

**BOARD OF DENTISTRY  
GENERAL BUSINESS MEETING MINUTES  
Conference Number: 1-888-670-3525  
Conference Code: 4552635641  
December 22, 2016  
12:00 P.M. EST**

**I. CALL TO ORDER**

**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  
Tim Pyle, Consumer member

**STAFF PRESENT**

Jennifer Wenhold, Executive Director  
Jessica Sapp, Program Administrator

**BOARD COUNSEL**

David Flynn, Esq.  
Assistant Attorney General

**COURT REPORTER**

For the Record  
(850) 222-5491

Dr. Perdomo stated on the record he would like to amend the agenda to add the item Election of Officers, for good cause shown.

Dr. Perdomo nominated Dr. Joe Thomas as Chair. The motion was seconded by Ms. Cabanzon.

Dr. Calderone nominated Dr. Tejera as Chair. The motion was seconded by Ms. Sissine.

After the vote was taken, Dr. Thomas was elected as Board Chair with a 6/4 vote.

Dr. Thomas nominated Ms. Cabanzon as Vice Chair. The motion was seconded by Dr. Fatmi.

Ms. Sissine nominated Dr. Tejera as Vice Chair. The motion was seconded by Dr. Calderone.

After the vote was taken, Ms. Cabanzon was elected as Vice Chair with a 6/4 vote.

**II. PETITION FOR WAIVER OF RULE**

**A. Jennifer Depew, DMD**

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

Dr. Depew was not present but was represented by Shania Thorpe, Esq.

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.

After discussion, the following action was taken:

Motion: by Dr. Tejera to grant the petition for variance or waiver of Rule 64B5-14.003, F.A.C.

Second: by Dr. Fatmi

Vote: Unanimous

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

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the application and grant the sedation permit

Second: by Dr. Kochenour

Vote: Unanimous

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

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

Dr. Drukteinis was present and sworn in by the court reporter.

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 program completion but teaches sedation in a university based accredited residency training program.

After discussion, the following action was taken:

Motion: by Dr. Tejera to grant the petition for variance or waiver of Rule 64B5-14.003, F.A.C.

Second: by Dr. Perdomo

Vote: Unanimous

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

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the application and issue the sedation permit

Second: by Dr. Kochenour

Vote: Unanimous

### **III. REVIEW OF APPLICATIONS**

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

Dr. Eric Burgess was present and sworn in by the court reporter.

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

After discussion, the following action was taken:

Motion: by Dr. Thomas to deny the application based on past discipline history of the dental director, Dr. Burgess

Second: by Ms. Sissine

Vote: Unanimous

#### **IV. REQUEST FOR CONTINUING EDUCATION CREDIT**

##### **A. Leslie Haller, DMD**

Dr. Haller was present and sworn in by the court reporter.

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

After discussion, the following action was taken:

Motion: by Dr. Thomas to grant twenty (20) hours of continuing credit for the 2016-2018 biennium

Second: by Dr. Miro

Vote: Unanimous

#### **V. RULES DISCUSSION**

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

Mr. Flynn explained the changes to the application form which include the addition of the email notification statement, the removal of the school history question required by HB 941, and formatting changes.

After review of the application form, the follow action was taken:

Motion: by Dr. Thomas to approve the revisions and open Rule 64B5-7.003 for development.

Second: by Dr. Perdomo

Vote: Unanimous

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Dr. Thomas that there is not an economic impact

Second: by Dr. Perdomo

Vote: Unanimous

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

Mr. Flynn explained the changes to the application form which include the addition of the email notification statement, the removal of the school history question required by HB 941, and formatting changes.

After review of the application form, the follow action was taken:

Motion: by Dr. Fatmi to approve the revisions and open Rule 64B5-9.011 for development.

Second: by Dr. Calderone

Vote: Unanimous

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Dr. Perdomo that there is not an economic impact

Second: by Dr. Calderone

Vote: Unanimous

## **C. Council on Dental Hygiene Rule Amendment Recommendations- Mrs. Wenhold to call and turn over to Ms. Cabanzon**

Ms. Cabanzon presented the Council's report to the board. As a result of the Council on Dental Hygiene meetings on August 15, 2016 and September 26, 2016, the Council has proposed the following amendments:

### **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.~~

After discussion, the following action was taken:

Motion: by Dr. Calderone to approve the proposal

Second: by Dr. Thomas

Vote: Unanimous

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Ms. Cabanzon that there is not an economic impact

Second: by Dr. Calderone

Vote: Unanimous

## **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 43 months**; after which, no further treatment under general supervision can be performed without another clinical exam by a Florida licensed dentist.

(8) NO CHANGE.

After discussion, the following action was taken:

Motion: by Dr. Thomas to approve the proposal

Second: by Dr. Miro

Vote: Unanimous

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Dr. Perdomo that there is not an economic impact

Second: by Dr. Thomas

Vote: Unanimous

**i. 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.

Dr. Calderone questioned whether or not voting against this would appear as restriction of trade. Mr. Flynn stated after doing research, it is his opinion that any changes or votes would not appear as a restriction of trade.

Dr. Ilkin, Florida Dental Association, opposes the proposed rule changes.

Dr. Becki Smith, FL DH Association, is in support of the proposed changes.

Dr. David Bodin, opposes the proposed rule changes.

After discussion, the following action was taken:

Motion: by Dr. Thomas to approve the proposal

Second: by Dr. Miro

Vote: 6/4

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Dr. Thomas that there is not an economic impact

Second: by Dr. Perdomo

Vote: Unanimous

At this time, three members excused themselves from the meeting.

**ii. 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

Ms. Cabanzon disclosed that she was an educational presenter for a company that produces a subgingival restorable and clarified that she has no conflict of interest or there would not be any economic benefit or harm in the matter.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to approve the proposal

Second: by Dr. Miro

Vote: 6/1

Dr. Ilkin, Florida Dental Association, opposes the proposed changes

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Dr. Thomas that there is not an economic impact

Second: by Ms. Cabanzon

Vote: Unanimous

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

**iv. Letters of Support**

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

There being no further business, the meeting adjourned at 2:15 p.m.