

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
November 22, 2019
Omni Jacksonville Hotel
245 Water Street
Jacksonville, Florida 32202
(904) 355-6664
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

Claudio Miro, DDS, Chair
Nick White, DMD
Nick Kavouklis, DMD
T.J. Tejera, DMD, MD
Angela Sissine, RDH
Fabio Andrade, Consumer Member
Matthew Freedman, DMD
Naved Fatmi, DMD, Vice-Chair
Catherine Cabanzon, RDH, BASDH

STAFF PRESENT

Jennifer Wenhold, Executive Director
Jessica Sapp, Program Administrator

BOARD COUNSEL

David Flynn, Esq.
Senior Assistant Attorney General

PROSECUTION SERVICES UNIT

Chad Dunn, Assistant General Counsel
Octavio Ponce, Assistant General Counsel
Mohamad Cheikhali, Assistant General Counsel

COURT REPORTER

Precision Court Reporting, LLC
Lalonda Hall
(904) 629-5310

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. Informal Hearings

- i. Jonny A. Gomez, DR, Case No. 2019-01548
(PCP – Fatmi, Cabanzon, Morgan)

Mr. Gomez was not present. He was not represented by counsel.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 456.072(1)(o), Florida Statutes, by practicing or offering to practice beyond the scope by performing a dental extraction.

Motion: by Dr. Tejera to adopt the investigative report into evidence in this proceeding, and to find that the Respondent was properly served and has requested an informal hearing and adopt the findings of facts set forth in the Administrative Complaint.

Second: by Ms. Sissine

Vote: Unanimous

Motion: by Dr. Tejera 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 Ms. Sissine

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Tejera to impose the following penalties:

- Revocation
- Fine of \$8,000.00 to be paid within ninety (90) days

The Board discussed mitigating factors which included the facts to be egregious in that improperly running a dental practice unknown to the public, puts the public welfare and safety in danger.

Second: by Ms. Sissine

Vote: Unanimous

Motion: by Dr. Tejera to impose costs of \$777.94 to be paid within ninety (90) days

Second: by Ms. Sissine

Vote: Unanimous

- ii. Jose Felipe Eduardo, DMD, Case No. 2016-29928
(PCP – Fatmi, Britten, Morgan)

Dr. Eduardo was present and sworn in by the court reporter. He was represented by Noel Sheehan, Esq.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(x), Florida Statutes, by placing implants that cannot be properly restored and by placing implants with improper angulation.

Motion: by Dr. Tejera to adopt the investigative report into evidence in this proceeding, and to find that the Respondent was properly served and has requested an informal hearing and adopt the findings of facts set forth in the Administrative Complaint.

Second: by Dr. Freedman

Vote: Unanimous

Motion: by Dr. Tejera 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. Freedman

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Tejera to impose the following penalties:

- Letter of Concern
- Fine of \$5000.00 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: Level I (3-6 hours) in Diagnosis and Treatment Planning and Level I (3-6 hours) in Implants to be completed within twelve (12) months

Second: by Ms. Sissine

Vote: Unanimous

Motion: by Dr. Tejera to impose costs of \$1,753.33 to be paid within twelve (12) months

Second: Ms. Cabanzon

Vote: Unanimous

Motion: by Ms. Sissine to clarify that any fines and costs imposed during the meeting shall be paid within 90 days unless otherwise specified.

Second: by Dr. Tejera

Vote: Unanimous

B. Settlement Agreements

- i. Billy Gene Whitehead, Jr., DMD, Case No. 2018-09284
(PCP – Fatmi, White, Thomas)

Dr. Whitehead, Jr. was present and sworn in by the court reporter. He was represented by Lindsey Romano, Esq.

Mr. Cheikhali summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(x), Florida Statutes, by committing dental malpractice when a payment was made, on his behalf, for the indemnity in excess of \$25,000.00 due to negligent conduct as alleged in the lawsuit.

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

- Appearance
- Letter of Concern
- Fine of \$10,000.00 to be paid within six (6) months
- Costs of \$2,571.64 to be paid within six (6) months
- Continuing Education to be completed through a Florida accredited college of dentistry: Level I (3-6 hours) in Diagnosis and Treatment Planning OR a Level I (3-6 hours) course in Growth and Development.
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Dr. Tejera to reject the Settlement Agreement
Second: by Dr. Kavouklis
Vote: Carried 7/1

Motion: by Dr. Tejera to offer a counter agreement to include the original terms but reduce the fine to \$5,000.00.
Dr. Freedman added a friendly amendment to require both remedial courses
Second: Dr. Kavouklis
Vote: Unanimous

The counter agreement was accepted on the record.

ii. David Wayne Rowe II, DMD, Case No. 2016-16753
(PCP – Miro, Gesek, Melzer)

Dr. Rowe II was present and sworn in by the court reporter. He was represented by Kenneth Scaz, Esq.

Mr. Cheikhali summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(m), Florida Statutes, by incorrectly identifying the patient's tooth 2 as tooth 1 and by failing to maintain a dental record that contains sufficient information to support the non-functional diagnosis of the patient's tooth. **Count II:** Section 466.028(1)(x), Florida Statutes, by diagnosing tooth 2 as non-functional without obtaining a periapical radiograph and by failing to obtain a periapical radiograph of the complete root of tooth 16 to adequately evaluate its condition prior to the extraction.

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

- Appearance
- Letter of Concern
- Fine of \$2,500.00 to be paid within twelve (12) months
- Costs of \$6,000.00 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: Level I (3-6 hours) in Diagnosis and Treatment Planning and Level I (3-6 hours) course in Oral and Maxillofacial Surgery.
- 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 and offer a counter agreement to include the same terms of the original settlement but increase the fine to \$5000.00.
Second: by Ms. Cabanzon
Vote: Carried 7/1

The counter agreement was accepted on the record.

iii. Katie Jo Tulipano, DDS, Case No. 2013-17814
(PCP – Miro, Gesek, Melzer)

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

Mr. Simoes-Ponce 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 properly interpret the radiographs for the patient's teeth 20, 21, 29, and 30; and inappropriately devising a treatment plan for interproximal lesions on teeth 20, 21, 29, and 30 that did not exist.

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 \$4,000.00 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 3-6 hours in Diagnosis and Treatment Planning
- Successful completion of the Laws and Rules exam within twelve (12) months

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to dismiss the case

Second: by Dr. Fatmi

Vote: Unanimous

Mr. Bayo agreed to waive his attorney fees.

iv. Eric John Schuetz, DDS, Case No. 2013-10819
(PCP – Gesek, Britten, Calderone/Melzer, Ross, Britten)

Dr. Schuetz was not present.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(f), Florida Statutes, by failing to report R.M. for practicing dentistry without a license. **Count II:** Section 466.028(1)(g), Florida Statutes, by aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene. **Count III:** Section 466.028(1)(h), Florida Statutes, by being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists.

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

- Appearance
- Letter of Concern
- Fine of \$1,500.00 to be paid within three (3) years
- Costs of \$5,000.00 to be paid within three (3) years

- Continuing Education to be completed through an accredited college: 3 credit hour course in Ethics
- 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 the Settlement Agreement

Second: by Mr. Andrade

Vote: Unanimous

v. Lauren Michele Kravitz, DDS, Case No. 2015-26021
(PCP – Miro, Thomas, Ross)

Dr. Kravitz was not present. She was represented by Lance Leider, Esq.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(p), Florida Statutes, by calling in a prescription for a controlled substance outside the course of her professional practice as a dentist. **Count II:** Section 456.072(1)(a), Florida Statutes, by certifying to the PDMP on at least one occasion that S.W. was a patient under her care or that she was authorized by another practitioner to query S.W.'s data.

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

- Appearance
- Reprimand
- Fine of \$4,000.00 to be paid within twelve (12) months
- Costs of \$5,530.74 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. Freedman to accept the Settlement Agreement

Second: by Dr. Fatmi

Vote: Unanimous

vi. David S. Gaines, DDS, Case No. 2018-13132
(PCP – Fatmi, Freedman, Morgan)

Dr. Gaines was present and sworn in by the court reporter. He was represented by Jon Pellett, Esq.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(aa), Florida Statutes, by violating a lawful order of the Board previously entered by failing to timely complete with his remedial education courses or the Board's Laws and Rules exam.

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

- Appearance
- Reprimand
- Suspension until Respondent is compliant with all terms of Final Order No. DOH-17-0556-S-MQA. The suspension will be stayed for ninety (90) days.
- Continuing Education to be completed through an accredited college: 3 credit hour course in Ethics
- Costs of \$476.74 to be included in the total fine and costs due under the payment plan established with the Board
- Successful completion of the Laws and Rules exam within three (3) months

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept the Settlement Agreement

Second: by Ms. Sissine

Vote: Unanimous

- vii. Charles Emmanuel Stamitoles, DDS, Case No. 2017-20409
(PCP – Fatmi, Morgan, Britten)

Dr. Kavouklis recused himself from this case.

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

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes, by damaging the patient's tooth 20 while extracting tooth 19 such as to render the tooth non-restorable; by failing to recognize that he damaged tooth 20 while extracting tooth 19; by failing to inform the patient that he damaged tooth 20; and by paying an indemnity in the amount of \$50,00.00 based on the allegations of negligent conduct. **Count II:** Section 466.028(1)(m), Florida Statutes, by failing to document any diagnoses of complications arising from the extraction of tooth 19; and by failing to document any consultation to inform the patient of damaging tooth 19.

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

- Appearance
- Reprimand
- Fine of \$10,000.00 to be paid within twelve (12) months
- Costs of \$1,894.97 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: Level I (3-6 hours) course in Exodontia, Level I (3-6 hours) course in Diagnosis and Treatment Planning, and a Level I (3-6 hours) course in Prevention of Medical Errors; 3 hour record keeping course
- 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 the Settlement Agreement
Second: by Ms. Sissine
Vote: Unanimous

viii. Ronald Brian O'Neal, DMD, Case No. 2017-00187
(PCP – Gesek, Melzer, Calderone)

Dr. O'Neal was present and sworn in by the court reporter. He was represented by Jon Pellett, Esq.

Mr. Simoes-Ponce 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 identify that the permanent crown Respondent seated on tooth 20 had one or more open margins; by failing to identify that tooth 29 had decay that needed to be addressed before it could be saved as an abutment; by placing an abutment-supported bridge on a tooth that displayed decay; and by using a post with insufficient length for the appliance.

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

- Appearance
- Reprimand
- Fine of \$2,000.00 to be paid within twelve (12) months
- Costs of \$2,804.98 to be paid within twelve (12) months
- Continuing Education to be completed through a Florida accredited college of dentistry: 3-6 hour course in Diagnosis and Treatment Planning, and a 3-6 hour course in Prosthodontics
- Patient reimbursement in the amount of \$2,500.00 within twelve (12) months
- Successful completion of the Laws and Rules exam within twelve (12) months

Mr. Pellett indicated that the patient reimbursement was paid on October 28, 2019.

After discussion, the following action was taken:

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

ix. Jasen D. Genninger, DDS, Case No. 2018-02149
(PCP – Miro, Gesek, Morgan)

Dr. Genninger was present and sworn in by the court reporter. He was represented by Kenneth Scaz, Esq.

Mr. Cheikhali summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(s), Florida Statutes, by being unable to practice dentistry with reasonable skill and safety.

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

- Appearance
- Reprimand
- Fine of \$1,000.00 to be paid within three (3) years
- Costs of \$5,298.26 to be paid within three (3) years
- Suspension of license until he enters into the Professionals Resource Network (PRN) and complies with any and all terms and conditions imposed by PRN.
- Three credit hours in Ethics, to be taken at an accredited college
- Successful completion of the Laws and Rules exam within twelve (12) months

Dr. Groper with PRN addressed the Board regarding Dr. Genninger's current compliance with his contract. The Board found that he is in compliance with PRN and lifted the suspension.

After discussion, the following action was taken:

Motion: by Ms. Sissine to accept the Settlement Agreement

Second: by Ms. Cabanzon

Vote: Unanimous

C. Determination of Waiver

- i. Jessica Stacie Whitley, DR, Case No. 2017-20212
(PCP – Fatmi, White, Thomas)

Ms. Whitley was not present nor represented by counsel.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(mm), Florida Statutes, by violating Section 456.072(1)(k), Florida Statutes, by failing to repay one or more student loans guaranteed by the Florida Department of Education.

Motion: by Dr. Tejera 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 Ms. Sissine

Vote: Unanimous

Motion: by Dr. Tejera 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 Ms. Sissine

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 Ms. Sissine

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Tejera to impose the following penalties:

- Suspension until new payment terms are agreed upon with the Department of Education
- Fine of 10% of the loan default amount, which is \$2,471.24, to be paid within ninety (90) days of the suspension being lifted

Second: by Ms. Sissine

Vote: Unanimous

The Department requested the Board assess the costs of \$392.02 to be paid within ninety (90) of the suspension being lifted

Motion: by Ms. Sissine to impose the above costs

Second: by Dr. Tejera

Vote: Unanimous

Maria Picado, DR, Case No. 2017-16964

(PCP – Fatmi, White, Thomas)

Ms. Picado was not present nor represented by counsel.

Mr. Cheikhali summarized the case for the Board. Respondent was charged with the following violations: **Count I:** Section 466.028(1)(mm), Florida Statutes, by violating Section 456.072(1)(k), Florida Statutes, by failing to repay one or more student loans guaranteed by the Florida Department of Education.

Motion: by Dr. Tejera 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. Kavouklis

Vote: Unanimous

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

Second: by Ms. Sissine

Vote: Unanimous

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

Second: by Ms. Sissine

Vote: Unanimous

Motion: by Dr. Tejera to impose the following penalties:

- Suspension until new payment terms are agreed upon with the Department of Education
- Fine of 10% of the loan default amount, which is \$1052.43, to be paid within ninety (90) days of the suspension being lifted

Second: by Ms. Sissine
Vote: Unanimous

The Department requested the Board assess the costs of \$1,120.60 to be paid within ninety (90) of the suspension being lifted

Motion: by Ms. Sissine
Second: by Dr. Tejera
Vote: Unanimous

D. Voluntary Relinquishment

- i. Stephen Carlton Morris, DDS, Case No. 2018-23159
(PCP – Waived)

Dr. Morris was not present nor represented by counsel. Allegations include violations of Section 466.072(1)(k)(dd) and Section 466.028(1)(i)(x)(mm), Florida Statutes.

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

- ii. Anna Masnev, DR, Case No. 2018-20233
(PCP – Fatmi, Cabanzon, Morgan)

Ms. Masnev was not present nor represented by counsel.

Mr. Simoes-Ponce summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(mm), Florida Statutes by violating Section 466.0285(1)(a), Florida Statutes, for owning all or part of Affordable Dentistry and employing one or more dentist to operate the dental office.

Motion: by Dr. Tejera to accept the Voluntary Relinquishment
Second: by Dr. Freedman
Vote: Unanimous

III. PROSECUTION REPORT

- A. Chad Dunn, Assistant General Counsel

Mr. Dunn presented the prosecution report.

Motion: by Dr. Fatmi to allow prosecution to continue processing year and older cases
Second: by Dr. Miro
Vote: Unanimous

IV. PETITION FOR MODIFICATION OF FINAL ORDER

A. Nelson R. Marques, DDS

Case Nos. 2013-13083 and 2014-06823

Dr. Marques was present and sworn in by the court reporter. He was represented by Jon Pellet, Esq.

He has submitted a request to take an online continuing education course in Ethics in lieu of taking an accredited college course and has requested a 90-day extension to complete the requirement.

After discussion, the following action was taken:

Motion: by Dr. Freedman to grant the modification request

Second: by Ms. Sissine

Vote: Carried 8/1

V. PETITION FOR VARIANCE OF WAIVER OF RULE

A. Falastin Abu-Samn, DDS

Dr. Abu-Samn was present and sworn in by the court reporter. She filed a petition requesting the Board to waive the 24-month education requirement and accept the comprehensive sedation course she completed through the American Academy of Pediatric Dentistry.

i. Petition - Rule 64B5-14.003, F.A.C.

After discussion, the following action was taken:

Motion: by Dr. Tejera to grant the waiver

Second: by Dr. White

Vote: Unanimous

ii. Application for Pediatric Moderate Sedation Permit

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve

Second: by Mr. Andrade

Vote: Unanimous

B. Andrew Demos, DMD

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

He filed a petition requesting the Board waive the one-year general practice residency

requirement and instead accept a remediation course in restorative dentistry.

- i. Petition – Rule 64B5-2.021, F.A.C.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to grant the petition allowing him to take the specific remediation course outlined in the petition. The course must be completed within 120 days. Second: by Dr. Kavouklis
Vote: Carried 6/3

The Board clarified that this is a one-time waiver and if he is unsuccessful in his next exam attempt, he must take the one year continuum.

VI. REVIEW OF APPLICATIONS

A. Application for Dental License

- i. Katerina Topol, DMD

Dr. Topol was present and sworn in by the court reporter. She was represented by Edwin Bayo, Esq. She was requested to appear due to her disciplinary history.

After discussion, the following action was taken:

Motion: by Ms. Sissine to approve her application for licensure
Second: by Dr. Tejera
Vote: Unanimous

B. Application for Dental Hygiene Credentials Review

- i. Mustafa Sameer Al-Mahdawi, BDS

Dr. Al-Mahdawi earned his dental degree from the University of Babylon in Iraq in 2013. He has submitted a dental hygiene credential review application and requested the Board to approve him for the ADEX exam without submitting a Subject Analysis Credentials Review. He is unable to obtain his education documents from Iraq but has submitted a credential summary from Educational Credentials Evaluators, Inc. indicated his dental degree is equivalent to an accredited degree in the United States.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept his proof of education and grant approval for the dental hygiene ADEX exam.
Second: by Dr. White
Vote: Unanimous

C. Application for Moderate Sedation Permit

- i. Jose Rodriguez Lantigua, DMD

Dr. Lantigua waived the 90-day requirement and requested his application be tabled to the February board meeting.

D. Application for Exemption from Disqualification from Employment

- i. Regina H Saenz, DN15235

Dr. Saenz was present. She has been disqualified to work in an AHCA regulated facility and has applied for an exemption so she is eligible to work in such a setting.

After discussion, the following action was taken:

Motion: by Dr. Tejera to grant the exemption

Second: by Ms. Sissine

Vote: Unanimous

VII. REQUEST FOR EVENT APPROVAL PURSUANT TO s. 466.002, F.S.

- A. SmileFaith, Inc.

Tom Lane, president of SmileFaith, Inc. presented to the Board and answered questions the Board had at its August 2019 meeting.

After discussion, the request was withdrawn

VIII. REPORTS

A. Board Counsel

- i. Rules Report

Mr. Flynn provided the Board with a current status of the rules currently in process.

- ii. Directives to Agencies

Motion: by Dr. Tejera to comply with all directives except number five. Directive number five will be taken on a case by case basis.

Second: by Ms. Sissine

- iii. Chapter 14 JAPC Letter

The Board delegated authority to Dr. Tejera to assist Mr. Flynn in responding to JAPC's questions.

Dr. Andy Brown, FDA, presented to the Board regarding telehealth options and requested a workshop to discuss telehealth guidelines.

B. Executive Director

- i. Legislation Update

Ms. Wenhold provided a summary of the following bills:

SB 230 – An act relating to the Department of Health, which includes revisions to s. 466, F.S., allowing for dentists licensed in other states to grade the exam, reenacting s. 466.0067, F.S., relating to health access dental licensure, and codifying the adverse incident rule into statute.

SB 152 – An act relating to dental therapy

SB 932 – An act relating to executive appointments

HB 707 – An act relating to legislative review of occupational regulations

HB 729 – An act relating to regulatory reform

SB 1032 – An act relating to licensure examination for dental practitioners

ii. Financial Reports

These were provided as informational

C. Chair

D. Board Members

i. Ms. Cabanzon

- Council on Dental Hygiene Update

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 shall be \$300.00. The biennial renewal fee for a dental hygiene license shall be ~~\$80.00~~ **\$75.00**.

(2) Initial licensure fees shall be 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 Ms. Sissine to approve the proposed language

Second: by Ms. Cabanzon

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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

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

(1) Remediable tasks, also referred to as expanded functions of **dental hygienists and dental assistants, which are enumerated in Rule 64B5-16.006, 16.0061, 16.005 and 16-0051**, 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 leaser device of any type is not a remediable task, unless utilized as an assessment device.

(2) - (9) No changes

Motion: by Dr. Fatmi to approve the proposed language

Second: by Dr. Miro

Vote: Unanimous

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

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

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

Gingival curettage.

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

(a) Fabricating temporary crowns or bridges intra-orally which shall not include any adjustment of occlusion to the appliance or existing dentition;

(b) Selecting and pre-sizing orthodontic bands, including the selection of the proper size band for a tooth to be banded which does not include or involve any adapting, contouring, trimming or cementing or otherwise modifying the band material such that it would constitute fitting the band;

(c) Selecting and pre-sizing archwires prescribed by the patient's dentist so long as the dentist makes all final adjustments to bend, arch form determination, and symmetry prior to final placement;

(d) Selecting prescribed extra-oral appliances by pre-selection or pre-measurement which does not include final fit adjustment;

(e) Preparing a tooth surface by applying conditioning agents for orthodontic appliances by conditioning or placing of sealant materials which does not include placing brackets;

(f) Packing and removing retraction cord, so long as it does not contain vasoactive chemicals and is used solely for restorative dental procedures;

(g) Removing and re-cementing properly contoured and fitting loose bands that are not permanently attached to any appliance;

(h) Inserting or removing dressings from alveolar sockets in post-operative osteitis when the patient is uncomfortable due to the loss of a dressing from an alveolar socket in diagnosed cases of post-operative osteitis; and,

(i) Apply bleaching solution, activate light source, monitor and remove in-office bleaching materials.

(3) The following remediable task may be performed by a dental hygienist who has received on-the-job training and who performs the task under Direct supervision: Changing of bleach pellets in the internal bleaching process of non-vital, endodontically treated teeth after the

placement of a rubber dam. A dental hygienist may not make initial access preparations.

(4) Administration of Local Anesthesia:

(a) Notwithstanding section 466.003(11), F.S., the administration of local anesthesia becomes a remediable and delegable task if a Florida licensed dental hygienist has been appropriately certified by the Board and has received a certificate from the Florida Department of Health authorizing the dental hygienist to administer local anesthesia in compliance with and pursuant to section 466.017(5), F.S. Upon the issuance of the certificate, the hygienist will be referred to as a Certified Registered Dental Hygienist.

(b) Under Direct supervision, a CRDH may administer local anesthesia in accordance with the following:

1. The patient must be eighteen years of age or older,
2. The patient must not be sedated; and,
3. The CRDH may administer intraoral block and soft tissue infiltration anesthesia.

(c) A Registered Dental Hygienist may apply for certification as a Certified Registered Dental Hygienist after completion of the required education mandated by section 466.017(5), F.S., and in accordance with rule 64B5-14.003, F.A.C.

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

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

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

- (a) Placing or removing rubber dams;
- (b) Placing or removing matrices;
- (c) Applying cavity liners, varnishes or bases;

(d) ~~Taking Making~~ impressions for study casts which are not being made for the purpose of fabricating any intra-oral appliances, restorations or orthodontic appliances;

(e) ~~Taking Making~~ impressions to be used for creating opposing models or the fabrication of bleaching stents and surgical stents to be used for the purpose of providing palatal coverage as well as impressions used for fabrication of topical fluoride trays for home application;

(f) Taking of impressions for and delivery of at-home bleaching trays;

(g) Securing or unsecuring an archwire by attaching or removing the fastening device;

(h) Taking impressions for passive appliances, occlusal guards, space maintainers and protective mouth guards;

(i) Marginating restorations with finishing burs, green stones, and/or burlew wheels with slow-speed rotary instruments which are not for the purpose of changing existing contours or occlusion;

(j) Cementing temporary crowns and bridges with temporary cement;

(k) Monitor the administration of the nitrous-oxide oxygen making adjustments only during this administration and turning it off at the completion of the dental procedure; and,

(l) Using adjunctive oral cancer screening medical devices approved by the U.S. Food and Drug Administration.

Motion: by Dr. Miro to approve the approve moving subsections (2)(i) and (6)(d)(e)(f)(h) to general supervision and to change "making" impressions to "taking" impressions.

Second: by Dr. Tejera
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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

- ADEX Annual Meeting

ii. Dr. Tejera

- Chapter 14, F.A.C. Updates

Rules 64B5-14.001, 14.002, 14.0025, 14.003, 14.0032, 14.0036, 14.004, 14.005, 14.006, 14.007, 14.008, 14.009, 14.010, F.A.C.

The Board discussed the letter received from the Joint Administrative Procedures Committee (JAPC) and considered revised language for the following rules:

64B5-14.001 Definitions.

(1) through (12) No Change from the Notice of Proposed Rule

(12) Physician anesthesiologist – Any physician licensed pursuant to Chapter 458 or 459, F.S., who is currently board certified or board eligible by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology, or currently holds anesthesia clinical privileges in a hospital or ambulatory surgical facility licensed pursuant to Chapter 395 and such privileges are commensurate with the anesthesia being provided in a dental office (e.g., pediatric anesthesia privileges if pediatric patients are being treated in the dental office). ~~is credentialed to administer anesthesia in a hospital or ambulatory surgical facility licensed pursuant to Chapter 395, F.S. by the Department of Health.~~

(13) through (14) No Change from the Notice of Proposed Rule

Motion: by Dr. Tejera to approve the proposed changes
Second: by Dr. White
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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

64B5-14.0025 Application for Permit.

(1) No Change from the Proposed Rule Notice

(2) An applicant for any type of anesthesia permit must submit proof of:

(a) Training in the particular type of anesthesia listed in Rule 64B5-14.003, F.A.C.; and,

(b) Documentation of actual clinical administration of anesthetics to 20 dental or oral and maxillofacial patients within two (2) years prior to application of the particular type of anesthetics

for the permit applied for. An applicant for a pediatric moderate sedation permit who completed the actual clinical demonstration of anesthetics more than two (2) years prior to the submission of the application shall be entitled to a permit licensure if the applicant also submits documentation of having completed the American Academy of Pediatric Dentistry's comprehensive course on the Safe & Effective Sedation for the Pediatric Dental Patient. This course shall be completed within six (6) months of prior to the submission of the pediatric moderate sedation permit application.

(3) Through (8): No Change from the Proposed Rule Notice

Motion: by Dr. Tejera to approve the proposed changes

Second: by Dr. Miro

Vote: Unanimous

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

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

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

(1) (a) through (b): No Change from the Proposed Rule Notice.

(c) A dentist employing or using general anesthesia or deep sedation and all assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent Agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one person CPR, two person CPR, infant resuscitation and obstructed airway, with a periodic update not to exceed two years. ~~Starting with the licensure biennium commencing on March of 2000, A~~ a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing general anesthesia or deep sedation must be currently trained in ACLS (Advanced Cardiac Life Support) ~~or ATLS (Advanced Trauma Life Support).~~ Effective March 1, 2022, if treating a patient 7 years of age or under the age of 7, a dentist utilizing any level of sedation must be currently trained in PALS (Pediatric Advanced Life Support).

(d) through (e) No Change from the Notice of Proposed Rule

(2) Moderate Sedation Permit.

(a) through (d) No Change from the Notice of Proposed Rule

~~(e)(f)~~ A dentist utilizing moderate sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one person CPR, two person CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. ~~Starting with the licensure biennium commencing on March of 2000, a~~ A dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing moderate sedation must be currently trained in ACLS (Advanced Cardiac Life Support) ~~or ATLS (Advanced Trauma Life Support).~~ Effective March 1, 2022, if treating a patient 7 years of age or under the age of 7, a dentist utilizing moderate sedation must be currently trained in PALS (Pediatric Advanced Life Support).

(f)(g) No change.

(g)(h) Dentists permitted to administer moderate sedation may also administer pediatric moderate sedation in compliance with Rule 64B5-14.010, F.A.C.

(3) Pediatric Moderate Sedation Permit.

(a) To be eligible for a permit to authorize the use of pediatric moderate sedation at a specified practice location or locations on an outpatient basis for dental patients, the dentist shall comply with Rules 64B5-14.0025, F.A.C., and A permit shall be issued to a dentist authorizing the use of pediatric moderate sedation at a specified practice location or locations on an outpatient basis for dental patients provided such dentist:

(b) through (c) No Change from the Proposed Rule Notice (Discuss Coding with Board).

(4) Nitrous-Oxide Inhalation Analgesia.

(a) through (d) No Change from the Proposed Rule Notice

(e) Dental assistants and dental hygienists may monitor nitrous-oxide inhalation analgesia under the indirect direct supervision of a dentist if the dental assistant or dental hygienist has complied with the training requirements in Rule 64B5-14.003(4)(b) and has completed, at a minimum, a two-day course of training as described in the American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" or its equivalent. After the dentist has induced a patient and established the maintenance level, the assistant or hygienist may monitor the administration of the nitrous-oxide oxygen making only diminishing adjustments during this administration and turning it off at the completion of the dental procedure.

(5) No Change from the Proposed Rule Notice

Motion: by Ms. Cabanzon to approve the proposed changes

Second: by Ms. Sissine

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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

Ms. Stoutamire requested clarification in subsection (1)(c) as to whether this includes the use of nitrous oxide analgesia.

The Board allowed Mr. Flynn to make necessary changes to the rule coding.

64B5-14.0032 Itinerate/Mobile Anesthesia – Physician Anesthesiologist.

The provisions of this rule control the treatment of dental patients in an outpatient dental office setting where a physician anesthesiologist has performed the sedation services. This rule shall control notwithstanding any rule provision in this chapter that prohibits such conduct. The level of sedation is not restricted to the level of the permit held by the treating dentist. The level of sedation may be any level necessary for the safe and effective treatment of the patient.

(1) General Anesthesia Permit Holders:

A dentist who holds a general anesthesia permit may treat their adult, pediatric, or special needs patients when a physician anesthesiologist performs the sedation services. The following conditions shall apply:

(a) No Change from Notice of Proposed Rule

(b) A physician anesthesiologist shall only have one patient at a time induced. A second patient shall not be induced until the first patient has been discharged out of the dental office or is arousable, spontaneously breathing, has stable vital signs and is under the care of a licensee or assistant that is trained in anesthesia recovery.

~~(b) The physician anesthesiologist shall have no other patient induced with anesthesia or begin the performance of any other anesthesia services until the patient is discharged;~~

(c) No Change from the Notice of Proposed Rule

(2) Pediatric Moderate Sedation Permit Holders:

A pediatric dentist, as recognized by the American Dental Association, who holds a pediatric Moderate sedation permit may treat their pediatric or special needs dental patients when a physician anesthesiologist performs the sedation services. The following conditions shall apply:

(a) No change.

(b) A physician anesthesiologist shall only have one patient at a time induced. A second patient shall not be induced until the first patient has been discharged out of the dental office or is arousable, spontaneously breathing, has stable vital signs and is under the care of a licensee or assistant that is trained in anesthesia recovery.

~~(b) The physician anesthesiologist shall have no other patient induced with anesthesia or begin the performance of any other anesthesia services until the patient is discharged;~~

(c) through (e): No Change from Notice of Proposed Rule

(3) Moderate Sedation Permit Holders:

A dentist who holds a moderate sedation permit may treat their adult or adult special needs dental patients when a physician anesthesiologist performs the sedation services. The following conditions shall apply:

(a) No change.

(b) A physician anesthesiologist shall only have one patient at a time induced. A second patient shall not be induced until the first patient has been discharged out of the dental office or is arousable, spontaneously breathing, has stable vital signs and is under the care of a licensee or assistant that is trained in anesthesia recovery.

~~(b) The physician anesthesiologist shall have no other patient induced with anesthesia or begin the performance of any other anesthesia series until the patient is discharged;~~

(c) Through (e) No Change from the Proposed Rule Notice

(4) No Change from the Proposed Rule Notice

(5) Staff or Assistants:

A dentist treating a patient pursuant to this rule must have at least three (3) properly credentialed individuals present as mandated in Rule 64B5-14.003, F.A.C. to fulfill the mandatory minimum required personnel requirements of Rule 64B5-14.003, F.A.C., an physician anesthesiologist assistant licensed pursuant to section 458.3475, F.S. or section 459.023, F.S. or a certified registered nurse anesthetist, in addition to, or in lieu of a dental assistant or dental hygienist, may be utilized. However, the dentist must have a dedicated member of the team to assist in the dental procedure or during dental emergencies.

(6) through (7) No Change from the Proposed Rule Notice

Motion: by Dr. White to approve the proposed changes
Second: by Ms. Sissine
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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

64B5-14.006 Reporting Adverse Occurrences.

(1) through (7) No Change from Proposed Rule Notice

~~(8) When a patient death or other adverse occurrence as described in subsection 64B5-14.006(1), F.A.C., is reported to the board Department pursuant to this rule 64B5-14.006, F.A.C., the initial report shall be transmitted to the Chairman of the Board's Probable Cause Panel or another designated member of the Probable Cause Panel to determine if there is legal sufficiency that there has been a violation of the practice act. If so, the Adverse Incident Report shall be referred to the Department of Health, Consumer Services Unit as a compliant and the provision of section 456.073, F.S. shall control.~~

Motion: by Dr. White to approve the proposed changes
Second: by Ms. Sissine
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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

64B5-14.007 Inspection of Facilities and Demonstration of Sedation Technique.

(1) through (3) No Change for the Proposed Rule Notice

~~(4)(3) Any dentist who has applied for or received a general anesthesia permit, moderate sedation permit, or pediatric moderate sedation permit shall be subject to announced or unannounced routine onsite inspection and evaluation by an inspection consultant. Routine inspections shall be conducted, at a minimum of, every three years. The routine inspection shall include: This inspection and evaluation shall be required prior to issuance of an anesthesia permit. However, if the Department cannot complete the required inspection prior to licensure, such inspection shall be waived until such time that it can be completed following licensure.~~

(a) through (b) No Change from the Proposed Rule Notice

~~(c)(7) Upon a determination of the inspection consultant that a permit holder has received a failing grade and that the permit holder has not chosen to exercise his option by taking immediate remedial action within the 20 day time period and submitting to reinspection, or reinspection has established that remedial action has not been accomplished, the inspection consultant shall refer the permit holder to the Department of Health, Consumer Services Unit, wherein the disciplinary provision of section 456.073, F.S. shall control, determine whether the deficiencies constitute an imminent danger to the public. Should an imminent danger exist, the consultant shall report his findings to the Executive Director of the Board. The Executive Director shall immediately request an emergency meeting of the Probable Cause Panel. The Probable Cause Panel shall determine whether an imminent danger exists and upon this determination of imminent danger~~

~~request the Secretary of the Department to enter an emergency suspension of the anesthesia permit. If no imminent danger exists, the consultant shall report his findings to the Probable Cause Panel for further action against the permit holder. Nothing herein is intended to affect the authority of the Secretary of the Department to exercise his emergency suspension authority independent of the Board or the Probable Cause Panel.~~

(5) through (6): No Change from the Proposed Rule Notice

Motion: by Dr. Miro to approve the proposed changes

Second: by Ms. Cabanzon

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.

The Board determined that no part of this rule or a violation of this rule should be designated as a minor violation.

IX. DISCUSSION

A. CDCA Updates, Alex Vandiver, Chief Executive Officer

Alex Vandiver, CDCA Chief Executive Officer and Harvey Weingarten, DDS, CDCA Board of Directors Chair, presented to the Board on the CDCA's mission, statistics, and updates to the exam.

B. Request from Puerto Rico Board of Dental Examiners

The Board determined that by rule, there is no power or authority to accept their exam. The request requires legislative change.

X. FOR YOUR INFORMATION

A. CDCA Advances Technology in Dental OSCE Testing

B. Spotlight on ULA – Winter 2019

XI. NEW BUSINESS

A. 2020 Elections

Dr. Tejera nominated Dr. Fatmi. Dr. Fatmi accepted

Second: Ms. Cabanzon

Vote: Unanimous

Dr. Tejera nominated Dr. White. Dr. White accepted

Second: Ms. Cabanzon

Vote: Unanimous

B. Licensure Ratification Lists

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

C. Anesthesia Ratification List

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

XII. OLD BUSINESS

A. Approval of Board Meeting Minutes – August 23, 2019

Motion: by Dr. Tejera to approve
Second: by Mr. Andrade
Vote: Unanimous

XIII. ADJOURNMENT

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