services in his clinic to include: Microneedling; radio frequency Pixel8 microneedling with PRP; medical grade chemical peels; Ultherapy with use of ultrasound; laser therapy; and weight loss management with Semaglutide, compounded Tirzepatide and Lipotropic shots. The Board immediately determined that weight loss management was outside the scope of practice for a dentist and felt that chemical peels may be outside the scope of practice, as well. After a lengthy discussion, to include how much direct supervision a dentist can provide to a nurse or CRNA, the Board directed the staff to draft an administrative code (board rule) to better define the scope of practice for a dentist. This rule is to consider recent Board opinions on esthetics services by licensed and appropriately trained dentists. Director Strickland will contact Dr. McFarland with an update to his request.

Director Strickland presented a question from Dr. René Talbot concerning the sponsorship of an esthetic vendor. The vendor asked to use Dr. Talbot's clinic to sell esthetic products in the state of Alabama. Director Strickland advised that Dr. Talbot had already decided to decline the offer; however, the question was posed to the Board to show current trends in this area and the need for the Board to address this area of dentistry.



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Director Strickland gave a legislative update. After previous discussions, the Board decided to move forward with 3 new or revised statutes: 1) Allowing dentists to have two (2) delegates to access the PDMP database; 2) the creation of a Special Volunteer License for dentists and dental hygienists to be able to come into the state of Alabama for charity and pro bono events; 3) a revision of the fee schedule to create a fee schedule for the new Special Volunteer license and to increase the maximum amount that can be charged for a dental hygiene license renewal. Director Strickland noted that there will not be an increase of the annual license renewal for dental hygienists; however, the current renewal rate of \$70.00 is within \$5.00 of the maximum.

Dr. Dixon presented a concern from a dental licensee regarding individuals coming into dental offices with the odor of and potentially under the influence of marihuana. The discussion ranged from whether a parent under the influence of marihuana could consent to treatment plans for children, to whether an individual could be asked to leave a clinic if thought to be under the influence, to the possibility of dental professionals in Alabama personally using medical marihuana or other pain management-controlled substances. Dr. McIlwain advised that the Board may need to work in conjunction with the Alabama Dental Professionals Wellness Committee and Dr. Garver to determine whether dentists or dental hygienists consuming legally prescribed pain management prescriptions are able to safely practice while under these prescriptions and if they should be monitored to ensure public safety.

Director Strickland provided some additional documentation from Dr. Misty Baty (Jefferson County Health Department) concerning the use of medical marihuana by health care providers. Dr. Sims felt as though a framework already exists in the state of Alabama through our Wellness Committee to begin working on a reasonable solution. Dr. McIlwain suggested developing a protocol for dental professionals who are prescribed medical marihuana or chronic pain management drugs to submit their prescription and documentation from their prescribing physician to the Board, or possibly through the Wellness Committee, to determine whether a licensee can safely practice while under this type of prescription. Lastly, Dr. McIlwain suggested the staff review the renewal application/process of the Board of Medical Examiners regarding the question(s) concerning a licensee's health status.

Director Strickland presented a request from Dr. Ric Camp, Associational Mission Strategist for the Shelby (County) Baptist Association. Their association recently purchased and refurbished a mobile dental facility and has submitted a permit application. Dr. Camp asked the Board's consideration for waiving the application fee. After a brief discussion, Dr. Sims made a motion to waive the application fee for the mobile dental facility for the Shelby Baptist Association. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Director Strickland asked the Board for a formal opinion on the use of diode lasers by dental hygienists. This request was to answer a previous request by a licensed dental hygienist from the November 2023 board meeting. The Board briefly discussed the topic but declined to take action to include this technology within the scope of practice for a dental hygienist.

Director Strickland presented a request from a dentist (D23) currently in the Wellness Committee's deferral program to suspend monitoring fees. The dentist has moved to the state of Georgia and is being required to be monitored in that state due to the Alabama deferral agreement. Dr. Sims



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made a motion to suspend the monitoring fees as long as the licensee practiced only in the state of Georgia and not in Alabama. The motion was seconded by Dr. Jones. The motion was approved by unanimous consent.

Director Strickland presented a request from a dental hygienist (H15) currently in the Wellness Committee's deferral program to waive monitoring fees. This individual has paid four of the required five years of monitoring fees but has encountered financial hardships due to unexpected circumstances. Dr. McIlwain made a motion to waive the remaining annual monitoring fees, but the licensee must submit to a minimum of two (2) random drug/alcohol screens per year to be paid by the licensee for the remaining duration of the deferral contract. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Dr. McIlwain requested that the chair of the Wellness Committee, Dr. Mike Garver, appear in person at least once a quarter at a board meeting and be available to appear through video conference at other board meetings as needed. The Board discussed the importance of being able to interact with Dr. Garver and concurred with Dr. McIlwain's request.

Director Strickland presented a request from Dr. W. Wells Hammock asking that the Board waive his final year of probation resulting from a Consent Order. After a brief discussion, the Board decided to take no action on the request. This left the probation status in place.

Dr. Pischek called for a break at 9:25 a.m.

Dr. Pischek brought the Board back into session at 9:35 a.m.

Director Strickland presented a request from an ADHP student to remain in the program after having missed 4 class sessions and 1 exam. Dr. Jones made a motion to deny the student's request. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Director Strickland presented a request from an ADHP student asking to remain in the program after having missed a ½ day after becoming ill during class. Dr. Gray made a motion to allow the student to remain in the program. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Dr. Jones presented her report on the CODA Hearing.

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

Director Strickland submitted a report from Dr. Tom Willis on the CRDTS UAB Dental Exam.

Director Strickland requested the Board nominate a representative to serve on the ADEX Board of Directors. Dr. Pischek recommended that Dr. Jones serve in this capacity. Dr. Williams made a motion to appoint Dr. Jones to serve on the ADEX Board of Directors on behalf of our board. Dr. Sims seconded the motion. The motion passed with unanimous consent.



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Director Strickland presented the Board with the revised Complaint and Investigation Policy. He reviewed the changes that were made based upon the board members' and Dr. Garver's input regarding how to handle self-report/deferral cases, as well as the revisions to disciplinary hearings. Mr. Dettling advised that he was completing a draft of a new administrative code (board rule) that would create a level of autonomy for the Wellness Committee. He is also drafting a new self-report/deferral contract for the Wellness Committee to utilize. Mr. Dettling advised that both drafts would be reviewed at the January 2024 board meeting. Dr. Pischek made a motion to adopt the new Complaint and Investigation Policy. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Director Strickland advised the Board of those staff members receiving longevity checks for tenure, as well as two staff members receiving salary adjustments on their 1-year anniversary.

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

- **Dental License Applications**

- **By Regional Exam**

- Dawson Buettner, DMD; UAB (2023)
 - Sean Kang, DDS; University of Mississippi (2022)
 - Matthew McKeemon, DMD; Medical College of South Carolina (2020)
 - Benjamin Phan, DDS; University of Iowa (2023)
 - Roman Serniak, DDS; Touro College of Dental Medicine (2021)

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

- **By Credentials**

- Naomi Sever, DDS; University of TX – San Antonio (2011)

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

- **Dental Hygiene License Applications**

- **By Regional Exam**

- Kyla Bullock, RDH; South College - Nashville (2023)

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



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- **By Credentials**

- Heidi Hampson, RDH; Old Dominion Dental Hygiene School (1996)

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

- **Special Purpose License**

- Thomas Vahdani, DDS; University of Southern California (2003)

Dr. Jones recommended approval of Special Purpose License based on successful completion of the jurisprudence exam for the above applicant. Dr. Sims made a motion to approve the application. Dr. Williams seconded the motion. The motion was approved by unanimous consent.

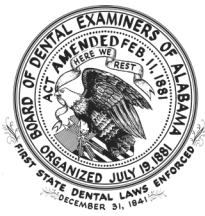
- **Retired/Physically Disabled License**

- Gary L. Myers (D.0003185) - Retired
- Gerald Cimis (D.0005715) - Retired
- Stephanie Steinmetz (D.0004436) – Disability
- Louis Naman (D.0002184) – Retired/Disability
- Thomas Barnes (D.0003311) - Retired

Director Strickland advised the Board that the newly created Retired/Physically Disabled application process went better than expected and presented the very first applicants to apply for this new license status. He recommended approval of Retired/Physically Disabled Licenses 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.

Director Strickland presented the ADHP report on behalf of ADHP-Coordinator, Ms. Gina Latham. Currently, the program has 202 students. Mid-terms will be administered in January. IT staff from our host venue identified the main issue with the previously slow Wi-Fi as over 100 social media and other applications actively running on students' phone/computers during class. Students were advised that personal phones would not be allowed in class moving forward and all applications must be closed on personal computers. A warning system was developed to allow Ms. Latham the ability to give students one warning for a violation. With a second violation, the issue would be brought to the Board's attention. Lastly, Director Strickland advised that he's asked our current venue, Rosewood Hall, to provide a proposed contract for the 2024-2024 ADHP program. He will review the contract with the Board at the February 2024 board meeting.

Investigator Youngblood presented his Inspection Report. Dr. McIlwain suggested that clinics having sedation/anesthesia permits be reinspected every 3-4 years to ensure compliance with state and federal laws. Mr. Dettling advised that he began work with the staff on addressing this concern and would develop some options for the Board to discuss. Those options will be presented at the January 2024 board meeting for discussion.



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Mr. Dettling presented his Attorney's Report. The case from Chilton County has been settled with the respondent entering into a Contempt of Court (violation of an injunction) order and paying a fine. The respondent is subject to random inspections under the order. Regarding the Board's response to Governor Ivey's Executive Orders, Mr. Dettling reviewed the items that have been completed and the ones that were still pending.

Dr. Pischek called for a break at 11:25 a.m.

Dr. Pischek brought the Board back into session at 11:38 a.m.

Case Reviews

Dr. McIlwain made a motion that case #2023-108 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. McIlwain made a motion that case #2023-109 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Jones made a motion that case #2023-111 rescind the previous month's decision for a non-disciplinary fine and administratively close the case. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Jones made a motion that case #2023-120 is noticed for a hearing. Dr. Gray seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

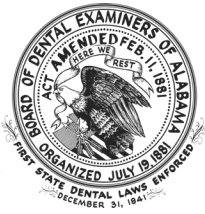
Dr. McIlwain made a motion that case #2023-128 has no evidence to sustain. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Williams made a motion that case #2023-129 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Williams made a motion that case #2023-130 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Williams made a motion that case #2023-131 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Jones made a motion that case #2023-134 is out of jurisdiction. Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.



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Dr. Williams made a motion that case #2023-136 has no evidence to sustain. Dr. Jones seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

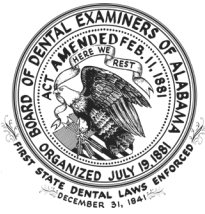
Dr. Jones made a motion that case #2023-95 has no evidence to sustain. Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. Jones made a motion to authorize a Deferral Agreement and Consent Order after Deferral for D25. Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Dr. McIlwain made a motion that case #2023-241 be noticed for a hearing. Dr. Williams seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

The following cases resulting from the 2023 Continuing Education audit of dentists were presented by team leader Dr. Gray:

- Dr. McIlwain made a motion that cases #2023-140 through #2023-154 be issued a non-disciplinary fine of \$500 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that case #2023-154 be additionally noticed for a hearing. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that cases #2023-155 through #2023-168 be issued a non-disciplinary fine of \$500 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that case #2023-169 be additionally noticed for a hearing. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that cases #2023-170 through #2023-174 be issued a non-disciplinary fine of \$500 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that case #2023-175 be administratively closed. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.



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- Dr. McIlwain made a motion that cases #2023-176 through #2023-185 be issued a non-disciplinary fine of \$500 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that case #2023-186 be administratively closed. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that cases #2023-187 through #2023-188 be issued a non-disciplinary fine of \$500 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that case #2023-326 be issued a non-disciplinary fine of \$400 and that licensee be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that case #2023-327 be issued a non-disciplinary fine of \$400. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. McIlwain made a motion that cases #2023-328 through #2023-330 be issued a non-disciplinary fine of \$400 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

The following cases resulting from the 2023 Continuing Education audit of dental hygienists were presented by Dr. Dixon after review and direction from Ms. Kay Alexander who was unable to attend the board meeting:

- Dr. Jones made a motion that cases #2023-189 through #2023-198 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
- Dr. Jones made a motion that cases #2023-199 be issued a non-disciplinary fine of \$200 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.



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- Dr. Jones made a motion that cases #2023-200 through #2023-202 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that case #2023-203 be administratively closed. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that cases #2023-204 through #2023-206 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that case #2023-207 be administratively closed. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that cases #2023-208 through #2023-220 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that case #2023-221 be administratively closed. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that cases # 2023-222 through #2023-233 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that cases #2023-235 through #2023-239 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that cases #2023-242 through #2023-325 be issued a non-disciplinary fine of \$250 and those licensees be responsible for showing proof of the completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.
 - Dr. Jones made a motion that cases #2023-331 through #2023-334 be issued a non-disciplinary fine of \$200 and those licensees be responsible for showing proof of the



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completion of 2 years' worth of continuing education. Dr. McIlwain seconded the motion. It was approved by unanimous consent with the case team leader abstaining from the vote.

Director Strickland presented the Executive Director's Report. The report included an update on the ongoing renovations to the building; the purchase of an AED for the building and its location; over 90% compliance by licensees in registering their free basic CE Broker account; and ongoing assignments to the staff from the Board regarding revising a number of board rules to meet Governor Ivey's Executive Orders.

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 2:27 p.m.

Respectfully Submitted,

Marshall A. Williams DDS

Dr. Marshall Williams, Secretary/Treasurer

Approved: _____

Submitted by: Steve Hancock