

**BOARD OF DENTISTRY  
GENERAL BUSINESS MEETING MINUTES  
November 18, 2016  
Marriott Miami Airport  
1201 NW LeJune Road, Building A  
Miami, Florida 33126  
8:00 A.M.**

**I. CALL TO ORDER/ROLL CALL**

**MEMBERS PRESENT**

Robert Perdomo, DMD, Chair  
Joseph Thomas, DDS, Vice Chair  
Joseph Calderone, DMD  
T.J. Tejera, DMD  
William Kochenour, DDS  
Catherine Cabanzon, RDH, BASDH  
Angela Sissine, RDH  
Claudio Miro, DDS  
Naved Fatmi, DMD

**MEMBER ABSENT**

Tim Pyle, Consumer member

**COURT REPORTER**

Downtown Reporting  
Tina Settel  
337 East Las Olas Blvd.  
Ft. Lauderdale, FL 33301  
(954) 522-3376

Dr. Fatmi read the mission, vision and purpose.

**Mission:** To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

**Vision Statement:** Healthiest State in the Nation

**Purpose:** To protect the public through health care licensure, enforcement and information.

Dr. Thomas congratulated Dr. Fatmi and his family on the birth of their daughter. Dr. Thomas also recognized Dr. Perdomo's service on the board as Chair.

Dr. Perdomo thanked his family and the board for allowing him to serve as Board Chair and welcomed the students from Miami Dade College and the residents from Larkin Community Hospital as well as the Deans from the dental programs.

**II. Item Removed**

**III. Item Removed**

**STAFF PRESENT**

Jennifer Wenhold, Executive Director  
Jessica Sapp, Program Administrator

**BOARD COUNSEL**

David Flynn, Esq.  
Assistant Attorney General

**PROSECUTING ATTORNEY**

Bridget McDonnell, Esq.  
Asst. General Counsel, PSU  
Candace Rochester, Esq.  
Asst. General Counsel, PSU

#### **IV. CDCA PRESENTAION**

##### **A. Alex Vandiver and David Perkins, President of CDCA**

Dr. Perkins and Mr. Vandiver presented to the board regarding the differences between the dental licensure exams.

#### **V. DISCIPLINARY PROCEEDINGS**

##### **A. Case Withdrawn**

##### **B. Carmen M. Dierks, DH, Case No. 2015-10191**

##### **Informal Hearing (PCP – Thomas, Britten, Cabanzon)**

Ms. Dierks was not present nor represented by counsel.

Ms. Crag-Chaderton, Esq. submitted a request for continuance and letter on behalf of Ms. Dierks asking for leniency. This letter was read into the record.

Motion: by Dr. Fatmi to reject the request for continuance

Second: by Ms. Sissine

Vote: Unanimous

Ms. McDonnell summarized the case for the board. Respondent was charged with a violation of Section 466.028(1)(mm), Florida Statutes, by committing a violation of Section 456.072(1)(c), Florida Statutes, when she entered a guilty plea to one or more crimes related to the practice as a dental hygienist and/or the ability to practice as a dental hygienist. The Department recommended revocation of the license.

After discussion, the following action was taken:

Motion: by Dr. Tejera to find that the respondent was properly served and has requested an informal hearing.

Second: by Dr. Kochenour

Vote: Unanimous

Motion: by Dr. Tejera to adopt the findings of fact as set forth in the Administrative Complaint.

Second: by Dr. Kochenour

Vote: Unanimous

Motion: by Dr. Tejera to adopt the materials under this agenda item and any addendum materials into evidence in this proceeding.

Second: by Dr. Kochenour

Vote: Unanimous

Motion: by Dr. Tejera to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Kochenour

Vote: Unanimous

Motion: by Dr. Kochenour to revoke the Ms. Dierks' license

Second: by Ms. Sissine

Vote: Unanimous

Motion: by Dr. Tejera to not seek reimbursement of the investigative cost  
Second: by Dr. Kochenour  
Vote: Unanimous

## **VII. PROBATION APPEARANCE**

### **A. Dr. Alexander Gaukhman, DN 15657**

**Case Nos. 2013-09716, 2013-13078, 2014-05717, 2014-06673,  
2014-07097, 2014-17433, 2015-21213**

Dr. Gaukhman was present and sworn in by the court reporter. His monitor, Dr. German, was present and also sworn in. He was represented by Mr. Edwin Bayo, Esq.

Dr. Gaukhman's appearance is required as this is his first board appearance following the commencement of his probation.

Ms. Sissine questioned Dr. German's practice locations as only one of his practices is within the 20 mile range of Dr. Gaukhman. Dr. Calderone questioned the relationship between Dr. Gaukhman and Dr. German to which Dr. German disclosed that Dr. Gaukhman is his brother-in-law.

After discussion, the following action was taken:

Motion: by Dr. Thomas to deny the request for monitor approval due to Dr. German being the brother-in-law of Dr. Gaukhman  
Second: by Dr. Kochenour  
Vote: Unanimous

## **IX. REVIEW OF APPLICATIONS**

### **A. Gary Dornfeld, DDS, Application for Temporary Certificate**

Dr. Dornfeld was present and sworn in by the court reporter. He was requested to appear due to his past disciplinary history in New Jersey.

After discussion, the following action was taken:

Motion: by Dr. Thomas to deny

After further discussion, Dr. Thomas withdrew his motion.

Dr. Dornfeld voluntary withdrew his application

Motion: by Dr. Thomas to accept the withdraw  
Second: by Ms. Sissine  
Vote: Unanimous

### **B. Stephanie Flynn Tilley, DMD, Case No. 2015-18967**

**Settlement Agreement (PCP – Thomas, Calderone, Britten)**

Dr. Tilley was present and sworn in by the court reporter. She was represented by Mr. Thomas Gonzalez, Esq.

Ms. McDonnell summarized the case for the board. Respondent was charged with violating Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of practice by failing to perform adequate testing to diagnose infection, and fully fill the mesial root canal spaces in each canal if tooth #31.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of concern
- \$1,250.00 fine to be paid within six (6) months
- Costs of \$2,903.24 to be paid within six (6) months
- Level 1 continuing education course in Endodontics to be completed within twelve (12) months
- Refund patient any “out of pocket” fees and/or refund any third party payer
- Successful completion of the Florida Laws and Rules exam within twelve (12) months

Mr. Flynn confirmed with Mr. Gonzalez that patient reimbursement has already been met.

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept  
Second: by Ms. Cabanzon  
Vote: Unanimous

**C. Steven Nadel, DDS, Case No. 2013-20722  
Settlement Agreement (PCP – Melzer, Morgan, Winker)**

Dr. Nadel was present and sworn in by the court reporter. He was represented by Monica Felder-Rodriguez, Esq.

Ms. McDonnell summarized the case for the board. Respondent was charged with violating Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of practice by failing to take at least a panoramic radiograph or full mouth radiographs of patient before proceeding with bone graph and implant placement; and/or by failing to properly engage at the implant site.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of concern
- \$1000.00 fine to be paid within twelve (12) months
- Costs of \$4,258.57 to be paid within twelve (12) months
- Level 1 continuing education course in Implants to be completed within twelve (12) months
- Refund patient any “out of pocket” fees and/or refund any third party payer
- Successful completion of the Florida Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Thomas to reject  
Second: by Dr. Tejera  
Vote: Unanimous

Motion: by Dr. Thomas to dismiss the case  
Second: Dr. Tejera  
Vote: Unanimous

**D. Yolanda Cintron, DMD, Case No. 2015-01828  
Settlement Agreement (PCP – Thomas, Britten, Miro)**

Dr. Cintron was present and sworn in by the court reporter. She was represented by Matt Webber, Esq.

Ms. McDonnell summarized the case for the board. Respondent was charged with violating Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of practice by failing to inform the patient that tooth #13 was perforated during the course of the attempted pulpectomy.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of concern
- \$2,500.00 fine to be paid within six (6) months
- Costs of \$3,541.58 to be paid within six (6) months
- Successful completion of the Florida Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept  
Second: by Dr. Kochenour  
Vote: Unanimous

**E. John R. Clarke, DMD, Case No. 2013-07027  
Settlement Agreement (PCP – Thomas, Britten, Robinson)**

Dr. Clarke was present and sworn in by the court reporter. He was represented by Mr. Michael Barzyk, Esq.

Ms. McDonnell summarized the case for the board. Respondent was charged with violating Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of practice by failing to properly align and fixate the mandibular symphysis in as normal of a position as possible.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Reprimand
- \$5,000.00 fine to be paid within twelve (12) months

- Costs of \$3,000.00 to be paid within twelve (12) months
- Successful completion of the Florida Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Tejera to reject

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Dr. Tejera to dismiss the case

Second: by Dr. Fatmi

Vote: Unanimous

**F. Sandra Lynn Chaves, DH, Case No. 2016-10870  
Voluntary Relinquishment (PCP Waived)**

Ms. Chaves was not present nor represented by counsel.

Ms. McDonnell summarized the case for the board. Alleged violations include Section 456.072(1)(c)(k)(x)(z)(dd), Florida Statutes.

A Motion for Final Order Accepting Voluntary Relinquishment was presented to the board. After discussion the following action was taken:

Motion: by Dr. Kochenour to accept

Second: by Dr. Tejera

Vote: Unanimous

**G. Letisha Mills, DR, Case No. 2016-11597  
Voluntary Relinquishment (PCP – Thomas, Miro)**

Ms. Mills was not present nor represented by counsel.

Ms. McDonnell presented the case for the board. Respondent was charged with violation Section 466.028(1)(mm), Florida Statutes, through a violation of Section 456.072(1)(c), Florida Statutes, by being convicted of a crime that relates to the practice of dentistry.

A Motion for Final Order Accepting Voluntary Relinquishment was presented to the board. After discussion the following action was taken:

Motion: by Dr. Kochenour to accept

Second: by Ms. Cabanzon

Vote: Unanimous

**II. PROSECUTION REPORT**

**A. Bridget McDonnell, Assistant General Counsel**

Ms. Rochester and Ms. McDonnell presented the following prosecution report:

Legal Case Status	Prosecutor's Report Dated May 20, 2016	Prosecutor's Report Dated July 7, 2016	Prosecutor's Report Dated Aug. 23, 2016	Prosecutor's Report Dated Oct. 17, 2016
Total cases open/active in Prosecution Services:	<b>375</b>	<b>379</b>	<b>365</b>	<b>376</b>
Cases in intake status:	10	19	6	10
Cases in holding status:	0	0	0	0
Cases in Emergency Action Unit:	6	4	4	5
Cases under legal review:	183	231	194	191
Cases awaiting supplemental investigation:	8	9	7	7
Cases where a recommendation has been made for future Probable Cause Panel meetings:	70	63	92	112
Total cases where probable cause has been found:	77	71	77	72
Cases pending before DOAH:	1	0	1	3
Cases agendaed for current or future Board meeting:	8	15	16	14
Cases pending before Appeals Court:	0	0	0	0
Cases a year or older:	147	159	145*	137**

Motion: by Dr. Kochenour to allow prosecution to continue prosecuting year old cases  
Second: by Dr. Thomas  
Vote: Unanimous

At the conclusion of the prosecution report, the quorum was broken therefore the meeting adjourned at approximately 12:10 p.m.

### **III. PETITION FOR MODIFICATION OF FINAL ORDER**

#### **A. Juan C. Marcos, DMD, Case No. 2012-08192**

Dr. Marcos requested a modification of his Final Order to extend the deadline to pay the fine and costs associated with his case. He requested a 24 month payment plan to begin December 2016.

Quorum broke, no action

#### **B. Dental Careers Academy, Application for Expanded Duties Program**

This application was requested to go before the board due to the dental director, Dr. Eric Burgess, having past disciplinary history in Florida.

Quorum broke, no action

### **IV. PETITION FOR WAIVER OF RULE**

#### **A. Jennifer Depew, DMD**

##### **i. Petition for Waiver of Rule 64B5-14.003**

She has applied for a Pediatric Sedation Permit and filed a Petition for Waiver of Rule 64B5-14.003, F.A.C. as she exceeds the timeframe for residency completion by a few months.

Quorum broke, no action

##### **ii. Application for Pediatric Conscious Sedation Permit**

Quorum broke, no action

#### **B. Lesbia Drukteinis, DDS**

##### **i. Petition for Waiver of Rule 64B5-14.003**

Dr. Drukteinis has applied for a Pediatric Sedation Permit and filed a Petition for Waiver of Rule 64B5-14.003, F.A.C as she exceeds the timeframe for residency program completion but teaches sedation in a university based accredited residency training program.

Quorum broke, no action

## ii. Application for Pediatric Conscious Sedation Permit

Quorum broke, no action

### V. REQUEST FOR CONTINUING EDUCATION CREDIT

#### A. Leslie Haller, DMD

Dr. Haller submitted a request to receive continuing education credit for an article she co-authored and published.

Quorum broke, no action

### VI. RULES DISCUSSION

#### A. Council on Dental Hygiene Rule Amendment Recommendations

##### i. Rule 64B5-9.010, Prescriptions for the Services of a Dental Hygienist

(1) For the purposes of Section 466.023(2) (d) (c) , F.S., a dentist's prescription for his patient of record for dental hygiene services shall contain the following information:

- (a) The patient's name and address;
- (b) The dentist's name, business address and license number;
- (c) The name, business address and professional license number of the dental hygienist who is being authorized to perform the service; and
- (d) A statement of the specific services authorized and the frequency of the services authorized.

(2) The prescribing dentist shall maintain an electronic or paper copy of the prescription within the patient's dental record.

~~(2) The prescription must be printed, handwritten or typed on the dentist's prescription pad or on his professional letterhead stationery.~~

~~(3) The original prescription shall be given to the patient, and a copy shall be maintained in the patient's file in the office of the prescribing dentist.~~

Quorum broke, no action

##### ii. Rule 64B5-16.001, Definitions of Remediable Tasks and Supervision Levels

(1) Remediable tasks, also referred to as expanded functions of dental assistants, are those intra-oral tasks which do not create unalterable changes in the oral cavity or contiguous structures, are reversible and do not expose a patient to increased risks. The use of a laser or laser device of any type is not a remediable task.

(2) through (6) NO CHANGE

(7) Any authorization for remediable tasks to be performed under general supervision is valid for a maximum of ~~24~~ 13 months; after which, no further treatment under general supervision can be performed without another clinical exam by a Florida licensed dentist.

(8) NO CHANGE.

Quorum broke, no action

### iii. Rule 64B5-16.006, Remediable Tasks Delegable to a Dental Hygienist

(1) (a) through (i) NO CHANGE

(2) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training and who performs the tasks under indirect supervision:

(a) through (e) NO CHANGE

~~(f) Placing subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride;~~

(g) through (m) NO CHANGE

(3) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002, F.A.C., and who performs the tasks under general supervision:

(a) through (k) NO CHANGE

(l) Placing subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride

(4) Through (6) NO CHANGE

Quorum broke, no action

### iv. Rule 64B5-16.007, Levels of Supervision for a Dental Hygienist

By virtue of their training and licensure, dental hygienists are authorized to perform the following remediable tasks without additional training as defined in Chapter 64B5-16, F.A.C., under the following levels of supervision:

(1) Direct supervision: Gingival curettage.

(2) Indirect supervision:

~~(a) Root planing.~~

~~(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers.~~

(3) General Supervision:

(a) Removing calculus deposits, accretions and stains from exposed surfaces of the teeth and from the tooth surfaces within the gingival sulcus (prophylaxis);

(b) Placing and exposing dental and carpal radiographic film and sensors; and

(c) Root Planing.

(4) Without Supervision: Provide educational programs, faculty or staff training programs, authorized fluoride rinse programs, apply fluoride varnishes, instruct patients in oral hygiene care and supervising

patient oral hygiene care and other services which do not involve diagnosis or treatment of dental conditions.

Quorum broke, no action

**v. Florida Dental Hygiene Association Letter of Support**

**vi. Letters of Support**

**vii. Letter from the Florida Association of Periodontist**

**B. Rule 64B5-7.003, Permit Requirements for Dental Interns and Residents**

Quorum broke, no action

**C. Rule 64B5-9.011, Radiography Training for Dental Assistants**

Quorum broke, no action

**VII. REPORTS**

**A. Board Counsel**

**i. Rules Report**

**ii. Rule Reduction Project Discussion**

Quorum broke, no action

**B. Executive Director**

**i. Financial Reports**

**ii. Revised Delegation of Authority**

Quorum broke, no action

**iii. Anesthesia Ratification List**

Quorum broke, no action

**C. Chair**

**D. Board Members**

**i. Ms. Angela Sissine, AADB Annual Meeting Overview**

Quorum broke, no action

**ii. Anesthesia Committee Update**

Quorum broke, no action

**iii. Dental Hygiene Committee Update**

Quorum broke, no action

**iv. Dr. Fatmi, Revised Continuing Education Guidebook**

Quorum broke, no action

**VIII. REVIEW OF MINUTES**

**A. August 26, 2016 Board Meeting**

**B. September 26, 2016 Council on Dental Hygiene**

Quorum broke, no action

**IX. DISCUSSION**

**A. Minimal Sedation, John Bitting, Esq., DOCS Education**

**B. Silver Diamine Fluoride**

Quorum broke, no action

**X. FOR YOUR INFORMATION**

**A. The National Association of Dental Laboratories News Article**

**B. ADA News Article**

**C. Introduction Letter from the Florida Dental Hygiene Association**

**XI. NEW BUSINESS**

**A. Election of Officers**

Quorum broke, no action

**XII. OLD BUSINESS**

**XIII. ADJOURNMENT**