

Board of Dental Examiners of Alabama

2229 Rocky Ridge Road, Birmingham, AL 35216
205.985.7267

www.dentalboard.org

MINUTES BOARD MEETING January 12, 2024

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 Ms. 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; James Driskell, CPA, Driskell CPA Firm; and Executive Director Michele Huebner, 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 December 8, 2023. Dr. Williams 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 November 2023. Dr. Jones made a motion to accept the report as presented. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Director Strickland introduced Mr. James Driskell to the Board. His firm will serve as the Board's CPA for internal audits.

Mr. Ingram discussed current legislative updates as the Alabama Legislature will begin their session in February.

Director Strickland reminded the board members of the ADHP-Instructor Course to take place on February 4, 2024, at the Wynfrey Hotel in Hoover, AL. He also discussed the Town Hall meeting to take place immediately following the instructor course.

Director Strickland discussed the Board's request to hold a future board meeting in north Alabama. After a brief discussion, the Board asked that staff plan to hold the April 2024 board meeting in Florence, AL. Director Strickland advised that he would present the final information to the Board at the February 9, 2024 board meeting.



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Dr. McIlwain discussed the importance of record retention and storage. He suggested the Board update board rules to encompass electronic records, to include 1) Minimum information in patient records; 2) length of time to retain/retrieve records; 3) Storage platforms. Dr. Jones suggested adding a requirement that the licensee review and sign all treatment records due to the practice of staff writing notes in the patient records on behalf of the dentist. During the course of the discussion, additional requirements were identified as needing to be addressed, such as how to handle records when the dentist is deceased or when a practice closes or is sold. Director Strickland, the staff, and general counsel will begin working on revising the board rules and will present them to the Board in a future meeting.

Director Strickland presented a request from an ADHP student to be allowed to remain in the program after missing part of a class due to a sudden illness. Ms. Alexander made a motion to allow the student to remain in the program. Dr. Jones seconded the motion. The motion was approved by unanimous consent.

Director Strickland presented a request to the Board to formally ratify the Cost of Living Adjustment (COLA) issued by Governor Ivey for all state employees. After a brief discussion, Dr. McIlwain made the motion to approve the COLA. Dr. Williams seconded the motion. The motion was approved by unanimous consent.

Dr. Jones presented her report from the Council of Dental Health. Additionally, she has been re-appointed as the chair of this council.

Dr. Jones presented her report from the State Committee on Public Health (SCPH). Dr. McIlwain complimented Dr. Jones for her recent advocacy with other members of the SCPH to resolve an issue regarding a surrogate birth for a family.

Ms. Alexander presented her report on the CODA site visit to Lawson State Community College.

Ms. Alexander presented her report for the CRDTS exam audit at the Fortis Institute in Smyrna, GA.

Director Strickland presented several written appeals by licensees concerning recent non-disciplinary fines issued for failing to respond to a continuing education audit by the Board.

- 2023-177: (Request to waive non-disciplinary fine)
 - Dr. McIlwain made a motion to waive the non-disciplinary fine due to the licensee having completed his continuing education. Dr. Williams seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.



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- 2023-148: (Board notified of licensee's death by clinic staff)
 - Dr. Jones made a motion to administratively close the case. Dr. McIlwain seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.

- 2023-152: (Paid non-disciplinary fine; asks to waive CE)
 - Dr. Jones made a motion to waive the continuing education requirement. Dr. McIlwain seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.

- 2023-161: (Paid fine; submitted 1 years' worth of CE)
 - Dr. McIlwain made a motion to waive the remaining continuing education requirement. Dr. Williams seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.

- 2023-166: (Waive fine; UAB resident)
 - Dr. McIlwain made a motion to administratively close the case. Dr. Williams seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.

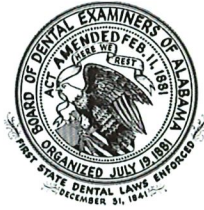
- 2023-180: (Waive fine; UAB resident)
 - Dr. McIlwain made a motion to administratively close the case. Dr. Williams seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.

- 2023-259 (Waive fines and CE requirements due to injury in house fire)
 - Dr. McIlwain made a motion to waive the fines and allow an additional 30 days to obtain the remaining continuing education online. Dr. Jones seconded the motion. The motion was approved by unanimous consent with the case team leader abstaining from the vote.

Director Strickland discussed the logistics of conducting audits of continuing education and how it will change and become easier through the Board's online continuing education platform (CE Broker). Mr. Lane advised the Board that a licensee that holds an active license is considered to be "practicing" as neither the Board, nor staff have the ability to verify the amount of time a licensee may work or number of patients a licensee may or may not treat.

Dr. Pischek called for a break at 9:09 a.m.

Dr. Pischek brought the Board back into session at 9:20 a.m.



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Director Strickland presented two (2) board rules for the Board's discussion.

- Alabama Administrative Code, r. 270-X-4-.13 "The Alabama Dental Professionals Wellness Committee (New)
 - After discussion, Dr. McIlwain made a motion to adopt Board Rule 270-X-4-.13 and submit it to the Legislative Services Agency for publication. Dr. Williams seconded the motion. The motion was approved by unanimous consent.
- Alabama Administrative Code, r. 270-X-5-.04 "Rule Making Proceedings" (Revision)
 - After discussion, Dr. McIlwain made a motion to repeal this rule. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

Director Strickland advised the Board that, based upon the statutory language in §34-9-15 (Annual Registration; Continuing Education) establishing the license renewal cycle from October 1st through September 30th, he would ask their approval to revise all renewal cycle expiration dates to comply. He acknowledged that the change is a significant one, but it will bring our administrative responsibilities into compliance with state law. After a discussion, Dr. Jones made a motion to revise all renewal cycle expiration dates to reflect the statutory language of expiring October 1st. Dr. Sims seconded the motion. The motion was approved by unanimous consent.

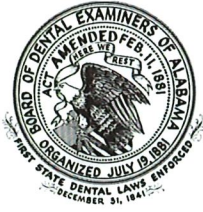
Director Strickland advised that the staff would honor the expiration date (12/31/2024) printed on the 2023-2024 renewal certificates. He added that informational emails regarding the change will be sent out to all licensees regarding this change.

Director Strickland and Mr. Dettling presented a timeline to the Board outlining the schedule for presenting requested staff work on board rule revisions. Some of the topics to be addressed are defining the scope of practice of esthetics (e.g., Botox, microneedling, etc.); updating the Oral Conscious Sedation requirements; how to handle emergency suspensions of licenses; revising the continuing education requirements; revising the reporting of adverse occurrences; update consulting fees; defining the continuity of care regarding patient records and notifying patients should a dentist leave a practice; revising the corporate practice rules to modernize the language

Dr. Pischek called for a break at 11:02 a.m.

Dr. Pischek brought the Board back into session at 11:17 a.m.

- **Dental License Applications**
 - **By Regional Exam**



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- Stella Heersink, DMD; Univ. of Louisville (2020)
- Cody Santora, DMD; UAB (2022)
- Amir Siadat, DDS; Univ. of Buffalo (2023)

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

○ **By Credentials**

- Sandy Barnes, DDS; Meharry (2011)
- Matthew Bolduc, DDS; Virginia Commonwealth (2009)
- Timothy Brown, DDS; Univ. of Tennessee (1998)
- Steven Evelhoch, DDS; Creighton (1984)

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

○ **By Credentials**

- Kenya Larkins, DDS; Univ. of Tennessee (2004)
 - Discussion: Consent order with another dental board

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

○ **Retirement and/or Disability**

- Dr. Robert Connor (D.0002986) – Retired
- Dr. Diana P. Wood (D.0003561) – Retired
- Dr. Ritchie L. Wilson (D.0003290) – Retired
- Dr. Michael Mann (D.0003526) – Retired
- Dr. Janniece Brown (D.0003914) – Retired/Disability
- Dr. Clyde Yarbrough (D.0002497) - Retired

Director Strickland recommended approval of the above applicants for Retired/Physically Disabled License requests. Dr. Williams made a motion to approve the applications. Dr. Jones seconded the motion. The motion was approved by unanimous consent.



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• Dental Hygiene License Applications

○ By Regional Exam

- Sara Dia, RDH; San Joaquin Valley College (2021)

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

• Dental Hygiene License Applications

○ By Regional Exam

- Erin Domino, RDH; Fortis Institute (2019)
 - Discussion: Prior wellness allegations

Ms. Alexander recommended approval of the above applicant for Dental Hygiene Licensure by Regional Exam based on successful completion of the jurisprudence exam and an evaluation at a board-approved treatment center. Dr. McIlwain made a motion to approve the application with the stipulations stated by Ms. Alexander. Dr. Williams seconded the motion. The motion was approved by unanimous consent.

○ By Credentials

- Dawn LaRue, RDH; Southern Illinois Carbondale (2008)
- Julia Morgan, RDH; Middle Ga. State University (1998)
- Rhonda Wesolek, RDH; Santa Fe Community College (1993)

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

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

Director Strickland presented the ADHP Report on behalf of Ms. Latham, the ADHP-Coordinator. One of the major changes that will occur is requiring a \$300 application fee for the 2024-2025 ADHP applications. The additional costs of the program and the student resource kit will be due by the student once their application has been approved (\$2,835). This represents a cost savings to the ADHP applicant of almost \$200 compared to previous years.

Investigator Youngblood presented the Investigator's Report.

Mr. Dettling presented the Attorney's Report.



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Case Reviews

Dr. Gray requested to recuse himself from case #2023-241, which was discussed during a previous board meeting. His request was documented for this case.

Dr. McIlwain made a motion that case #2023-79 has no evidence to sustain. Dr. Gray 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 #2023-94 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.

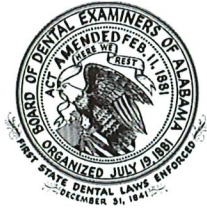
Dr. McIlwain made a motion that case #2023-113 has no evidence to sustain. Dr. Sims seconded the motion. It was approved by unanimous consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jones made a motion that case #2023-121 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 #2023-135 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.

Director Strickland presented the Executive Director's report:

- There were 339 formal cases filed in 2023. Of this number, 3 were withdrawn, leaving a total of 336. 137 of these cases were related to active licensees not completing required continuing education.
- Several vendor contracts will expire in 2024 and need review by the Board.
- The final phase of building renovations is still moving forward with contractor pre-bid meetings to be scheduled soon.
- An additional person needs to be hired to assist with the ADHP. A new job description/position will be drafted and submitted to the Board for review and approval.
- An AED has been purchased for the building. Director Strickland has certified all of the staff in BLS and use of the AED.
- An ongoing review of administrative costs for investigations has been completed. Director Strickland and Mr. Dettling will ensure appropriate documentation is maintained for verification purposes.



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Dr. McIlwain addressed the Board regarding the recent increase in adverse occurrences and how emergency protocols need to be addressed. He asked the staff to continue working on revisions to board rules involving sedation/anesthesia and inspection criteria to ensure safety of the public.

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

Dr. Pischek adjourned the meeting at 2:27 p.m.

Submitted by: Steve Hancock

Respectfully Submitted,

Marshall A. Williams DDS

Dr. Marshall Williams, Secretary/Treasurer

Approved: 1/12/2024 _____