

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
February 16, 2018
Best Western Gateway Grand Hotel and
Conference Center
4200 NW 97th Blvd
Gainesville, FL 32606
7:30 A.M.**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

I. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT

T.J. Tejera, DMD, Chair
Naved Fatmi, DMD, Vice-Chair
Catherine Cabanzon, RDH, BASDH
Claudio Miro, DDS
William Kochenour, DDS
Nick Kavouklis, DMD
Joseph Calderone, DMD
Angela Sissine, RDH
Fabio Andrade, Consumer Member

COURT REPORTER

Esquire Deposition Solutions, LLC
888-486-4044

STAFF PRESENT

Jennifer Wenhold, Executive Director
Jessica Sapp, Program Administrator

BOARD COUNSEL

David Flynn, Esq.
Assistant Attorney General

PROSECUTING ATTORNEY

John Wilson, Esq.
Asst. General Counsel, PSU
Octavio Ponce, Esq.
Asst. General Counsel, PSU

Dr. Tejera called the meeting to order and welcomed the students from Santa Fe College and the University of Florida School of Dentistry.

Dr. Fatmi read the Department of Health's mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

II. DISCIPLINARY PROCEEDINGS

A. Settlement Agreements

- i. Jerome Ira Bistriz, DDS, Case No. 2016-21385
(PCP – Thomas, Morgan, Perdomo)

Dr. Kavouklis recused himself from this case to avoid any conflict of interest.

Dr. Bistriz was present and sworn in by the court reporter. He was represented by Jonathan Abel, Esq.

Mr. Wilson summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(mm), Florida Statutes, by extracting the wrong tooth for

patient.

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

- Appearance
- Letter of Concern
- Costs of \$3,467.13 to be paid within six (6) months
- Continuing Education to be completed within twelve (12) months to include a 3-6 hour course as necessary to determine competency in Risk Management to be completed through a Florida accredited college of dentistry; and a 3 hour course in Record Keeping.
- Successful completion of the Laws and Rules exam within twelve (12) months

Prosecution provided an oral amendment to clarify the requirement of a Level I in Risk Management is required to be completed through a board approved continuing education provider. Both parties agreed to the amendment.

After discussion, the following action was taken:

Motion: by Dr. Kochenour to accept the Settlement Agreement

Second: by Ms. Cabanzon

Vote: 8/1

- ii. William Glover, III, DMD Case No. 2015-09533
(PCP – Thomas, Calderone, Britten)

Dr. Glover was present and sworn in by the court reporter. He was represented by David Fursteller, Esq.

Mr. Wilson summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to identify the perforation of the pulpal floor on the tooth, inform the patient, and monitor the complication.

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

- Appearance
- Reprimand
- \$5,000.00 fine to be paid within eighteen (18) months
- Costs of \$4,033.86 to be paid within eighteen (18) months
- Continuing Education to be completed within twelve (12) months to include a 7-9 hour course as necessary to determine competency in Endodontics and a 7-9 hour course in Diagnosis and Treatment Planning.
- Patient reimbursement prior to the presentation of the Settlement Agreement.
- Successful completion of the Laws and Rules exam within twelve (12) months

Patient reimbursement has been provided and confirmed by Prosecution Services.

After discussion, the following action was taken:

Motion: by Dr. Kochenour to reject the Settlement

Second: by Ms. Cabanzon

Vote: Unanimous

Motion: by Dr. Kochenour propose revocation

Second: by Mr. Andrade

Dr. Kochenour would accept a Voluntary Relinquishment

Vote: 4/4, motion failed

Motion: by Dr. Fatmi to propose the following counter agreement:

- Reprimand
- Costs
- Remove the Endodontics course requirement and replace with a Level II (7-12 hours) in Diagnosis and Treatment Planning
- Restricted from practicing the following: Endodontics, crown and bridge, implantology, periodontal surgery, dentures and removable, oral surgery.
- Fine of \$7,500.00
- Level I in Ethics

Second: by Ms. Cabanzon

Vote: 4/4, motion failed

Motion: Dr. Kochenour to propose revocation

Second: Mr. Andrade

Vote: 5/3

Rejected on the record

iii. Scott K. Kareth, DMD, Case No. 2014-06902

(PCP – Thomas, Britten, Fatmi/Thomas, Britten, Calderone)

Dr. Kareth was present and sworn in by the court reporter. He was represented by Francis Deluca, Esq.

Mr. Wilson summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(gg), Florida Statutes, by failing to record a complete written medical history of patient prior to the administration of conscious sedation, specifically as to whether patient had any known allergies and history of previous surgery and anesthesia; by failing to record periodic vital signs recorded at appropriate intervals during the procedure; by failing to record pulse oximetry readings during the procedure.

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

- Appearance
- Letter of Concern

- \$1,000.00 fine to be paid within twelve (12) months
- Costs of \$3,000.00 to be paid within twelve (12) months
- Continuing Education to be completed within twelve (12) months to include 3 hours in Record Keeping.
- Successful completion of the 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

- iv. Philip Dang Trinh, DMD, Case No. 2015-25667
(PCP – Thomas, Miro, Robinson)

Dr. Trinh was present and sworn in by the court reporter. He was represented by Jeffrey Howell, Esq.

Mr. Ponce summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to recognize that the patient had a poor periodontal condition which required treatment or referral for treatment prior to attempting to treat the tooth with a crown.

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

- Appearance
- Letter of Concern
- \$5,000.00 fine to be paid within twelve (12) months
- Costs of \$2,305.60 to be paid within twelve (12) months
- Continuing Education to be completed within twelve (12) months to include Level I in Crown and Bridge.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Fatmi to reject and offer a counter agreement to include the original terms of the Settlement with the addition of Level I Periodontics and removal of Level I Crown and Bridge.

Second: by Ms. Cabanzon

Dr. Calderone added a friendly amendment: Level I Diagnosis and Treatment Planning

Vote: Unanimous

Respondent accepted the counter agreement on the record.

v. Colin Michael McKinney, DMD, Case No. 2015-30613
(PCP – Thomas, Miro, Ross)

Dr. McKinney was present and sworn in by the court reporter. He was represented by Richard Brooderson, Esq.

Mr. Wilson summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to adequately diagnose and/or evaluate the patient's biopsy; by failing to provide the patient with a referral to a specialist or to otherwise provide adequate treatment for the leukoplakia; and by having an indemnity paid in the amount of \$500,00.00 to the patient.

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

- Appearance
- Reprimand
- \$7,500.00 fine to be paid within twelve (12) months
- Costs of \$4,393.55 to be paid within twelve (12) months
- Continuing Education to be completed within twelve (12) months to include 7-12 hours in Oral Pathology. This course has been completed.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Calderone to accept

Second: by Dr. Kochenour

Vote: Unanimous

vi. John George Sarris, DMD, Case No. 2016-21147
(PCP – Thomas, Fatmi, Britten)

Dr. Sarris was present and sworn in by the court reporter. He was represented by Richard Brooderson, Esq.

Mr. Wilson summarized the case for the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to adequately seat and verify the fit of the bridge to avoid open margins. **Count II:** Section 466.028(1)(m), Florida Statutes, by failing to document treatment plans proposed; by failing to maintain diagnostic findings about the patient's decay including where the decay was located; by failing to maintain diagnostic findings justifying the course of treatment for the patient periodontal maintenance cleaning' or by failing to maintain diagnostic findings justifying treatment of the bridge restoration placed on the patient.

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

- Appearance
- Letter of Concern
- \$4,000.00 fine to be paid within six (6) months
- Costs of \$5,992.28 to be paid within twelve (6) months
- Continuing Education to be completed within twelve (12) months to include 3 hours in Crown and Bridge and 3 hours in Record Keeping.
- Patient reimbursement in the amount of \$7,000.00 to be paid within six (6) months
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Kochenour to accept

Second: by Dr. Calderone

Vote: Unanimous

Oral amendment to clarify a Level I course in Crown and Bridge to be completed through an accredited Florida dental college was agreed by both parties.

B. Voluntary Relinquishments

- i. Margarita Ramirez, DR, Case No. 2016-13458
(PCP – Thomas, Sissine, Morgan)

Ms. Ramirez was not present nor represented by counsel. Mr. Wilson summarized the case for the Board. Respondent was charged with the following violation: Section 466.028(1)(y), Florida Statutes, by performing an examination, diagnosing dental conditions, or developing a treatment plan for a patient; by performing a root canal treatment on a patient; by administering an anesthetic to a patient; by dispensing a medication to a patient in the course of dental treatment.

Motion: by Dr. Kochenour to accept the Voluntary Relinquishment

Second: by Ms. Cabanzon

Vote: Unanimous

- ii. Steven Baxter, DDS, Case No. 2016-13649
(PCP – Thomas, Miro, Robinson)

Dr. Baxter was not present nor represented by counsel. Mr. Wilson presented the case before the board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(gg), Florida Statutes, when he administered conscious sedation, by failing to keep a record of the current written medical history of the patient; by failing to keep a record of a physical and risk assessment of the patient; by failing to keep a record of base line vital signs, including blood pressure and pulse; by failing to keep a complete sedation record which included continuous monitoring of vital signs, taken and recorded at a minimum of every 5 minute intervals during the procedure; by failing to keep a complete sedation record which included the time and sequence of administration of drugs used during the procedure; by failing

to keep a complete sedation record which included the duration of the procedure; by failing to keep a complete sedation record which included the names of participating personnel; or by failing to continuously monitor the patient intraoperatively by pulse oximetry and capnograph. **Count II:** Section 466.028(1)(x), Florida Statutes, by failing to render CPR to the patient until emergency services arrive at the scene to relieve him or until Respondent became physically unable to continue resuscitative efforts.

Motion: by Ms. Sissine to accept the Voluntary Relinquishment
Second: by Dr. Calderone
Vote: Unanimous

iii. Steven Baxter, DDS, Case No. 2017-13546
(PCP Waived)

Dr. Baxter was not present nor represented by counsel. Mr. Wilson presented the case before the board which includes the following allegations: Section 456.072(1)(k)(dd), 466.028(1)(b)(i)(II), Florida Statutes.

Motion: by Dr. Fatmi to accept the Voluntary Relinquishment
Second: by Dr. Calderone
Vote: Unanimous

iv. Amara L. Gardian, RDH, Case No. 2017-06252
(PCP – Thomas, Cabanzon, Ross)

Ms. Gardian was not present nor represented by counsel. Mr. Wilson summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 456.072(1)(m), Florida Statutes, by making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession by using her position as a dental hygienist to access and steal a dentist's prescription pad, fraudulently write prescriptions, and/or forge a dentist's signature. **Count II:** Section 466.028(1)(t), Florida Statutes, by committing fraud, deceit, or misconduct in the practice of dental hygiene by using her position as a dental hygienist to access and steal a dentist's prescription pad, fraudulently write prescriptions, and/or forge a dentist's signature.

Motion: by Dr. Kochenour to accept the Voluntary Relinquishment in Case No. 2017-06257
Second: by Ms. Sissine
Vote: Unanimous

v. Alan Morales Nazareno, RDH, Case No. 2017-22981
(PCP – Gesek, Cabanzon, Melzer)

Ms. Nazareno was not present nor represented by counsel. Mr. Wilson summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 456.072(1)(v), Florida Statutes. **Count II:** Section 456.063(1), Florida Statutes.

Motion: by Dr. Kochenour to accept the Voluntary Relinquishment
 Second: by Dr. Fatmi
 Vote: Unanimous

III. PROSECUTION REPORT

A. John Wilson, Assistant General Counsel

Mr. Wilson presented the following report to the Board:

<u>Legal Case Status</u>	<u>Report</u> Dated 4/27/2017	<u>Report</u> Dated 8/31/2017	<u>Report</u> Dated 1/29/2018
Total cases open/active in Prosecution Services:	320	255	256
Cases in intake status:	2	2	1
Cases in holding status:	1	1	1
Cases in Emergency Action Unit:	9	9	7
Cases under legal review:	177	155	138
Cases awaiting supplemental investigation:	7	11	5
Cases where a recommendation has been made for future Probable Cause Panel meetings:	67	43	53
Total cases where probable cause has been found:	77	58	63
Cases pending before DOAH:	1	0	0
Cases agendaed for current or future Board meeting:	25	18	15
Cases pending before Appeals Court:	0	0	0
Cases a year or older from legal review:	108	95	98*

Motion: by Dr. Fatmi to allow prosecution to continue prosecuting a year or older cases.
Second: by Dr. Calderone
Vote: Unanimous

IV. PETITION FOR TERMINATION OF PROBATION

A. Jackie Johns, DN 9243

Dr. Johns was present and sworn in by the court reporter. He was represented by Ms. Francine Steelman, Esq. His monitor, Dr. Pettis, was present to answer questions of the board.

Dr. Johns petitioned the Board for termination of his probation, which began on November 4, 2016. He was required to complete 12 months of indirect supervision, pay a fine and costs, and complete a course in Record Keeping.

After discussion, the following action was taken:

Motion: by Dr. Calderone to terminate probation
Second: by Ms. Sissine
Vote: 8/1

V. PETITION FOR MODIFICATION OF FINAL ORDER

A. Antoine Farha, DN 21676

Dr. Farha was not present but represented by Edwin Bayo, Esq.

Dr. Farha appeared before the Board on August 21, 2015 and was issued a Conditional license that included two years of probation, monitored by a board approved monitor who shall complete quarterly reports. Dr. Farha began his monitoring period until December 2016 and has not yet completed the required Ethics course.

Dr. Farha has filed a request for an extension of time to complete the Ethics course. The Board also considered modifying the order to include a tolling provision.

After discussion, the following action was taken:

Motion: by Dr. Calderone to grant the extension of time until December 2018 to complete a Level I Ethics course in addition to 3 college hours of Ethics with continued monitoring by his board approved monitor. Monitoring by working at least 75 hours a month in Florida.
Second: by Mr. Andrade
Friendly amendment to clarify the requirement of 6 college semester hours in Ethics
Vote: 5/3

B. Rita F. Marin, DN 13232

Dr. Marin was present and sworn in by the court reporter. She was represented by Edwin Bayo, Esq. and Paul Drake, Esq.

Dr. Marin filed a Petition for Modification of Final order for the Board to consider removing

the permanent restriction on her Florida dental license due to her criminal history being discharged without adjudication of guilt.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept

Second: by Dr. Miro

Vote: 6/3

VI. PETITION FOR DECLARATORY STATEMENT

A. Fatemeh Gholami, DDS

Dr. Gholami was present and sworn in by the court reporter. She was represented by Monica Rodriguez, Esq.

Dr. Gholami has filed a Petition for Declaratory Statement of Section 466.006(3), F.S. and Rule 64B5-2.0146, F.A.C. seeking an opinion as to if these provisions apply to an applicant who has already passed the required exams, or that it includes an accredited Periodontic Dentistry program.

The Board proceeded with the licensure application first.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve the application

Second: by Dr. Kochenour

Vote: Unanimous

Dr. Gholami withdrew the petition.

VII. PETITION FOR VARIANCE OR WAIVER OF RULE

A. Jose Montero-Nieto, DDS

Dr. Montero-Nieto was present and sworn in by the court reporter. He was represented by Edwin Bayo, Esq.

Dr. Montero-Nieto has filed a Petition for Variance or Waiver of Rule 64B5-2.021, F.A.C. requesting to retake the prosthodontic portion of the clinical exam without having to take the required certification or approved courses, but instead take a level two intensive remediation course in prosthodontics. He completed this course February 12, 2018.

After discussion, the following action was taken:

Motion: by Dr. Tejera to grant the waiver to only allow him the ability to take the prosthodontic portion one additional time.

Second: by Dr. Fatmi

Vote: Unanimous

VIII. REVIEW OF APPLICATIONS

A. Application for Conscious Sedation Permit

i. Rania Livada, DDS

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

The Anesthesia Chair requested the full board review Dr. Livada's training for obtaining a moderate sedation permit.

The Board indicated that Dr. Livada must submit 20 sedation logs as an attending dentist or she needs to contact her program to complete 20 cases.

Application is tolled until cases are submitted.

ii. Joana Lastres, DMD

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

The Anesthesia Chair requested the full board review the monitoring of patients in the sedation logs provided.

After discussion, the following action was taken:

Motion: by Ms. Sissine to approve once she submits all 20 sedation cases

Second: by Dr. Fatmi

Vote: Unanimous

B. Application for Dental License

i. Genrietta Arakelova, DDS

Dr. Arakelova was present and sworn in by the court reporter. She was represented by Mr. Edwin Bayo, Esq.

Her application was before the board to discuss her past disciplinary history in New York.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve

Second: by Ms. Sissine

Vote: Unanimous

ii. Hisham Marwan, BDS

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

Dr. Marwan graduated as internationally trained dentist from King Abdulaziz University in Saudi Arabia 2009. He began an Oral and Maxillofacial Surgery residency with Jackson Memorial Hospital on July 1, 2012 and completed it on June 30, 2016. He has requested the Board review his application to determine if he complies with Section 466.006(3), F.S. to be allowed to sit for the ADEX.

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve

Second: by Dr. Miro

Vote: Unanimous

IX. PRESENTATION ON THE USE OF LASERS IN A PERIODONTAL PRACTICE

Dr. Charles Cobb

Dr. Cobb gave a presentation on the use of lasers.

X. REPORTS

A. Board Counsel

i. Rules Report

Mr. Flynn provided an overview of the rules currently in progress.

B. Executive Director

i. 2018 Legislation

Ms. Wenhold provided an overview of the following bills.

- HB 1047/SB 1486, An Act Relating to the Department of Health

The bill removes outdated language for proctoring the dental and dental hygiene examinations, removes the supervision requirement for dentists practicing on a temporary license, and removes restrictions for the dental spouse of a person serving on active duty. The bill also creates procedures for dentists to report any adverse incident occurring in or at a dental office.

- SB 1498/HB 683, An Act Relating to Dental Therapy

These bills amend various sections of the dental practice act and establishes a new licensed and regulated profession in Florida, Dental Therapy. Various amendments to the House version reduced the bill to a study on the state of affordability, access and delivery of dental care in the state of Florida.

- HB 1159, An Act Relating to Controlled Substances

This bill limits the prescribing of opioids to a 3-day supply (House version) or 7-day (Senate version), mandatory use of the PDMP, and mandatory continuing education for prescribers.

- HB 1439, An Act Relating to Instructions on Human Trafficking

This bill eliminates the continuing education requirement for domestic violence and replaces it with human trafficking.

- HB 29/SB 1884, An Act Relating to Military and Veterans Affairs

This bill removes the supervision requirement for dentists practicing on a temporary license, and removes restrictions for the dental spouse of a person serving on active duty.

- ii. Financial Reports
- iii. 2019 Proposed Meeting Dates

The following 2019 meeting dates were proposed:

February 15, 2019
May 17, 2019
August 23, 2019
November 22, 2019

Mr. Andrade mentioned President's Day weekend following February 15, 2019 so staff will look into moving this date to February 22, 2019.

Motion: by Dr. Calderone to approve
Second: by Dr. Miro
Vote: Unanimous

C. Chair

Dr. Tejera and Dr. Miro gave an update regarding the Dental Sedation training and tablet deployment on February 15, 2018. They also discussed the Chapter 14 review held in Tallahassee on December 18, 2017.

D. Board Members

- i. Ms. Cabanzon, Council on Dental Hygiene Overview
Rules 64B5-16.001 and 16.002, F.A.C.

Ms. Cabanzon provided an overview of the Council on Dental Hygiene's meeting held January 31, 2018. The following language was proposed.

64B5-16.001 Definitions of Remediable Tasks and Supervision Levels.

CURRENT WORDING

(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.

PROPOSED WORDING

(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.~~ Only dental hygienists are authorized to use laser technology (480-2940 nm wavelength) while performing remediable tasks within the dental hygienist's scope of practice. Supervision level will be determined by the remediable task for which the laser is being utilized, in accordance with Chapter 64B5-16.006, F.A.C., and Chapter 64B5-16.007, F.A.C.

64B5-16.002 Required Training.

(1) – (4) No change

(5) A dental hygienist who is a laser user must first successfully complete training that covers at a minimum laser physics, safety, and appropriate use prior to utilizing the laser. The course must be a minimum of twelve (12) hours in length, contain a hands-on opportunity, and a learning assessment instrument. At least three (3) of the twelve (12) hours must include clinical simulation laser training similar to the procedures that the hygienist will perform.

(a) Training must be obtained through a course provided or recognized by any of the following organizations (or a successor organization):

i. A Commission on Dental Accreditation (CODA) accredited institution;

ii. The American Dental Association (ADA) Continuing Education Recognition Program (CERP); or

iii. The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE).

Dr. Tejera suggested to change the outlined wavelengths.

Dr. Don Illke with the Florida Dental Association addressed the ability of a dental assistant to use a laser to etch a tooth before placing a sealant. Mr. Flynn said that the Board would assure the rule is crafted correctly to ensure that is not a task delegable to a dental assistant.

Dr. James Autoon with the FDA and Florida Association of Periodontists addressed the Board in opposition of the proposed rule.

Ms. Anita Lauramore addressed the Board with her concerns on the use of lasers.

Dr. Clayton Pesillo with the American Association of Dental Consultants addressed the Board.

Dr. Becky Smith with the Florida Dental Hygienists' Association addressed the Board.

Sue Kassoff-Carreia, President of the Florida Dental Hygienists' Association addressed the Florida Board of Dentistry
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Board.

Dr. James Carreiro with the Academy of Laser Dentistry and addressed the Board in support of the proposed rule.

Dr. Christian Berdy addressed the Board.

Dr. Thomas Bowers with the Florida Society of Oral and Maxillofacial Surgeons addressed the board.

Dr. Gary Altschuler addressed the Board.

Dr. Randy Wisal addressed the Board

After discussion, the following action was taken:

Motion: by Mr. Andrade to approve the Council's recommendations as proposed with the specified 810-1440 nanometer wavelength

Second: by Ms. Cabanzon

Vote: 3/6, motion fails

The proposal for Rule 64B5-16.002 was not discussed since this language was not approved.

ii. Dr. Calderone, CDCA/ADEX Annual Meeting Report

Dr. Calderone provided an overview the CDCA Annual Meeting held January 11-13, 2018.

Discussion

A. Florida Academy of Pediatric Dentistry Discussion of Rule 64B5-14.003(3)(a)

Mr. Bayo addressed the Board regarding approved pediatric sedation courses. Dr. Tejera suggested that the association should work to locate the appropriate courses.

XI. RULE DISCUSSION

A. Application Form Rules, Department Standardized Application

- i. Rule 64B5-2.014, F.A.C.
- ii. Rule, 64B5-2.0142, F.A.C.
- iii. Rule 64B5-2.0144, F.A.C.
- iv. Rule 64B5-2.0146, F.A.C.
- v. Rule 64B5-7.003, F.A.C.
- vi. Rule 64B5-7.005, F.A.C.
- vii. Rule 64B5-7.007, F.A.C.
- viii. Rule 64B5-9.011, F.A.C.

Ms. Wenhold also informed the Board of the Department Standardized application project that is currently in progress. It was requested the above rules be opened for development to incorporate the revised application.

Motion: by Dr. Kochenour to open the above rules for development

Second: by Dr. Fatmi

Vote: Unanimous

B. Rule 64B5-7.005, F.A.C., Teaching Permits

The following proposal is recommended from the November 16, 2017 Rules Committee Meeting:

64B5-7.005 Teaching Permits.

(1) A teaching permit shall be issued by the Board of Dentistry to a full time dental instructor of a dental program accredited by the Commission on Dental Accreditation of the American Dental Association and, except for the orthodontic specialty program at Jacksonville University, shall be located within a dental school as defined herein or in a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean if the faculty member:

(a) Has a degree in dentistry and either: 1) Is eligible to take the Florida dental licensure examination and has not failed the examination on three occasions or; 2) Was at one time eligible to take the Florida examination, and has not failed the Florida dental licensure examination on three occasions, or; 3) Has successfully completed a post-doctoral training program of at least two years in duration and accredited by the Commission on Dental Accreditation of the American Dental Association or; 4) Is not eligible to take the Florida examination, but obtained the degree from a foreign dental education program and agrees to practice dentistry only under the general supervision of a Florida licensed dentist; and,

(b) Is a full-time dental instructor; and,

(c) ~~Beginning on March 1, 2014, all new applicants must~~ Passes the Florida Dental Laws & Rules Examination; and,

(d) ~~Beginning with the March 1, 2014 biennium licensure renewal cycle, all teaching permit holder's must comply with the continuing education mandates in Rule Chapter 64B5-12, F.A.C.; and,~~

(d) ~~(e)~~ Does not engage in the practice of dentistry, except at the teaching facilities under the accredited dental program.

(2) A dental school is an educational institution that includes a predoctoral dental education program of not less than four years from which students graduate with a D.D.S. or D.M.D. degree.

(3) A teaching permit or temporary teaching permit authorizes the holder to practice dentistry at the teaching facility under the following terms and conditions:

(a) All records pertaining to the teaching practice shall be subject to review and available to the Board.

(b) Upon the Board's request, the permit holder shall submit any information the Board deems necessary to evaluate compliance with Chapters 456 and 466, F.S., and Division 64B5, F.A.C.

(c) Permits shall be in effect only as long as the holder is a full-time dental instructor and shall be automatically cancelled and nullified by the termination of the holder as a dental instructor at the teaching facility or third time failure of the Florida dental licensure examination.

(d) Teaching permits are subject to cancellation or revocation by the Board for failure to comply with Chapters 456 and 466, F.S., and Division 64B5, F.A.C.; ~~and the biennium continuing education licensure requirements.~~

(e) Pursuant to Rule 64B5-12.0135, F.A.C., teaching permit holders are exempt from the continuing education requirements.

(4) Prior to issuance of a teaching permit, each faculty member must provide proof of current CPR certification. If otherwise eligible, the faculty member will be granted a permit with the requirement that current CPR certification be obtained within 60 days. Each faculty member holding a teaching faculty permit shall maintain current CPR certification.

(5) An applicant for a teaching permit shall submit Application for Teaching Permit, form DH-MQA 1225 (07/2016), incorporated herein by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07523>, or on the Department of Health's website at <http://floridasdentistry.gov>.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to approve

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. Kochenour that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: Dr. Calderone

Vote: Unanimous

C. Rule 64B5-12.013, F.A.C., Continuing Education Requirements

(Substantial rewording of Rule 64B5-12.013, F.A.C. follows. See Florida Administrative Code for present text.) 64B5-12.013 Continuing Education Requirements; Specific Continuing Education Course Requirements; and ~~Cardiopulmonary~~ **Cardio pulmonary** Resuscitation (CPR) Certification.

(1) **Minimum Continuing Education Hours:** During each licensure biennium renewal period (biennium), dentists shall complete a minimum of 30 hours of continuing education and dental hygienists shall complete a minimum of 24 hours of continuing education.

(2) **Prevention of Medical Errors and CPR Certification:** During each biennium or for reactivation of a license the dentist and dental hygienist shall complete the following specific continuing education, training and certification:

(a) **A bBoard**-approved two (2) hour continuing education course on the prevention of medical errors. To be approved by the board, the course shall include a study of root cause analysis, error reduction and prevention, and patient safety. This course shall count towards the requirement of subsection (1).

(b) Training in cardiopulmonary resuscitation (CPR) at the basic support level, including one-rescuer and two-rescuer CPR for adults, children, and infants; the relief of foreign body airway obstruction for adults, children, and infants; the use of an automatic external defibrillator (AED); and the use of ambu-bags. The CPR training shall result in the certification or recertification by the American Heart Association, the American Red Cross or an entity

with equivalent requirements. CPR training and certification shall be taken in-person. Online training and certification shall not be accepted by the board. CPR training and certification shall not count towards the requirement of subsection (1).

(3) **Domestic Violence Continuing Education:** As a part of every third biennial licensure renewal or for reactivation of a license, the dentist and dental hygienist shall complete a board-approved two (2) hour continuing education course on domestic violence as defined in s. 741.28, F.S., which course shall cover the substantive areas set forth in s. 456.031, F.S. To be approved by the board, the course must be approved by any state or federal agency or professional association or be offered through a board-approved continuing education provider. This course shall count towards the requirement of subsection (1).

(4) **HIV / AIDS Continuing Education:** No later than upon the first licensee renewal or for reactivation of a license, a dentist and dental hygienist shall complete a board approved two (2) hour continuing education course on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS). To be approved by the board, the course shall consist of instruction on HIV/AIDS and infectious diseases pertinent to the practice of dentistry and dental hygiene ~~that which~~ shall include instruction on, but need not be limited to, viral counts, hepatitis, sterilization and infection control requirements, identification of oral lesions associated with infectious disease, how the presence of infectious disease directly affects treatment decisions of dentists, and the subject areas set forth in s. 456.033, F.S.

~~(a) Any course completed outside of Florida, which otherwise complies with this subsection (4) besides the Florida law and subject areas set forth in s. 456.033(1), F.S. shall be approved by the board if the licensee submits to the board a statement that he or she has reviewed and studied the Florida law set forth in s. 456.033(1). The course shall also consist of education on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients. However, any such course completed outside of Florida, which complies with this subsection shall be approved by the board if the licensee submits to the board a statement that he or she has reviewed and~~

studied current Florida law as required in paragraph (4)(a) and current chapters 381 and 384, F.S.

(b) Home study courses are permitted for the purposes of meeting the HIV/AIDS and infectious diseases pertinent to the practice of dentistry and dental hygiene, provided the home study ~~courses comply~~ ~~complies with~~ ~~the~~ entirety of this subsection of the rule.

(c) The HIV / AIDS course shall count towards the requirement of subsection (1).

(5) **Award of Continuing Education Credit:** Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry or dental hygiene and only if received through the following methods:

(a) ~~By taking participating in~~ courses offered by a board -approved continuing education provider. (b) ~~By taking participating in~~ courses offered by:

1. The American or National ~~Dental~~ Associations and their constituent and component and affiliate dental associations and societies, including affiliated specialty organizations or a provider organization recognized by either the American or National Dental Associations;

2. The American or National Dental Hygiene Associations and their constituent and component associations and societies;

3. The Academy of General Dentistry and its constituent and component organizations or a provider approved by the Academy of General Dentistry's National Sponsor Approval Program;

4. A dental, dental hygiene or dental assisting school accredited by the American Dental Association's Commission on Dental Accreditation;

5. A hospital, college, university, or community college, accredited by an accrediting agency approved by the United States Department of Education;

6. The American Red Cross, American Heart Association, and the American Cancer Society; and

7. An educational program or course associated with a medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education.

(c) By participating in board-approved individual study pursuant to rule 64B5-12.018, F.A.C.

(d) By participating in examination standardization exercises ~~for the examinations that are required for dental or dental hygiene licensure in Florida.~~ Dentists and dental hygienists may receive a maximum of six (6) continuing education credits per biennium for participating in the dental hygiene exercise; dentists may receive a maximum of eight (8) continuing education credits for the dental clinical exercise; and dentists may receive a maximum of

eleven

(11) continuing education credits per biennium for participating in both exercises.

(e) By participating in programs approved by the board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of six (6) ~~seven~~ (7) hours per biennium of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each 1 hour of patient services provided to approved programs.

(f) By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of eleven (11) hours of continuing education credit for completing five disciplinary cases in each biennium. By participating as an expert witness in the review of disciplinary cases, a licensee may receive a maximum of four (4) hours of continuing education credit for completing two disciplinary cases in each biennium. ~~A maximum of eleven (11) hours in any one biennium may be earned toward license renewal.~~

(g) By ~~teaching participating as part of~~ a course at a dental, dental hygiene or dental assisting school accredited by the Commission on Dental Accreditation, its successor agency or other nationally recognized accrediting agency, an adjunct, part-time faculty member may receive three (3) continuing education hours per semester/quarter by providing ~~to the board office the following requirements: application, documentation from the teaching institution, which shall include the number of the semesters/quarters the licensee taught the course.~~

(h) Up to four (4) hours of credit per renewal cycle may be earned by attending a meeting of the Board of Dentistry wherein disciplinary cases are considered. The licensee must check in with staff prior to the beginning of the disciplinary proceedings. After the conclusion of the meeting, ~~b~~Board staff will issue a certificate of attendance to the licensee. Credit hours shall be awarded on an hour for hour basis up to a maximum of four (4) hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

(i) By participating as an anesthesia inspection consultant, a licensee may receive two hours of continuing education credit each biennium.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve

Second: by Dr. Kochenour

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. Kochenour that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: Ms. Cabanzon

Vote: Unanimous

XII. DISCUSSION

A. Integrated National Board Dental Examination Implementation

Board staff will be monitoring the implementation closely so that appropriate rules changes can be made timely.

XIII. NEW BUSINESS

A. Recognition of Service as a Sedation Consultant, Dr. Richard Levine

Dr. Miro thanked Dr. Levine for his service as a Board Sedation Inspector.

B. Renewal of Annual Delegations

After discussion, the following action was taken:

Motion: by Dr. Kochenour to approve
Second: by Ms. Sissine
Vote: Unanimous

C. Licensure Ratification Lists

After discussion, the following action was taken:

Motion: by Dr. Kochenour to approve
Second: by Ms. Cabanzon
Vote: Unanimous

Under New Business, Mr. Flynn addressed the issue of ensuring internationally trained candidates are approved by Board staff for the laws and rules exams and will modify Rule 64B5-2.0146, F.A.C. to clarify this.

Motion: by Dr. Miro to approve oral amendment
Second: by Dr. Fatmi
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. Kochenour that no part of this rule or a violation of this rule should be designated as a minor violation.
Second: Ms. Cabanzon
Vote: Unanimous

The Board also discussed amendments to s. 466.006 to clarify specialty programs are not considered general dentistry programs.

Ms. Stoutamire informed the board that she will meet with her governmental affairs committee to see if amendments can be made this session.

XIV. OLD BUSINESS

A. REVIEW OF MINUTES

November 17, 2017 General Board Meeting

After discussion, the following action was taken:

Motion: by Dr. Kochenour to approve

Second: by Dr. Calderone

Vote: Unanimous

XV. ADJOURNMENT

Motion: by Dr. Fatmi to adjourn the meeting at approximately 3:00 p.m.

Second: by Dr. Calderone