

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
November 16, 2018
Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, FL 32746
(407) 995-1100
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
Matthew Freedman, DMD
Nick Kavouklis, DMD
Nick White, DMD
Angela Sissine, RDH
Fabio Andrade, Consumer Member

STAFF PRESENT

Jennifer Wenhold, Executive Director
Jessica Sapp, Program Administrator

BOARD COUNSEL

David Flynn, Esq.
Assistant Attorney General

PROSECUTION SERVICES UNIT

John Wilson, Esq.
Octavio Ponce, Esq.
Raj Misra, Esq.

COURT REPORTER

American Court Reporting
Cindy Green
3213 Hargill Drive
Orlando, Florida 32806

Dr. Tejera welcomed students from the Nova Southeastern dental program, from the Daytona State College dental hygiene program and the Valencia College dental hygiene program.

Dr. Tejera welcomed Ms. Danielle Driscoll, FADE Director, who addressed the Board regarding the effects of Hurricane Michael and Gulf Coast Community College in Panama City Beach. She requested support from the Board to help the students and support the program.

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

Dr. Tejera recognized Dr. Calderone and thanked him for his dedicated service on the Board. Dr. Calderone thanked the board and staff.

II. DISCIPLINARY PROCEEDINGS

A. Settlement Agreements

- i. Alan Farrugia, DMD, Case Nos. 2014-02193 and 2016-30321
(PCP – Thomas, Britten, Fatmi)

Dr. Farrugia was present and sworn in by the court reporter. He was represented by Michael Ragan, Esq.

Mr. Ponce summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(m), Florida Statutes, by failing to record periodontal probing depths of the abutment teeth used in the proposed bridge from teeth #5 to #12; or by failing to record any examination results or procedures performed for the patient's July 24, 2013 appointment even though respondent provided the patient with conscious sedation for at least three hours. Respondent was also charged with the following violation: Section 466.028(1)(x), Florida Statutes, by failing to identify the root file after performing the root canal procedure on the patient; by failing to inform the patient that a portion of a root canal file had broken off and had been retained within her tooth during the root canal procedure.

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

- Appearance
- Letter of Concern
- Fine of \$5,000.00 to be paid within six (6) months
- Costs of \$7,500.00 to be paid within six (6) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 7-12 hours in Endodontics
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Ms. Sissine to accept the Settlement Agreement

Second: by Dr. Miro

Vote: Unanimous

The Board accepted the submitted course as acceptable remediation for record keeping.

- ii. David Goldston, DDS, Case No. 2016-29595
(PCP – Gesek, Melzer, Calderone)

Dr. Goldston was present and sworn in by the court reporter. He was represented by Jennifer Houge, Esq.

Mr. Ponce summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by placing one or more of the mini-implants in the patient's upper and/or lower arches with too much angulation; by failing to place one or more of the mini-implants in the patients' attached gingiva or keratinized mucosa; and/or designing patient's mini-implant supported removable dentures such that they sat directly on the mini-implants themselves.

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

- Appearance
- Letter of Concern
- Fine of \$2,000.00 to be paid within twelve (12) months
- Costs of \$4,680.78 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 7-12 hours in Implants. Restricted until completion of course.
- 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 the Settlement Agreement

Second: by Ms. Cabanzon

Vote: Unanimous

Motion: by Dr. Fatmi to offer a counter agreement with the same terms but increase the fine to \$4,000.00 and remove the restriction of placing implants.

Second: by Dr. Miro

Vote: Unanimous

Dr. Goldston accepted the counter agreement on the record.

iii. Manu Sachdev, DMD, Case No. 2016-16138
(PCP – Thomas, Perdomo, Morgan)

Dr. Sachdev was present and sworn in by the court reporter. He was represented by Jeff Thompson Esq. Dr. Kavouklis recused himself from the case.

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 diagnose the failed root canal treatments and presence of decay on teeth 13 and 15 prior to using them as abutments for a bridge; and/or by failing to ensure that teeth 13 and 15 were endodontically treated and free from decay prior to using them as abutment teeth for a bridge.

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

- Appearance
- Letter of Concern
- Fine of \$2,000.00 to be paid within twelve (12) months
- Costs of \$5,000.00 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 3-6 hours in Crown and Bridge.
- Patient reimbursement of \$1,230.00 to be paid within twelve (12) months
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Miro to accept the Settlement Agreement
Second: by Ms. Sissine
Vote: Carried 8/1

iv. Rebecca Benedict, DMD, Case No. 2017-17643
(PCP – Gesek, Melzer, Calderone)

Dr. Benedict was present and sworn in by the court reporter. He was represented by John Bowen Brown, Esq.

Mr. Ponce summarized the case for the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, by placing permanent crowns on the patient's teeth 7, 8, 9, and 10 with improper margins that impinged the biologic width; and/or by placing permanent crowns on patient's teeth 7, 8, 9, and 10 with open margins.

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

- Appearance
- Letter of Concern
- Fine of \$1,000.00 to be paid within twelve (12) months
- Costs of \$3,572.29 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 3-6 hours in Diagnostic and Treatment, 3-6 hours in Periodontics, 3-6 hours in Prosthodontics
- Patient reimbursement of \$2,975.00 to be paid within twelve (12) months
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Fatmi to accept the Settlement Agreement
Second: by Ms. Cabanzon
Vote: Unanimous

v. Craig Broome, DMD, Case No. 2016-27898
(PCP – Gesek, Melzer, Calderone)

Dr. Broome was present and sworn in by the court reporter. He was represented by Richard Brooderson, Esq. Dr. Kavouklis recused himself from this case.

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 diagnose the excessive root canal material that extruded from the apex of the root of patient's tooth 31, after the retreatment on November 11, 2013, and/or, by failing to inform the patient of the excessive root canal material that extruded from the apex of the root of tooth 31 and possible symptoms.

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

- Appearance
- Letter of Concern
- Fine of \$3,000.00 to be paid within twelve (12) months
- Costs of \$2,772.27 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 3-6 hours in Diagnostic and Treatment, 3 hours in Ethics taken through an accredited college of dentistry or through a board approved CE provider.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

The Department and Respondent agreed upon an oral amendment to clarify the Ethics course must be a 3 semester hour course at an accredited college of dentistry.

Motion: by Ms. Sissine to accept the Settlement Agreement with the oral amendment

Second: by Ms. Cabanzon

Vote: Unanimous

B. Informal Hearing Not Involving Disputed Issues of Material Facts

i. William Glover III, DMD, Case No. 2015-09533

(PCP – Gesek, Britten, Calderone)

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

Mr. Misra summarized the case for the board. Respondent was charged with the following violation: Section 466.0281(m), Florida Statutes, by failing to keep written dental records documenting clinical exam results on March 18, 2015 when the Respondent observes signs of a possible perforation of the pulpal floor of tooth 3; and/or March 26, 2015 when Respondent verified the perforation of the pulpal floor of tooth 3 via radiograph.

Motion: by Ms. Sissine to adopt the investigative report into evidence in this proceeding.

Second: by Ms. Cabanzon

Vote: Unanimous

Motion: by Ms. Cabanzon to find that the Respondent was properly served and there are no disputed issues has requested an informal hearing.

Second: by Ms. Sissine

Vote: Unanimous

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

Second: by Dr. Miro

Vote: Unanimous

The Respondent does not dispute any facts.

Motion: by Ms. Cabanzon to adopt the conclusions of law as set forth in the Administrative Complaint and find that the conduct alleged constitute violations of the Practice Act

Second: by Dr. Miro

Vote: Unanimous

After discussion, the following action was taken:

The Board discussed the possibility of placing conditions on his license that include a risk management evaluation. Ms. Linda Harvey addressed the Board at their request regarding risk management options.

Mr. Wilson addressed the Board and stated that prosecution services recommends revocation due to Dr. Glover's past disciplinary which includes four previous standard of care violations and three previous record keeping violations. Prosecution believes that it is the duty of the Board to protect the public.

Motion: by Ms. Sissine to impose revocation

Second: by Mr. Andrade

Dr. Kavouklis addressed the Board and stated his opinion that Dr. Glover is beyond rehabilitation and that their duty is to protect the public.

Vote: Unanimous

Prosecution requested the Board to bifurcate the costs of \$17,430.32 because there is a factual dispute. The Board believes the cost assessed should only be attributable to the record keeping count. The case will be brought to a future board meeting for cost assessment.

Motion: by Ms. Cabanzon to assess the costs at the next board meeting.

Second: by Dr. Miro

Vote: Carried 7/2

C. Determination of Waiver

i. Joseph Ratchford, DDS, Case No. 2017-01679

(PCP – Gesek, Melzer, Miro)

Dr. Ratchford was not present or represented by counsel.

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 clean every canal in patient's tooth 3; by failing to clean every canal in patient's tooth 31, and by failing to adequately diagnose the patient's condition, which includes having one or more untreated canals and one or more tooth perforations.

Motion: by Ms. Cabanzon to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing.

Second: by Dr. Kavouklis

Florida Board of Dentistry

Meeting Minutes

November 16, 2018

Vote: Unanimous

Motion: by Ms. Cabanzon to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Ms. Cabanzon to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Ms. Cabanzon to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Fatmi

Vote: Unanimous

The Department recommended the following:

- Reprimand
- \$10,000 fine due within one (1) year
- Level II in Endodontics to be completed within one (1) year
- Level II in Diagnosis and Treatment Planning to be completed within one (1) year
- Patient reimbursement to be paid within one (1) year

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept the Department's recommendations

Second: by Dr. Fatmi

Vote: Unanimous

The Department requested the Board assess the costs of \$1,444.81 to be paid within one (1) year.

Motion: by Ms. Cabanzon to assess the costs

Second: by Dr. Fatmi

Vote: Unanimous

D. Voluntary Relinquishments

- i. Katherine Stidham, RDH, Case No. 2018-18652
(PCP Waived)

Ms. Stidham was not present nor represented by counsel. Mr. Ponce presented the case before the board which includes the following allegations: Section 466.028(1)(i)(t)(mm), Florida Statutes, and Section 456.072(1)(k)(dd)(hh), Florida Statutes.

Motion: by Dr. Miro to accept the Voluntary Relinquishment

Second: by Dr. White

Vote: Unanimous

- ii. Katherine Stidham, RDH, Case No. 2018-18985
(PCP – Gesek, Britten, Cabanzon)

Ms. Stidham was not present nor represented by counsel. Mr. Ponce presented the case before the board which includes the following violation: Section 466.028(1)(s), Florida Statutes by being unable to practice as a dental hygienist with reasonable skill and safety to patients.

Motion: by Dr. Miro to accept the Voluntary Relinquishment

Second: by Dr. Fatmi

Vote: Unanimous

- iii. Douglas Powelson, DMD, Case No. 2018-05774
(PCP Waived)

Dr. Powelson was not present nor represented by counsel. Mr. Ponce presented the case before the board which includes the following allegations: Section 466.028(1)(i)(j)(t)(x)(II)(mm), Florida Statutes, and Section 456.072(1)(k)(m)(n)(dd), Florida Statutes.

Motion: by Ms. Cabanzon to accept the Voluntary Relinquishment

Second: by Dr. Fatmi

Vote: Unanimous

III. PROSECUTION REPORT

A. John Wilson, Assistant General Counsel

Motion: by Ms. Cabanzon to allow prosecution to continue prosecuting year and older cases.

Second: Dr. Fatmi

Vote: Unanimous

IV. PETITION FOR VARIANCE OF WAIVER OF RULE

A. J. Terry Alford, DN 7883

Rule 64B5-14.0032, F.A.C.

Dr. Alford was present and sworn in by the court reporter. Dr. Alford filed a petition for a variance or waiver of Rule 64B5-14.0032, F.A.C., on August 30, 2018 requesting the Board waive the requirements for non-sedation permit holders to allow the treatment of a patient in his office, with the use of a physician anesthesiologist administering the sedation.

The Board expressed their concerns with Dr. Alford providing sedation in an office that has not been inspected and suggested other options as moving his equipment to an inspected office or performing the procedure in a hospital.

After discussion Dr. Alford withdrew his petition.

V. REVIEW OF APPLICATIONS

A. Application for Moderate Sedation Permit

i. Gerald Wasselle, DMD

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

Dr. Wasselle's appeared at the August 23, 2018 board meeting due to his training program for a Moderate Sedation permit not being through an accredited dental school or program or through an accredited teaching hospital as required by Rule 64B5-14.003(2)(d). Dr. Wasselle has filed a Petition for Variance or Waiver of Rule 64B5-14.003(2)(d) requesting that the requirements set forth in this rule be waived and the training completed along with his experience be accepted and his Moderate Sedation Permit granted.

Dr. Wasselle submitted additional sedation logs to show more recent cases he completed in Alaska.

After discussion, the following action was taken:

Motion: by to Dr. Miro grant the waiver and approve the application with a condition to complete this initial inspection within 6 months.

Second: by Dr. Fatmi

Vote: Unanimous

ii. David Yates, DMD

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

Dr. Yates appeared at the August 23, 2018 board meeting due to his training program for a Moderate Sedation permit not being through an accredited dental school or program or through an accredited teaching hospital as required by Rule 64B5-14.003(2)(d). Dr. Yates has filed a Petition for Variance or Waiver of Rule 64B5-14.003(2)(d) requesting that the requirements set forth in this rule be waived and the training completed along with his experience be accepted and his Moderate Sedation Permit granted.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to deny the petition as he did not demonstrate or show proof of administering sedation within the last two years and has not completed an accredited course to include patient cases.

Second: Ms. Cabanzon

Vote: 8/1

The Board accepted the didactic portion of his training but he has not met the clinical requirement.

Dr. Yates withdrew his application and petition.

B. Application for Dental Teaching Permit

- i. Liana Basceanu-Sarbu, DDS

This item was tabled to a future meeting

C. Application for Limited Dental License

- i. Howard Miller, DDS

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

Dr. Miller has applied for limited licensure as a Dentist. He answered yes to the application questions regarding previous litigation and previous disciplinary history. In 1998 Dr. Howard was sued for improper crown placement for a procedure completed the previous year. As a result, Dr. Howard's Virginia license was disciplined and he was ordered to complete no less than 8 hours of continuing education in periodontal evaluation and treatment. Supporting documents have been included for your review and consideration of licensure.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve the application

Second: by Dr. Fatmi

Vote: Unanimous

- ii. Richard Tennenbaum, DMD

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

Dr. Tennenbaum has applied for limited licensure as a Dentist. He has previous disciplinary history in the State of New Jersey that was not initially disclosed on his application. In 1989 Dr. Tennenbaum received a complaint regarding dental treatment consisting of three implants. As a result, Dr. Tennenbaum's New Jersey license was disciplined and he was ordered to make restitution in the amount of \$2,250.00. Supporting documents have been included for your review and consideration of licensure.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to approve the application

Second: by Ms. Cabanzon

Vote: Unanimous

D. Application for Exemption from Disqualification

- i. Constantinos Soldatos, DN 13314

Dr. Soldatos was not present. He has been disqualified to work in an AHCA regulated facility and has applied for an exemption so he is eligible to work in such a setting.

The Board requested he appear for discussion.

After discussion, the following action was taken:

Motion: by Dr. Miro to continue to the next meeting to give him an opportunity to appear

Second: by Ms. Cabanzon

Vote: Unanimous

VI. REPORTS

A. Board Counsel

i. Rules Report

Mr. Flynn summarized the rules report and congratulated the Board for completing all tasks relating to HB 21. He presented the Board with the Annual Regulatory Plan.

Motion: by Dr. Miro to ratify the Annual Regulatory Plan

Second: by Ms. Cabanzon

Vote: Unanimous

B. Executive Director

i. Financial Reports

ii. Health History Questions

Ms. Wenhold presented the revised Health History questions that were formed through a joint committee.

Motion: by Dr. Tejera to approve the questions and open the application rules for development

Second: by Ms. Cabanzon

Vote: Unanimous

Motion: by Dr. Miro to find that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Dr. Fatmi to find that that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: Dr. Miro

Vote: Unanimous

iii. Four Year Renewal Cycle

iv. ADEX Bylaws

C. Chair

Dr. Tejera requested a Board meeting conference call to finalize the anesthesia rules and restorative function rules. The Board decided on December 19 at 1:00 p.m.

D. Board Members

- i. Ms. Sissine, Rules Committee Update
 - Restorative Functions Dental Auxiliary Training

The rules committee met by conference call on October 4, 2018 and following draft was proposed:

64B5-16.0000 Delegation of Remediable Restorative Functions to Dental Hygienists and Dental Assistants

Notwithstanding any other rule provision to the contrary, a dentist may delegate remedial intraoral restorative functions to a Dental Hygienist or Dental Assistant in strict compliance with the provisions of this rule. All functions delegated under this rule shall be performed under direct supervision.

- (1) After a dentist has prepared a tooth, a dentist may delegate to a dental hygienist or dental assistant who has met the mandatory training requirements of this rule the task of placing, packing and contouring amalgam and composite restorations and the fitting and contouring of stainless steel crowns. However, stainless steel crowns may not be permanently cemented by the dental hygienist or dental assistant.
 - a. The tasks shall only be performed using a slow speed handpiece and hand instruments.
 - b. The delegating dentist shall not supervise more than four (4) auxiliaries who are simultaneously performing the tasks pursuant to this rule.
 - c. The delegating dentist shall ensure that the patient's dental chart is annotated to reflect the initials of and the tasks performed by the dental hygienist or dental assistant.
 - d. The delegating dentist shall also ensure that the patient's dental chart reflects that the final restoration was verified by the delegating dentist and the result of the verification shall also be documented.
- (2) To be eligible to complete the mandatory training in subsection (3), A dental hygienist or dental assistant (Candidate) shall meet the following conditions:
 - a. The Candidate shall be at least 18 years of age.
 - b. The Candidate shall be a high school graduate or have a High School Equivalency Certificate.
 - c. The Candidate shall have a current Basic Life Support for Healthcare Provider certificate.

- d. The Candidate, in the case of a dental hygienist, shall have an active dental hygiene license from any U.S. state or territory. The active license shall not have been suspended or revoked.
 - e. The Candidate, in the case of a dental assistant, shall be a graduate of a dental assisting program that is accredited by a dental accrediting entity recognized by the United States Department of Education or shall have received formal training in expanded duties pursuant to Rule 64B5-16.002 (1)(b), F.A.C.
 - f. Within 24 months prior to being admitted to the mandatory training course in subparagraph (3), the Candidate must have documented proof of 2400 hours of clinical work experience in either a dental office or as an educator of dental assisting or dental hygiene.
- (3) The mandatory training shall be offered by a dental or dental hygiene school or program that is accredited by a dental accrediting entity recognized by the United States Department of Education. The training must be specifically designed and implemented to comply with the provisions of this rule. The training program shall ensure that the candidate meets all the qualification in subsection (2) before accepting the candidate into the training program. At a minimum, the training shall include and contain the following:
- a. 105 clock hours including a minimum of 10 hours dedicated to preclinical didactic hours, and a clinical portion consisting of 70 hours dedicated to simulated lab and 25 hours dedicated to live patients. The preclinical didactic hours, may be offered online. At the completion of the preclinical didactic hours, the course shall require the passing of an initial written examination prior to the clinical portion of the training. A passing score shall require a score of 75 percent or above.
 - b. A clinical and lab session for Amalgam Restorations Class I and II, which shall include live patients.
 - c. A clinical and lab session for Composite Restorations Class I, II, III, and V, which shall include live patients.
 - d. A clinical and lab session to size, fit and contour, but not permanently cement, stainless steel crowns, which shall include live patients.
 - e. The training program shall verify competency by requiring an exit or final written examination and clinical examination that includes live patients. The written portion of the examination shall include a section covering the Laws and Rules of Dentistry in Florida. A passing score shall require a 75 percent or above on both the written and clinical examination and the examinations shall not be weighted to

achieve an overall score of 75 percent or better. The clock hours dedicated to the exit or final written and clinical examination shall not count towards the required minimum 105 total clock hours required by the course.

- f. Upon the successful completion of the training program, a certificate of successful completion of the Restorative Function Auxiliary Course shall be issued.
- (4) A Dentist who delegates tasks pursuant to this rule shall ensure that a copy of the training certificate is immediately available at the location where tasks are delegated and the certificate shall be produced by the dentist when requested by the Board Office or any authorized inspector.
- (5) The delegating and supervising dentist shall remain fully responsible for all delegated tasks and for ensuring that the dental assistant or dental hygienist meets the training requires of this rule.

Dr. Leiba, Florida Dental Hygienist Association president, addressed the board and asked that students be graduates of an accredited dental assisting program. He also suggested that the Board certify and track this type of provider.

After discussion, the following action was taken:

Motion: by Ms. Sissine to approve this language as orally amended and present to hygiene council

Second: by Dr. Freedman

Fatmi: friendly amendment to add certification. Ms. Sissine rejected

Vote: 7/2

Ms. Sissine requested Mr. Flynn open for development

VII. DISCUSSION

A. HB 21 Updates

i. Request for CE Approval

Mandatory continuing education on prescribing controlled substances must be completed by January 31, 2019 and each subsequent biennium.

The Board considered the continuing education course on opioid prescribing submitted by Baptist Health.

After discussion, the following action was taken:

Motion: by Dr. Miro to approve

Second: by Dr. Fatmi
Vote: Unanimous

Board staff will notify CE Broker of the approval.

ii. Latest Communication

Ms. Wenhold informed the board of the communication efforts MQA is sending out to dentists reminding them to complete the required controlled substance course or designate themselves as not being registered with the DEA on their DOH account.

The Florida Dental Association is also working on efforts to ensure compliance by January 31, 2019

B. Fee Scenarios

- i. Application Revisions
- ii. Fee Rule Revisions

Ms. Wenhold summarized the Board's current financial state and presented options the Board could consider that are within their rulemaking authority. These scenarios increase current fees (delinquent renewal fee and CE provider application and renewal fee) to the statutory fee cap and adds the licensure fee of \$300.00 to application types (residency permits, teaching permits, and temporary certificates) where currently a fee is not being imposed. It also maintains the initial licensure fee at \$300.00 as opposed to reducing it during the second half of the biennium. These proposals do not exceed the statutory fee cap.

The proposal reduces the dental hygiene licensure fee from \$80.00 to \$75.00 as the dental hygiene budget is currently healthy.

The proposal also includes an initial sedation permit fee of \$2,000.00. The fee covers the costs of completing an initial inspection, performed by the Board.

Dr. Munoz explained to the board what is entailed in an initial inspection.

The Florida Dental Association supports the fee increase and will work to educate their members.

Mr. Flynn advised the Board that they do not have authority to impose an application fee to the residency permits, teaching permits, and temporary certificates applications but do have authority to impose a permit fee.

The following rule drafts were proposed:

64B5-15.018 Initial Permit and Inspection Fees for General Anesthesia, Pediatric Moderate Sedation, and Moderate Sedation Permits.

- (1) The initial fee for a General Anesthesia Permit shall be \$200.00.
- (2) The initial fee for a Moderate Sedation Permit shall be \$200.00.

- (3) The initial fee for a Pediatric Moderate Sedation Permit shall be \$200.00.
- ~~(4) Initial permit fees may be refunded if the applicant is denied the permit without inspection.~~
- (4) The initial inspection fee for a General Anesthesia Permit shall be \$2,000.00.
- (5) The initial inspection fee for a Moderate Sedation Permit shall be \$2,000.00.
- (6) The initial inspection fee for a Pediatric Moderate Sedation Permit shall be \$2,000.00.
- (7) Initial permit fees may be refunded if the applicant is denied the permit without inspection.

64B5-15.006 Licensure and Renewal Fees.

- (1) The fee for biennial renewal of ~~both~~ a dental license and of a health access dental license, and a dental temporary certificate shall be \$300.00. The biennial renewal fee for a dental hygiene license shall be ~~\$80.00~~ \$75.00.
- (2) Initial licensure fees for a dental license, health access dental license, dental residency permit, dental teaching permit, and dental temporary certificate shall be \$300.00. The initial licensure fee for a dental hygiene license shall be \$75.00. ~~the same as renewal fees. However, applicants granted initial licensure during the second year of the biennium shall pay one half of the normal fee.~~

Motion: by Dr. Fatmi to approve the proposed fee increases, approve the proposed rule language, and open the rules for development.
 Second: by Dr. Miro
 Vote: Unanimous

The Board considered the economic impact of the changes to Rule 64B5-15.018 and determined this will have an impact. Ms. Wenhold will bring forth a SERC for consideration on the December 19 agenda.

The Board decided to set an effective date of July 1, 2019

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. This is due to the statutory mandate to cover the cost of regulation.

Motion: by Dr. Tejera to approve the revised applications
 Second: by Dr. Fatmi
 Vote: Unanimous

VIII. FOR YOUR INFORMATION

- A. Spotlight on Unlicensed Activity
- B. Elimination of Specialty Terminology
- C. FDA Mission of Mercy Event

IX. NEW BUSINESS

- A. Licensure Ratification Lists

After discussion, the following action was taken:

Motion: by Ms. Sissine to approve

Second: by Dr. Fatmi
Vote: Unanimous

B. Anesthesia Ratification List

After discussion, the following action was taken:

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

C. Election of Officers

The board elected the following:

Chair: Dr. Miro

Vice-Chair nominations: Dr. Kavouklis and Mr. Andrade. Mr. Andrade did not accept the nomination but nominated Dr. Fatmi; Dr. Fatmi accepted and Dr. Kavouklis withdrew his nomination. Dr. Fatmi continues as vice-chair.

X. OLD BUSINESS

A. Review of Minutes – August 24, 2018 Board Meeting

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

XI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 2:00 p.m.