

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
November 20, 2015
Orlando Marriott Lake Mary
1501 International Parkway, Lake Mary, FL 32746
407-995-1100
7:30 A.M.**

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:30 a.m. by Dr. Kochenour, Chair. Those present for all or part of the meeting included the following:

Members present:

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

Member absent:

Tim Pyle

Staff present:

David Flynn, Esq. Board Counsel
Sue Foster, Executive Director
Candace Rochester, Esq., Asst. General Counsel, PSU
Bridgette McDonnell, Esq. Asst. General Counsel, PSU
Cindy Ritter, Program Administrator
Jennifer Wenhold, Executive Director
Jessica Sapp, Program Administrator
Court Reporter – American Court Reporting, (407) 896-1813

Dr. Kochenour requested that Dr. Calderone read the following 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.

REVIEW OF MINUTES

August 21, 2015 General Business Meeting

The minutes of the August 21, 2015 meeting were reviewed and the following action was taken by the Board:

Motion: by Dr. Thomas to approve as presented

Second: by Dr. Perdomo

Vote: unanimous

REPORTS

Council/Committee Reports

Anesthesia Committee – August 26, 2015 Telephone Conference Call

Dr. Tejera reported on actions taken by the Anesthesia Committee to revise the anesthesia rules to include mild, moderate, general and deep sedation. The Committee also voted to require end tidal CO2 monitoring equipment for moderate and general sedation holders and asked that this be referred to the Rules Committee.

Also referred to the Rules Committee was the addition of volatile gases sevoflurane and isoflurane to Rule 64B5-14.002(8), Prohibitions.

Another referral to the Rules Committee by the Anesthesia Committee is the differences between anesthesiologists and dentists regarding office inspections. The Committee requested a review of Rule 64B5-0032 and 14.0034, F.A.C. for parity.

Following discussion, Dr. Tejera requested these rules be voted on during Mr. Flynn's Rules report.

Council on Dental Hygiene – November 2, 2015 Telephone Conference Call

Ms. Cabanzon reviewed the item discussed by the Council – Remedial Coursework for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges – Rule 64B5-2.0144, F.A.C. The Council voted unanimously to strike section 10 of this rule involving education hours.

Ms. Cabanzon requested that staff review the re-exam process for dental applicants from non-accredited schools (State-only applicants) who request licensure as dental hygienists. Ms. Foster stated the following:

- Credentials application must show a minimum of four years of dental education coursework on the transcript
- Proof of dental degree to take exam
- If exam is failed, applicant must obtain an HPL (Health Professional Evaluation) from ECE (Education Credentials Evaluators)
- If coursework is met or exceeded, applicant may re-take exam. If coursework is missing, the applicant is referred to Palm Beach College.

The following statistics were given to the Board by Ms. Foster: for the Dental Hygiene State Only ADEX clinical exam from Spring 2012 through November 19, 2016 – 241 candidates, 167 passed on first attempt, 41 passed on second attempt, 2 after the third attempt, 26 failed once and have not retaken exam, 4 failed twice and have not passed exam and 1 failed three times

and has not passed exam. This information was obtained from the Commission on Dental Competency Assessments (CDCA).

Following discussion, the following action was taken by the Council:

Motion: by Dr. Thomas to strike subsection 10 (a), (b), and (c), F.A.C.

Second: by Ms. Cabanzon

Vote: unanimous

Motion: by Dr. Thomas that there is no economic impact on small businesses

Second: by Dr. Kochenour

Vote: unanimous

Board Counsel

Rules Report

64B5-15.004 Reexamination fees; may withdraw the repeal because statute requires the board to set a reexamination fee.

64B5-17.002(9) regarding pro-bono dental events. Dentists are required to maintain dental records for 4 years; JAPC (Joint Administrative Procedures Committee) has concerns with this rule. A request for hearing has been received from NOVA and will be scheduled for the February 2016 board meeting.

Mr. Flynn provided the following rule drafts for the Board's review:

64B5-14.002 Prohibitions

Motion: by Dr. Tejera to approve language to add volatile gases to the prohibited list

Second: by Dr. Thomas

Vote: unanimous

Dr. Thomas asked that clarification be made that the list of prohibited volatile gases does **not** include nitrous oxide.

Motion: by Dr. Tejera that there is no impact on small businesses

Second: by Dr. Thomas

Vote: unanimous

64B5-14.003 Training, Education, Certification and Requirements for Issuance of Permits

Motion: by Dr. Tejera to require a minimum two year residency program for general anesthesia permit

Second: by Dr. Thomas

Vote: unanimous

Motion: by Dr. Tejera that this rule change has no impact on small business

Second: by Dr. Thomas

Vote: unanimous

64B5-14.003(2) Conscious Sedation permit

Formal training program for conscious sedation permit shall be offered through an accredited dental program or teaching hospital

Motion: by Dr. Tejera to approve the draft language
Second: by Dr. Thomas
Vote: unanimous

Motion: by Dr. Tejera that this rule change has no impact on small businesses
Second: by Ms. Sissine
Vote: unanimous

64B5-14.003(3) Pediatric Conscious Sedation Permit

Formal training program shall be offered through an accredited dental program or teaching hospital

Motion: by Dr. Tejera to approve draft rule
Second: by Dr. Thomas
Vote: unanimous

Motion: by Dr. Tejera that this rule change has no impact on small business
Second: by Ms. Sissine
Vote: unanimous

64B5-14.009(3)(f) Conscious Sedation Requirements

Motion: by Dr. Tejera to include a capnograph and delete last sentence of (8) that requires a precordial/pre-tracheal stethoscope to be available to assist in monitoring of the heart rate and ventilations.

Second: by Dr. Thomas
Vote: unanimous

Motion: by Dr. Tejera that this rule will have an economic impact on small businesses
Second: by Ms. Sissine
Vote: unanimous

64B5-14.010 Pediatric Conscious Sedation Requirements

Motion: by Dr. Tejera to include a capnograph and delete the last sentence of (8) as above
Second: by Dr. Thomas
Vote :unanimous

Motion : by Dr. Tejera that this rule will have an economic impact on small businesses
Second: by Ms. Sissine
Vote: unanimous

Annual Regulatory Plan

The board is required to file a roadmap of the rulemaking the board will undertake in the next year. Dr. Kochenour approved the plan and this was provided for information. Mr. Flynn asked that the board try to complete the plans by July 2016.

FIRST DRAFT

Mr. Flynn included a copy of the FTC Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants for the Board members review and comments.

Dr. Kochenour advised the board that Dr. Thomas had requested that staff review Agency for Health Care Administration (AHCA) requirements involving dentistry in non- traditional settings. Staff from the Health Quality Division of AHCA will be invited to the February 2016 meeting to discuss current regulations.

Executive Director

Budget Reports

The Expenditures by Function report and the direct and allocated expenditures report for the year ending June 30, 2015 were contained in the agenda for the Board's information.

Ratification of Lists

Motion: by Dr. Tejera to approve the permits listed

Second: by Dr. Thomas

Vote: unanimous

Introductions - Jennifer Wenhold, MSW, Executive Director and Jessica Sapp, CPM, Program Operations Administrator

Ms. Foster introduced Ms. Wenhold and Ms. Sapp, who will be succeeding her and Ms. Ritter over the next few months. Ms. Wenhold has worked with the Division of MQA for the past 10 years and her prior experience is with health care regulation, examinations, strategic planning and Florida's impaired practitioner program. She holds a master's degree in social work and is a certified six sigma green belt and certified public contract manager.

Ms. Sapp has worked 11 years with the Division of MQA and 6 of those as a Program Administrator for the Boards of Physical Therapy and Respiratory Therapy. She is a certified public manager. Ms. Foster is scheduled to retire at the end of February, 2016 and Ms. Ritter will be retiring at the end of December, 2015. All will be working together for a seamless transition.

Chairman

Dr. Kochenour thanked Drs. Winker and Gesek for 8 years of dedicated service to the Board and for their service as Chairs of the Board, their leadership roles in service on national organizations and he extended his appreciation to Dr. Britten for his service to the Board as Vice-Chair, service on the Probable Cause Panel and his volunteer efforts on national board related organizations.

Dr. Kochenour updated the Board on the Alternative Dental Delivery in Nontraditional Settings task force. The Department has conducted a preliminary meeting with AHCA's Health Quality section and requested a presentation for the board at the next board meeting.

Dr. Kochenour updated the Board on the ADEX and AADB meetings.

Vice-Chairman

No report.

Board Members

FIRST DRAFT

Dr. Wade Winker gave a report on the recent ADEX meeting he attended as well as Dr. Leonard Britten, Ms. Cabanzon, and Ms. Irene Stavros. Ms. Vicki Campbell, former consumer member of the board, will continue to serve as the consumer member. Dr. Winker advised that currently CDCA and CITA administer the ADEX examination.

Dr. Tejera asked Dr. Winker to explain ADEX, CD/CA, SERTA, WREB, CRDTS, etc. Dr. Winker stated that ADEX is the entity that develops the national examination, CD/CA also known as NERB (Northeastern Regional Board), administers the ADEX exam to dentists and dental hygienists.

SERTA, WREB, CRDTS, are agencies that develop their own exam.

The AADB is the American Association of Dental Boards. Florida is a member of this national organization and the national organization discusses issues pertinent to all state boards.

Dr. Kochenour stated a goal of the board is to have a presence on national organizations such as the AADB, ADEX, and CDCA. All members are invited to the CD/CA event on January 14-16 in Orlando.

Dr. Winker encouraged board members to become an examiner with CDCA. Sitting board members cannot examine in Florida as it is viewed as a conflict of interest.

The CDCA will meet on January 14-16 in Orlando. It is in the board's best interest to attend as the board has a vote.

ADEX develops licensure examinations and does not administer examinations. The ADEX is accepted in 43 jurisdictions. The role of the Commission on Dental Competency Assessments is to administer licensing exam, one of which is the ADEX licensing examination for dentists and dental hygienists.

Mr. Flynn advised the board that the ADEX examination administered out-of-state is acceptable for licensure in Florida, regardless of the testing agency that administered the exam. The statute requires that the board be represented on the ADEX.

Dr. Winker attended the recent AADB meeting. One of the most significant items on the agenda was the Federal Trade Commission was present and presented to the participants about the North Carolina case.

Mr. Flynn advised the board to never do something they don't have the authority to do. The approach taken was viewed as a restriction of trade when the NC board could have gone into circuit court and obtained an injunction. Restriction of trade is not prohibited but unreasonable restriction of trade is prohibited.

Dr. Eva Ackley, former board member and chair, is now Chair of AADB.

Dr. Dan Gesek, former board member and chair, gave a report on CDEL followed by report on licensure portability.

Ms. Cabanzon gave a report on the second meeting of the Healthiest Weight initiative of the Department of Health. She reported that Florida has moved from 20th place to 15th place among the states regarding health. She stated that providing healthy weight material at full board meetings, identify a board representative to share healthiest weight message to organizations, have the board chair's message have healthy weight on each of their agendas were some ideas discussed at the meeting in Tallahassee.

Dr. Kochenour welcomed the pre-dentistry students from the University of Central Florida.

TOPIC DISCUSSION

Letter from Florida Academy of Pediatric Dentistry re: CE Credits for Completion of Advanced Cardiac Life Support/Pediatric Advanced Life Support Training

Dr. Primosch, Executive Director of Florida Academy of Pediatric Dentistry, is requesting that the 6 hours of CEU for ACLS/PALS be approved as part of the required 30 hours, that this be clearly defined in statute/rule, and that this be effective immediately for this biennium that ends February 28, 2016.

The board agreed that the hours should not count in the 30 hour requirements.

FOR YOUR INFORMATION

Department of Health, Division of Medical Quality Assurance Board Chair/Vice-Chair Meeting, September 24, 2015

Drs. Kochenour and Britten represented the board at this meeting.

Senate Bill 234, An Act Relating to Dental Care

Casey Stoutamire, Florida Dental Association, briefed the board on the student loan bill which will provide dentists who serve in underserved areas funds to equip an office or assist with student loans if they are willing to practice in these areas for two years.

The bill passed second committee meeting this past week. No one opposes the policy and the FDA is working on the fiscal impact. This is not restricted to new graduates.

Motion: by Dr. Thomas to support the bill

Second: by Ms. Cabanzon

Vote: unanimous

Senate Bill 580, An Act Relating to Reimbursement to Health Access Settings for Dental Hygiene Services for Children

Ms. Jolene McClemons, Florida Dental Hygiene Association, briefed the board on previous legislation that passed as a result of collaboration of the Florida Dental Association and the Florida Dental Hygiene Association to allow dental hygienists to provide certain remediable tasks in health access settings without the physical presence, prior examination or authorization of a dentist. The current law requires a dental Medicaid number in order to bill for services. The Florida Dental Hygiene Association is hoping to secure the change to allow a greater access of care. This legislation would fully allow the implementation of the 2011 bill by allowing organizations to secure the services of dental hygienists in health access settings. The program would be required to enroll with the Agency for the Health Care Administration in order to obtain reimbursement.

Motion: by Dr. Thomas to support the spirit of the bill if the health access settings are reimbursed and this bill does not require issuance of a Medicaid number for direct reimbursement to the dental hygienist

Second: by Ms. Cabanzon

Vote: unanimous

**Continuing Education Requirements for Dentists and Dental Hygienists
Press Release – U.S. Department of Health and Human Services**

DISCIPLINARY PROCEEDINGS

**Mitchell J. Farr, DMD, Case No. 2014-01598, Informal Hearing
(PCP Perdomo)**

Dr. Farr was present and was represented by Jonathon Lynn, Esquire. A two count administrative complaint filed May 5, 2015 alleged violations of s. 466.028(1)(x), F.S. by failing to meet the minimum standard of diagnosis and treatment by failing to conduct preoperative examinations , failing to refer to a clinician trained in managing irradiated patients, failing to appropriately diagnose and manage post-operative complications and having an indemnity paid in amount of \$230,000 as result of alleged negligence. The second count, s.466.028(1)(m), F.S. of failure to keep written dental records and medical history records justifying the course of treatment by failing to document the results of initial exam.

Patient had history of radiation treatment for oral cancer, respondent failed to determine anatomic area, type of cancer, dosage, field size, type or modality of radiation treatment. Subject placed dental implants and failed to diagnose and manage post-operative complications by failing to recognize signs of osteoradionecrosis or refer patient to specialist for evaluation.

Probable Cause Panel recommended penalty: reprimand, appearance before board, \$30,000 fine, costs, 6 months suspension, minimum of level III in Diagnosis and Treatment Planning, College Level Course in Ethics, Radiation Oncology Course, successful completion of Laws and Rules examination.

The Department entered into a settlement agreement with terms to include a reprimand, \$15,000 fine payable within one year of filing of the final order as well as costs of \$3,181.59 payable within six months of filing of the final order, completion of CE within 12 months at dental school until competency in the following: Level III (13 to 18 hours in diagnosis and treatment planning; Level I (3 to 6 hours) course on radiation oncology and oral complications secondary to cancer therapy; Level I (3 hour) course on recordkeeping taken at or through an accredited dental university or a board approved continuing education provider; temporary restriction on respondent for placing, removing or treating implants on irradiated patients until completion of CE and successfully petitioning the board for the restriction to be lifted.

Motion: by Dr. Thomas to reject the settlement agreement

Second: by Ms. Sissine

Vote: unanimous

Motion: by Dr. Thomas to offer a counter settlement agreement of letter of concern, \$5,000 fine payable with 12 months and costs of \$3,181.59 payable with 12 months, complete Level II (7-12) hours in diagnosis and treatment planning; Level I (3 to 6 hours) course on radiation oncology and oral complications secondary to cancer therapy; Level I (3 hour) course on

General Business Meeting

recordkeeping taken at or through an accredited dental university or a board approved continuing education provider.

Second: by Dr. Tejera

Vote: motion passed 5/3

Dr. Farr accepted the counter settlement agreement.

Jordan Tomalty, DDS, Case No. 2010-12627, Settlement (PCP Tejera, Thomas)

Dr. Tomalty was present and was represented by Robert Klein, Esq. An amended administrative complaint filed September 26, 2014 alleged violation of s. 466.028(1)(x), F.S. of failure to meet minimum standards by failing to adequately treat diagnosed periodontal condition; by taking a final impression for a permanent restoration before treating the condition; failing to allow sufficient healing time following gingivectomy, by placing a temporary crown with overhanging margins that exacerbated periodontal condition.

Probable Cause Panel recommended penalty: reprimand, appearance before board, \$15,000 fine, cost, reimbursement for the patient of fees paid to the respondent for procedures involved in complaint, minimum of level two in treatment planning, minimum of level two in record keeping, and college level ethics course, successfully complete laws and rules examination within one year and one biennium C.E. audit.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$5000 payable within 12 months; costs of \$9,000 payable within one year; CE at an accredited university as follows within one year: Level I (3 – 6 hours) in crown and bridge; Level I (3 – 6 hours) in endodontics; record keeping (3 hours) taken at college of dentistry or board approved CE provider, reimbursement of patient and laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Calderone to reject the settlement agreement and to offer a counter settlement agreement with the terms of the original agreement with the addition of 3-6 hours in periodontics

Second: by Dr. Fatmi

Vote: unanimous

Set aside the previous vote

Motion: by Dr. Kochenour

Second: by Dr. Perdomo

Vote: unanimous

Motion: by Dr. Calderone to reject the settlement agreement

Second: by Dr. Fatmi

Vote: unanimous

Motion: by Dr. Calderone to offer a counter settlement agreement with the terms of the original agreement with the addition of 3-6 hours in periodontics

Second: by Dr. Fatmi

Vote: unanimous

Dr. Tomalty accepted the counter settlement agreement

Jordan Tomalty, DDS, Case No. 2011-04203, Settlement (PCP N/A)

Dr. Tomalty was present and was represented by Robert Klein, Esq. An amended administrative complaint filed May 16, 2012 alleged violation of s. 466.028(1)(x), F.S. of failure to meet minimum standards by failing to adequately diagnose, failing to conduct clinical exam including diagnosis, failing to perform complete periodontal exam prior to beginning crown work on teeth 28-29, failing to expose full mouth radiographs, failing to obtain adequate informed consent, failing to use rubber dam during procedure. Count II alleged violation of s. 466.028(1)(m), F.S. of failure to keep written dental records justifying the course of treatment.

Probable Cause Panel recommended penalty: reprimand, appearance before board, \$10,000 fine, cost, reimbursement for the patient of fees paid to the respondent for procedures involved in complaint, minimum of level one in record keeping, minimum of level two in endodontics, minimum of level one in diagnosis and treatment planning, and ethic course, successfully complete laws and rules examination within one year and one biennium C.E. audit.

A settlement agreement includes all of the terms in prior case.

Jay Louis Ajmo, DDS, Case No. 2012-15672, Settlement (PCP N/A)

Dr. Ajmo was present and was represented by Dennis Vandenberg, Esq. A two count administrative complaint filed August 21, 2013 alleged violations of s. 466.019(2)(c), F.S. relating to advertisements containing laudatory statements about the dentist as the only master's level IV sedation dentist; and s. 466.028(1)(mm), F.S. and rule 64B5-4.002(7), F.A.C. regarding use of term "sleep dentistry" without holding valid general anesthesia permit.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$2500 payable within 30 days of final order, costs of \$1,125.83 payable within 30 days, 3 hour course in ethics to be taken in person or through an accredited college; laws and rules exam.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to accept the settlement agreement

Second: by Dr. Fatmi

Vote: unanimous

Joseph A. Gaeta, Jr., DDS, Case No. 2013-16293, Waiver (PCP Thomas)

Dr. Gaeta was not present nor represented by counsel. An administrative complaint filed July 1, 2014 alleged violation of s. 466.028(1)(aa), F.S. regarding failure to comply with a lawful order of the Board.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Tejera to find that Respondent was properly served with the Administrative Complaint

Second: by Dr. Kochenour
Vote: unanimous

Motion: by Dr. Tejera that Respondent failed to submit an election of rights form or other responsive pleading and thereby waived his or her right to elect the method of resolution.
Second: by Dr. Kochenour
Vote: unanimous

Motion: by Dr. Tejera to proceed as a hearing not involving disputed issues of material fact
Second: by Dr. Kochenour
Vote: unanimous

Motion: by Dr. Tejera to adopt Findings of Fact contained in Administrative Complaint
Second: Ms. Sissine
Vote: unanimous

Motion: by Dr. Tejera to adopt Conclusions of Law and find that the conclusions of law constitute a violation of the practice act as alleged in the Administrative Complaint
Second: by Dr. Kochenour
Vote: unanimous

Motion: by Dr. Tejera to accept investigative file into evidence for purpose of determining penalty.
Second: by Ms. Sissine
Vote: unanimous

Probable Cause Panel recommended penalty: appearance before board and suspend until compliant,

Motion: by Dr. Tejera to impose a \$10,000 fine, suspension of license until compliant and to accept the Department's motion to access costs in the amount of \$83.56.
Second: by Ms. Sissine
Vote: motion removed by Dr. Tejera after discussion

The board asked that prior discipline be read into the record. After discussion, the following action was taken:

Motion: by Dr. Kochenour to revoke the license
Second: by Dr. Tejera
Vote: unanimous

Prosecution Services Unit withdrew the motion to access costs

Joseph A. Gaeta, Jr., DDS, Case No. 2013-14250, Waiver (PCP N/A)

Dr. Gaeta was not present nor represented by counsel. An administrative complaint filed February 4, 2014 alleged violation of s. 466.028(1)(aa), F.S. regarding failure to comply with a lawful order of the Board previously entered in a disciplinary case. Respondent appealed the final order in the Second District Court of Appeal in case 2009-4111 and an emergency stay

FIRST DRAFT

was granted. The Board of Dentistry decision was affirmed and a mandate issued on December 21, 2010. Respondent has had 3 years to comply with the terms of the final order – completion of a two year comprehensive dental course.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Tejera to find that Respondent was properly served with the Administrative Complaint

Second: by Dr. Thomas

Vote: unanimous

Motion: by Dr. Tejera that Respondent failed to submit an election of rights form or other responsive pleading and thereby waived his or her right to elect the method of resolution.

Second: by Dr. Thomas

Vote: unanimous

Motion: by Dr. Tejera to proceed as a hearing not involving disputed issues of material fact

Second: by Dr. Thomas

Vote: unanimous

Motion: by Dr. Thomas to adopt Findings of Fact contained in Administrative Complaint

Second: by Dr. Calderone

Vote: unanimous

Motion: by Dr. Thomas to adopt Conclusions of Law and find that the conclusions of law constitute a violation of the practice act as alleged in the Administrative Complaint

Second: by Dr. Tejera

Vote: unanimous

Motion: by Dr. Thomas to accept investigative file into evidence for purpose of determining penalty.

Second: by Ms. Cabanzon

Vote: unanimous

Probable Cause Panel recommended penalty: revocation

Aggravating factors include the fact that respondent has had seven previous final orders as well as disciplinary action in Nebraska as outlined in the previous case.

Motion: by Dr. Kochenour to revoke the license

Second: by Ms. Sissine

Vote: unanimous

A Motion to Assess of \$139.73 was withdrawn by the Department.

Ms. Rochester was recently promoted to Allied Health Section Manager and she introduced Ms. Bridget McDonnell as the dentistry team leader. Ms. McDonnell has been with the Department since August 2013.

There are currently 443 cases open in the Prosecution Services Unit, 2 of which are currently being reviewed by the Emergency Action Unit. There are 245 cases under legal review; 125 cases where probable cause recommendation has been made and these will be on the December probable cause panel meeting; 73 cases where probable cause has been found and 211 cases older than one year.

Motion: by Dr. Thomas to allow the Department to continue prosecution

Second: by Dr. Fatmi

Vote: unanimous

Ms. Rochester encouraged interested parties to apply to become expert witnesses. A resume should be submitted to the board office for approval by the probable cause panel.

Phyllis Laura Thompson, RDH, Case No. 2015-10155, Voluntary Relinquishment (PCP Waived)

Ms. McDonnell advised the board that the Prosecution Services Unit requested this case be withdrawn as Ms. Thompson is reconsidering her voluntary relinquishment of her license.

Miranda Whyllly Smith, DDS, Voluntary Relinquishment of License Case No. 2014-CF-3236-AWS-4, Sixth Judicial Circuit

This was pulled from the agenda.

PETITIONS

Petition for Variance or Waiver, Rule 64B5-2.0144, FAC

Suey J. Lam, Applicant for Dental Hygiene Licensure

Ms. Lam was present and was not represented by counsel. She is requesting a waiver to rule 64B5-2.0144, F.A.C. She is required to take the remedial coursework included in this rule, however it is not available.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to grant all of the following petitions for variance or waiver on this agenda for this rule

Second: by Dr. Tejera

Vote: unanimous

Petition for Variance or Waiver, Rule 64B5-2.0144, FAC

Maria Jose Lopez Mendez, Applicant for Dental Hygiene Licensure

Ms. Mendez was present and was not represented by counsel. She is requesting a waiver to Rule 64B5-2.0144, F.A.C. She has submitted 533 pages of documentation from her dental coursework in Venezuela.

Petition for Variance or Waiver, Rule 64B5-2.0144, FAC

Marialys Darias, Applicant for Dental Hygiene Licensure

Ms. Darias was present and was not represented by counsel. She is requesting a waiver to the above-cited rule. The Educational Credentials Evaluation (ECE) shows the equivalent of 5 years in a dental program.

Petition for Variance or Waiver, Rule 64B5-2.0144, FAC

Liliana Bermudez, Applicant for Dental Hygiene Licensure

Ms. Bermudez was present and was not represented by counsel. She is requesting a waiver to the above-cited rule. The ECE shows completion of five years in a dentistry program in Colombia.

**Petition for Variance or Waiver, Rule 64B5-2.0144, FAC
Careli Daza Corales, Applicant for Dental Hygiene Licensure**

Ms. Corales was present and was not represented by counsel. She is requesting a waiver to the above-cited rule. She is a dentist in Venezuela, practicing for 11 years. The ECE shows completion of five years in a dentistry program.

REVIEW OF APPLICATIONS/APPEARANCES/OTHER REQUESTS

Antoine Farha, DDS, Applicant for Dental Licensure

Dr. Farha was present and was represented by Edwin Bayo, Esq. Dr. Farha appeared at the August 21, 2015 board meeting and his application was denied due to action taken by the Pennsylvania Board regarding controlled substances.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to approve the application for licensure with conditions: 2 years of probation; quarterly reports from a monitor to include what he is prescribing; randomly survey 25% of patient records to look for any deviations or anomalies. Within 30 days after licensure, the licensee will submit a resume of a Florida licensed dentist who will serve as a monitor; board chair will approve the monitor within 30 days; two semesters of college level ethics.

Second: by Ms. Cabanzon

Vote: motion passes 7/2

Bryan Gerstenberg, DDS, Termination of Probation/Last Appearance

Dr. Gerstenberg is appearing for termination of his probation to end November 25, 2015. He is in compliance with all terms of his order. Following discussion, the following action was taken by the Board:

Motion: by Dr. Kochenour to terminate probation

Second: by Dr. Fatmi

Vote: unanimous

James J. Moran, DDS, Request to Reactivate Dental License

Dr. Moran was present at the August 21, 2015 meeting, but was unable to attend this meeting. He is requesting re-instatement of his dental license from retired status. His Florida license was placed on retired status February 28, 2006. He has included additional proof of his CE.

An email was received from Brianda Landeros Homestead Schools, Inc. that when a customer mails in exams for several courses, they stamp a date on their mail for that particular day, even if it is 10 exams all at one time, they receive the same date.

Following discussion, the following action was taken by the Board:

Table this application to determine whether Dr. Moran has been practicing since he retired in 2006. Information may be provided at one of the next two meetings. It was mentioned that a skills evaluation may be needed if he has not practiced during the past 10 years.

National Provider Compliance Corporation, Application for CE Provider Status

Applicant requested continuance to February 2016 meeting.

David Tijerino, DDS, Applicant for Dental Licensure

Dr. Tijerino was present and was represented by Edwin Bayo, Esq. He is appearing due to the requirement in 466.006(6), F.S. stating that relocating applicants must document completion of a minimum of 1200 hours of clinical practice within the geographical boundaries of this state within the initial year of licensure. Due to some family emergencies, he does not have the required hours. To date, Dr. Tijerino had approximately 540 hours.

After discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to issue a notice of expiration of licensure

Second: by Dr. Calderone

Vote: unanimous

OLD BUSINESS

Ms. Cabanzon asked the status of her request that a dental hygiene board member or consumer member be present on probable cause panels in which dental hygiene cases are scheduled for review.

Dr. Kochenour thanked Dr. Gesek and Dr. Britten for their service to the board. He also expressed his thanks to Board members and staff during his term as Chairman.

NEW BUSINESS

Election of Officers

Motion: by Dr. Thomas to nominate Dr. Perdomo as Chairman

Second: by Dr. Tejera

Motion: by Dr. Kochenour to nominate Dr. Tejera as Chairman

Second:

Dr. Tejera declined the nomination.

Vote: unanimous for Dr. Perdomo as Chair for 2016.

Motion: by Ms. Cabanzon to nominate Dr. Thomas as Vice-Chair

Motion: by Ms. Sissine to nominate Dr. Tejera as Vice-Chair

Vote: Dr. Thomas with 6 votes for Vice-Chair 2016.

ADJOURNMENT

The meeting adjourned at 12:32 p.m.