

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
TELEPHONE CONFERENCE CALL
August 21, 2020
8:00 a.m. ET
Call In Number: (888) 585-9008
Conference Code: 599-196-982(#)**

Attendees requesting continuing education credit for attending the Board of Dentistry's teleconference call must email MQA.Dentistry@flhealth.gov with your full name, license number and the beginning and end time of your attendance.

I. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT

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

STAFF PRESENT

Jessica Sapp, Executive Director
Paulette Schofill, Program Administrator

BOARD COUNSEL

David Flynn
Senior Assistant Attorney General

COURT REPORTER

For the Record
(850) 222-5491

PROSECUTION SERVICES UNIT

Octavio Ponce, Assistant General Counsel
Kelly Fox, Assistant General Counsel
Chad Dunn, Chief Legal Counsel

II. DISCIPLINARY PROCEEDINGS

A. Settlement Agreements

- i. Harold Goodman, DN, Case No. 2018-17216
(PCP – Fatmi, Morgan, Britten)

Dr. Fatmi was recused.

Dr. Goodman was present. He was represented by Edwin Bayo, Esq.

Ms. Fox presented the case to the board. The Respondent was charged with the following violation(s): **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 verify the fit and seal of patient's permanent crown before seating; failing to adequately assess and correct patient's permanent crowns once the fit and seal had been compromised; failing to properly

position the margin of the permanent crown on teeth 29 and 30; by seating crowns with bulky margins, poor contours, and poor occlusion; by failing to assure occlusal contacts on crowns 19, 20, 28, 29, 30, and 31; by not assuring the posterior occlusion provided support and was mutually protective; by failing to check for heavy contact on anterior teeth. **Count II:** Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment.

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 of the filing of the Final Order
- Costs of \$3,293.58 to be paid within twelve (12) months of the filing of the Final Order
- Successful completion of a Level I (3-5 credit) course in Crowns and Bridges; a Level I (3-5 credit) course in Record keeping, and a Level I (3-5 credit) in Treatment Planning within twelve (12) months. Courses to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order
- Respondent shall refund to the patient the amount of “out of pocket” fees and costs in the amount of \$2,550.00 within twelve (12) months of the entry of the Final Order

Mr. Bayo requested that the Board modify the agreement to allow Dr. Goodman twenty-four months to pay his costs, fine and complete the educational requirements.

Dr. Miro made an oral amendment to allow twenty-four months to complete costs, fine and educational requirements.

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept the Settlement Agreement with the oral amendment

Second: by Dr. Freedman

Vote: Unanimous

- ii. Kevon Rennie, DN, Case No. 2018-03586
(PCP – Fatmi, Thomas, Calderone)

Dr. Fatmi was recused.

Dr. Rennie was present. He was represented by Kevin Mercer, Esq.

Ms. Fox presented the case to the board. Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment by failing to document report of a consultation with the patient about the risks and benefits of an Immediate Denture; the anesthetic used; the type of injection and the number of cartridges used; and any prescription medication, dosage, instruction.

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 six (6) months of the filing of the Final Order
- Costs of \$3,146.20 to be paid within six (6) months of the filing of the Final Order
- Successful completion of a Level I (3-6 credit) course in Record keeping. Course to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept the Settlement Agreement

Second: by Dr. Tejera

Vote: Unanimous

- iii. Jeremy David Kay, DN, Case No. 2016-19284
(PCP - Thomas, Morgan, Perdomo)

Dr. Kay was present. He was represented by Dennis Vandenburg, Esq.

Mr. Ponce presented the case to the board. Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history justifying the course of treatment. **Count II:** Section 466.028(1)(o), Florida Statutes, by performing professional services which have not been duly authorized by the patient by extracting tooth 14 which was not duly authorized by the patient. **Count III:** Section 466.028(1)(x), Florida Statutes, by failing to meet the minimum standards of performance in diagnosis and treatment by failing to conduct appropriate testing to evaluate patient's dental condition and by failing to develop appropriate treatment options for patient's condition.

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

- Appearance
- Letter of Concern
- Fine of \$4,000.00 to be paid within one (1) year of the filing of the Final Order
- Costs of \$3,300.00 to be paid within one (1) year of the filing of the Final Order
- Successful completion of a Level I (3-6 hours) in Treatment Planning to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order and successful completion of a Level I (3 hours) course in Record keeping. Courses to be completed in person at or through a Florida accredited dental college or university or board-approved continuing education provider within twelve (12) months of the filing of the Final Order.
- Respondent shall refund to the patient the amount of "out of pocket" fees and costs in the amount of \$250.00 within one (1) year of the entry of the Final Order

After discussion, the following action was taken:

Motion: by Dr. Tejera to reject the settlement agreement
Second: by Dr. Fatmi
Vote: Unanimous

Motion: by Dr. Freedman to offer a counter agreement to dismiss count II and III, remove the patient reimbursement, remove the continuing education in Treatment Planning, and lower the fine to \$2,000.00. All other terms shall remain the same.

Second: by Dr. Tejera
Vote: Carried 8/1. Mr. Andrade opposed.

Dr. Kay shall accept or reject the counter settlement agreement within ten (10) days of filing.

iv. Durgeshkumar Dhirajlal Thaker, DN, Case no. 2017-22892
(PCP – Miro, Morgan. Perdomo)

Dr. Miro was recused.

Dr. Thaker was present. He was not represented by counsel.

Mr. Ponce presented the case to the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, for failing to meet the minimum standards of performance in diagnosis and treatment by failing to diagnose one or more canals in tooth 30; failing to diagnose one or more canals in tooth 31; and by failing to obturate as near as possible to the apical foramen in one or more canals respondent treated in tooth 31. Patient refund was previously provided.

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 thirty-six (36) months of the filing of the Final Order
- Costs of \$4,121.28 to be paid within one (1) year of the filing of the Final Order
- Successful completion of a Level III (13-18 hours) in Endodontics to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept the Settlement Agreement
Second: by Mr. Andrade
Vote: Unanimous

v. Diane Hahn Tran, DN, Case No. 2019-12608
(PCP – Miro, Britten)

Dr. Tran was present. She was represented by Pierre Seacord, Esq.

Mr. Ponce presented the case to the board. Respondent was charged with the following violation: Section 466.028(1)(x), Florida Statutes, for failing to meet the minimum standards of performance in diagnosis and treatment by failing to obtain a full mouth series of x-rays from May 1, 2009 through January 29, 2014 which prevented the viewing of any potential pathology and failing to meet the minimum standard of care regarding the diagnostic quality of the existing radiographic record.

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 one (1) year of the filing of the Final Order
- Costs of \$4,399.08 to be paid within one (1) year of the filing of the Final Order
- Successful completion of Level I (3-6 hours) course in Pathology and a Level I (3-6 hours) in Diagnosis and Treatment Planning to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

After discussion, the following action was taken:

Motion: by Dr. Tejera to dismiss the case

Second: by Dr. Freedman

Vote: Carried 8/1. Mr. Andrade oppos

- vi. Charles S. Mandell, DN, Case No. 2019-02270
(PCP – Tejera, Gesek, Morgan)

Dr. Tejera and Dr. Miro were recused.

Dr. Mandell was present. He is represented by Michael Ragan, Esq.

Ms. Fox presented the case to the board. Respondent was charged with the following violations: Section 466.028(1)(x), Florida Statutes, for failing to meet the minimum standards of performance in diagnosis and treatment by failing to center implant #11 in patient's residual ridge by placing it too far towards the buccal side and failing to place implant #11 at the proper angulation by placing the implant in a position that would not support an esthetic and functional future restoration.

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

- Appearance
- Letter of Concern
- Fine of \$4,000.00 to be paid within one (1) year of the filing of the Final Order
- Costs of \$2,622.87 to be paid within one (1) year of the filing of the Final Order
- Successful completion of Level I (3-6 hours) course in Implants to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order

- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order
- Respondent shall refund to the patient the amount of “out of pocket” fees and costs in the amount of \$1,474.00 within one (1) year of the entry of the Final Order

After discussion, the following action was taken:

Motion: by Mr. Andrade to reject the Settlement Agreement

Second: by Dr. Fatmi

Vote: Unanimous

Motion by: Dr. Fatmi to offer a counter agreement to include all of the original terms with the exception to increase the total fine to \$5,000 and add a Level I in Diagnosis and Treatment Planning

Second: Mr. Andrade

Vote: Unanimous

The counter Settlement Agreement was accepted on the record by Dr. Mandell.

B. Determination of Waiver

- i. Osvaldo Herrera, DR, Case No. 2018-22877
(PCP – Miro, Britten, Cabanzon)

Dr. Miro and Ms. Cabanzon were recused.

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

Mr. Ponce presented the case to the board. Respondent is charged with the following violation(s): **Count I:** Section 466.028(1)(mm), Florida Statutes, by violating an provision of this chapter or chapter 456; 456.072(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of not guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates the practice of, or the ability to practice, a licensee’s profession, respondent has entered a guilty plea to, and had adjudication withheld for, third degree felony Practicing Dentistry Without a License. **Count II:** Section 466.028 (1)(mm), Florida Statutes, by violating an provision of this chapter or chapter 456; 456.072(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of not guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates the practice of, or the ability to practice, a licensee’s profession, respondent has entered a guilty plea to, and had adjudication withheld for, third degree felony False Imprisonment.

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 Dr. White

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 Dr. White

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 Dr. White

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: Dr. White

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Tejera to revoke Respondent's license

Second: by Dr. White

Vote: Unanimous

Motion: by to Dr. Tejera to impose costs in the amount of \$1,442.08

Second: Dr. White

Vote: Unanimous

- ii. Ivan Cecil Graham, DN, Case No. 2018-07212
(PCP – Fatmi, Freedman, Morgan)

Dr. Fatmi and Dr. Freedman are recused

Dr. Graham was present. Dr. Graham was represented by Amber Tracey, Esq.

Ms. Fox summarized the case for the Board. The Respondent was charged with the following violation: **Count I:** Section 466.028 (1)(x), Florida Statutes, by failing to remove the retained roots at the extraction site; and/or by failing to diagnose there were retained root tips at the extraction sites; and/or by failing to refer the patient to another dentist or oral surgeon to assess or remove the remaining roots.

This case was previously heard by the board. At the February meeting, all facts were accepted into evidence. Respondent was not present and was granted a continuance until the May 15, 2020 meeting. At the May meeting, all facts were again accepted into evidence and the board had begun to entertain the issues of penalty. At this time, Respondent raised issues regarding a missing radiograph. The board granted a continuance until the August 21, 2020 board meeting. The Department attempted to obtain a copy of the missing radiograph and was provided an identical record of what had previously been provided with the exception of a CD that contained a CT scan. This scan is not noted in Respondent's record. The Department is asking that the Board move forward with the penalty phase as all other motions have been adopted and approved.

After discussion, the following action was taken:

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

- Reprimand
- Fine of \$10,000 to be paid within 12 months

- Level I (3-6 hours) course in Prosthodontics to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order.
- Level II (7-12 hours) course in Oral Surgery to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order.
- Laws and Rules exam to be completed within 12 months
- Costs in the amount of \$931.88

Second: by Mr. Andrade

Vote: Unanimous

Dr. Kavouklis asked for a friendly amendment to reduce the fine to \$8,000.00 to be paid within 18 months and for the remediation to be completed within 18 months.

Accepted by Dr. Tejera

Second by Mr. Andrade

Vote: Unanimous

Motion: by Ms. Cabanzon to impose costs in the amount of \$931.88 to be paid within 18 months.

Second: Mr. Andrade

Vote: Unanimous

C. Voluntary Relinquishment

- i. Gene F. Stout, DN, Case No. 2018-12512

(PCP was waived)

Dr. Stout was not present. He was not represented by counsel. He allegedly violated Section 456.072(1)(k)(dd), Florida Statutes, and Section 466.028(1)(i)(m)(x)(mm), Florida Statutes.

Motion: by Ms. Cabanzon to accept the voluntary relinquishment for Case No. 2018-12512.

Second: by Dr. Miro

Vote: Unanimous

- ii. Quinton Lee Hedgepeth, DN, Case No. 2018-10173

(PCP was waived)

Dr. Hedgepeth was not present. He was not represented by counsel. He was/was not represented by counsel. He allegedly violated Section 456.072(1)(k)(dd), Florida Statutes, and Section 466.028(1)(i)(x)(mm), Florida Statutes.

Motion: by Ms. Cabanzon to accept the voluntary relinquishment for Case No. 2018-10173

Second: by Dr. Miro

Vote: Unanimous

- iii. Cherie Anne Marceau, DR, Case No. 2017-18974

(PCP – Fatmi, White, Thomas)

Dr. Fatmi and Dr. White were recused.

Ms. Marceau was not present. She was not represented by counsel. She allegedly violated Section 456.072(1)(c), Florida Statutes, and Section 466.028(1)(x), Florida Statutes.

Motion: by Ms. Cabanzon to accept the voluntary relinquishment for Case No. 20170-18974.

Second: by Dr. Miro

Vote: Unanimous

iv. Charles E. Schutt, DN, Case No. 2019-47638

(PCP was waived)

Dr. Schutt was not present. He was not represented by counsel. He allegedly violated Section 456.072(1)(k), Florida Statutes, and Section 466.028(1)(i)(x)(mm), Florida Statutes.

Motion: by Ms. Cabanzon to accept the voluntary relinquishment for Case No. 2019-47638.

Second: by Dr. Miro

Vote: Unanimous

III. PROSECUTION REPORT

A. Octavio Ponce, Assistant General Counsel

Mr. Ponce presented the Board with the status of Board cases.

Motion: by Dr. Tejera to allow prosecution to continue processing year and older cases

Second: Ms. Cabanzon

Vote: Unanimous

IV. PETITION FOR MODIFICATION OF FINAL ORDER

A. Aury Arroyo Lourenco, RDH

Case No. 2016-25161

On March 6, 2020, Ms. Lourenco made a request to modify her Final Order on Case No. 2016-25161. The Final Order required her to complete the Florida Laws and Rules exam and a 3-hour continuing education course by March 7, 2020. She requested the Board grant her a 12-month extension to complete the Florida Laws and Rules exam and 3-hour continuing education course.

Motion: by Ms. Cabanzon to reject the Petition for Modification of Final Order

Second: by Dr. Freedman

Vote: Unanimous

V. REVIEW OF APPLICATIONS

A. Application for Moderate Sedation Permit

The applicants for the Moderate Sedation permit all completed their training through the Academy of Medical and Dental Anesthesiology (ADMA). Dr. Tejera requested these applications come before the full Board for review to ensure this course meets the

requirements for training set forth in Rule 64B5-14.003, F.A.C. Dr. Dr. Tejera asked the applicants when and where they took the course. Each applicant indicated the course had been taken in June of 2020 in Dayton, Ohio. Dr. Tejera asked if they had completed 60 hours of didactic training. Each applicant indicated that they had completed 60 hours of didactic training along with 40 hours of clinical training, 8 hours of airway management, and 4 hours in medical emergencies. Dr. Tejera asked if they were present for the placement of the IV and if they followed the patient through the entire procedure and discharge before moving on to the next patient. Each applicant indicated that they did. Dr. Tejera next asked if there were any other students in the room during a procedure. Each applicant indicated that there were, but only to observe. Dr. Burdman indicated that they might listen to breath sounds during another student's procedure. Board counsel, David Flynn pointed out that the Memorandum of Understanding that had been provided was dated August 14, 2020 and was not valid at the time of the applicants' training. He further stated that we had been unable to validate the ADMA program with the Ohio Board of Dentistry. The applicants were informed that before the Board could proceed with their applications, they would need to provide a Memorandum of Understanding that was in effect at the time of their training (June 2020) and documents showing that the ADMA program is in good standing with the Ohio Board of Dentistry. Applicants were given the option to ask for a continuance until the November meeting to obtain the requested documents.

i. Laurie Burdman, DN17211

Dr. Burdman was present. She was not represented by counsel. Her appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken:

Dr. Burdman asked for a continuance.

ii. David Engelsberg, DN12684

Dr. Engelsberg was present. He was not represented by counsel. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken:

Dr. Engelsberg asked for a continuance.

iii. Dustin Pfundheller, DN20128

Dr. Pfundheller was present. He was not represented by counsel. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken:

Dr. Pfundheller asked for a continuance.

iv. Cory Ruppel, DN14781

Dr. Ruppel was present. He was not represented by counsel. His appearance was requested

by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken:

Dr. Rupel asked for a continuance.

v. Andrew Yoon, DN18672

Dr. Yoon was present. He was not represented by counsel. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken:

Dr. Yoon asked for a continuance.

vi. Daa Ghabbour, DN15155

Dr. Ghabbour was present. He was not represented by counsel. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken:

Dr. Ghabbour asked for a continuance.

B. Application for Dental Radiographer License

i. Justin Giella

Mr. Giella was present. He was not represented by counsel. His appearance was required due to previous criminal history.

After discussion, the following action was taken:

Motion: by Dr. Freedman to approve this application

Second: by Dr. Fatmi

Vote: Unanimous

C. Application for Expanded Function Dental Assisting Program

i. OHE 363 Expanded Function Dental Assistant Training

Ms. Sessoms and Dr. Quarterman were present. They were not represented by counsel. Ms. Sessoms and Dr. Quarterman submitted an application for an Expanded Function Dental Assisting program. The appearance was required as the supervising dentist, Dr. Quarterman, has previous discipline against her license.

Ms. Cabanzon was concerned that many of the tasks included in the syllabus were above the scope of practice of a dental assistant. She was also concerned that the supervising dentist did not realize that these tasks were above the scope of practice.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon made a motion to reject the application
Second: by Dr. Miro
Vote: Unanimous

Motion: by Dr. Freedman to allow applicants to withdraw their application
Second: Dr. Tejera
Vote: Carried 7/2. Ms. Hill and Ms. Cabanzon opposed.

VI. REPORTS

A. Board Counsel

i. Rules Report

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

He reminded the Board members that the Annual Regulatory Plan was due by September 1, 2020 and requested delegated review to the Board chair, Dr. Fatmi. Mr. Flynn indicated that he and Dr. Fatmi would have that finalized by September 1, 2020.

B. Executive Director

i. Financial Reports

Ms. Sapp provided the financial reports as FYI.

Ms. Sapp also gave a brief update on the dental inspection program. She indicated that 139 inspections had been completed between January and March of 2020. Inspections were paused between April and June due to COVID-19, but inspections had resumed at the end of June. She also indicated that 2 additional inspectors had been hired, bringing the total to 4 full-time inspectors. Since inspections resumed at the end of June, 52 inspections have been completed. She also added that we are taking all necessary precautions to ensure safety during inspections.

C. Chair

D. Board Members

i. Ms. Cabanzon

1. Council on Dental Hygiene Report

a. Presentation by Dr. Scott Benjamin, Dr. Sam Low, and Dr. Keith Brewster

The Council on Dental Hygiene held a telephonic meeting on August 6, 2020. The council discussed changes to Rule 64B5-16.001, F.A.C., Rule 64B5-16.002, F.A.C., and Rule 64B5-16.006, F.A.C. The Council on Dental Hygiene proposed the following amendments:

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 Rules 64B5-16.006, 64B5-16.0061, 64B5-16.005, 64B5-16.0051, F.A.C., 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, unless utilized to accomplish the existing remediable tasks outlined in 64B5-16.006, F.A.C. as an assessment device.

Ms. Cabanzon gave a brief background then presented the proposals the Council on Dental Hygiene voted to add regarding the use of lasers to Rule 64B5-16.001, F.A.C. She then

introduced Dr. Scott Benjamin, Dr. Keith Brewster, and Dr. Sam Low to present information to the Board regarding the use of lasers and to answer questions.

Dr. Benjamin provided information regarding the use of lasers and addressed the Board in support of the additional language regarding the use of lasers. Dr. Brewster also addressed the Board in support of the new language. One of his concerns was with the educational requirement and indicated that this should be clearly outlined in rule.

Dr. Joe Calderone and Dr. Eric Linden addressed the Board in opposition on behalf of the Florida Dental Association.

Ms. Cabanzon asked if the Board would consider accepting the language if it was amended to include limiting to noncutting mode, under indirect supervision.

It was further suggested this should go back to the Council on Dental Hygiene to amend the language to include the following: limiting to noncutting mode under indirect supervision; reporting of adverse occurrences; clearly outline training requirements and bring back the new language to the Board in November.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to send back to the Council on Dental Hygiene to amend the language and bring back to the next board meeting.

Second: Mr. Andrade

Vote: Carried 7/1. Ms. Cabanzon opposed

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist

(d) All CRDH must follow procedure for reporting adverse incidents outlined in chapter 64B5-14.006 (4) under LA

There was no discussion and no public comments were given.

Motion: by Ms. Cabanzon to approve the proposed rule language.

Second: by Dr. Freedman

Vote: Unanimous

Motion: by Ms. Cabanzon to find no economic impact.

Second: by Dr. Freedman

Vote: Unanimous

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

Second: by Dr. Freedman

Vote: Unanimous

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

Second: by Dr. Freedman

Vote: Unanimous

Motion: by Ms. Cabanzon to find that this rule shall not include a sunset provision.

Second: by Dr. Freedman

Vote: Unanimous

2. Rules Committee Report

Ms. Cabanzon asked that all the Chapter 2 rule changes be presented together, and one vote be taken after they had all been presented. The Rules Committee held a telephonic meeting on June 22, 2020 and proposed the following amendments:

64B5-2.013 Dental Examination

Each applicant applying for a Florida dental license is required to complete the examinations as provided for in Section 466.006, F.S. The Florida examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination. All three examinations will be conducted in English. Applicants for examination or re-examination must have taken and successfully completed ~~Part I and Part II~~ of the National Board of Dental Examiners dental examination.

~~(1)(b) The ADLEX shall be administered in the State of Florida and shall be graded by Florida licensed dentists.~~

The Committee requested the Board remove reference to Part I and Part II of the National Board of Dental Examiners dental examination, remove the "L" in ADLEX, and remove the requirement that the ADEX be graded by Florida licensed dentists.

64B5-2.0135 Dental Hygiene Examination

(a) Currently, the Florida practical or clinical examination is the Dental Hygiene Examination developed by the American Board of Dental Examiners, Inc. (ADEX) and administered by the ~~North Eastern Regional Board, Inc. (NERB)~~ Commission on Dental Competency Assessment (CDCA). Any ADEX Dental Hygiene Examination administered after June 1, 2010, will meet the clinical or practical examination requirement, regardless of the jurisdiction in which the exam was administered.

(d) All parts of the ADEX shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

~~(a) The practical or clinical examination administered in the State of Florida shall be graded by Florida licensed dentists and hygienists.~~

The Committee requested the Board change the reference to North East Regional Board (NERB) to Commission on Dental Accreditation (CDCA), they also requested the Board approve the addition of language indicating that all parts of the exam must be completed within 18 months as required by ADEX, they also the Board remove the requirement that the ADEX be graded by Florida licensed dentists.

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

(a) Successfully complete the American Dental Licensing Examination (ADLEX), produced by the American Board of Dental Examiners, Inc., as specified in rule 64B5-2.013, F.A.C., through the Commission on Dental Competency Assessments (CDCA), which includes the Diagnostic Skills Examination. Candidates who have completed the ADLEX, after October 1, 2011, in another jurisdiction other than Florida and whose scores are over 365 days old are subject to additional application requirements as mandated in section 466.006(4)(b)3., F.S. Additionally, all Candidates who submit ADLEX scores from another jurisdiction other than Florida are subject to post licensure requirements as mandated in section 466.006(6), F.S.

The Committee requested the Board remove the “L” in ADLEX

64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Schools or Colleges

(7) Proof received directly from the Joint Commission on National Dental Examinations American Dental Association, that the National Board of Dental Examiners Written Examination has been successfully completed, or that the National Board of Dental Hygiene Examination has been successfully completed.

The Committee requested the Board change the American Dental Association to Joint Commission on National Dental Examinations, which is the proper name of the entity that oversees examinations.

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

(a) Completes two consecutive academic years at a full-time, matriculated Commission on Dental Accreditation of the American Dental Association accredited supplemental general dentistry program, which provides didactic and clinical education to the level of an accredited D.D.S. or D.M.D. program, this program does not include specialty or advanced education programs for the purpose of licensure. ~~which has a duration of at least two consecutive academic years at the sponsoring institution.~~

The Committee requested the Board accept the proposed change regarding advanced education programs for the purpose of licensure.

6B5-2.017 Acceptable Variance of Examiners

(1) ~~All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant's final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant's grade.~~

(2) ~~There shall be a variance review of all grades of all applicants taking the clinical part of the examination for the purpose of determining inter-examiner variance.~~

A change was proposed to repeal this rule as this function is handled by the CDCA.

Motion: by Dr. Fatmi to accept all proposed changes.

Second: by Dr. White

Vote: Unanimous

Motion: by Ms. Cabanzon to find no economic impact.

Second: by Dr. White

Vote: Unanimous

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

Second: by Dr. White

Vote: Unanimous

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

Second: by Dr. White

Vote: Unanimous

Motion: by Ms. Cabanzon to find that this rule shall not include a sunset provision.

Second: by Dr. White

Vote: Unanimous

64B5-10.007 Requirements for Reactivation of an Inactive License

~~(3) The Department shall not reactivate the license of any dentist or dental hygienist who has:~~

~~(a) Committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a licensee pursuant to Section 466.028, F.S.~~

~~(b) Failed to comply the financial responsibility requirements of Section 456.048, F.S., and Rule 64B5-17.011, F.A.C. (dentists only).~~

~~(c) Failed to comply with the provisions of Section 456.033, F.S., and Rule 64B5-12.019, F.A.C.~~

The Committee requested the Board remove paragraph 3 from this rule (3)(a) is not a board function and (b) and (c) are already required).

Motion: by Dr. Fatmi to accept proposed changes

Second: Dr. White

Vote: Unanimous

Motion: by Dr. White to find no economic impact.

Second: by Dr. Fatmi

Vote: Unanimous

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

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Dr. White to find that this rule shall not include a sunset provision.

Second: by Dr. Fatmi

Vote: Unanimous

64B5-12.013 Continuing Education Requirements; Specific Continuing Education Course Requirements; and Cardiopulmonary Resuscitation (CPR) Certification

6) By January 1, 2021, each licensee shall complete a one-time board-approved, 1-hour continuing education course on human trafficking as outlined in 456.0341, F.S

The Committee asked that the Board retract this rule which was approved at the February 2020 meeting as this is only a one-time requirement.

Motion: by Ms. Cabanzon to retract the revision and not move forward with rule making.
Second: Dr. White
Vote: Unanimous

64B5-12.0185 Standard for Board Approval of Pro Bono Programs

(c) Any volunteer dental hygienist must be under the appropriate supervision of a Florida licensed dentist as set forth in Chapter 64B5-16, F.A.C. unless volunteering in a health access setting as defined in 466.003 (14), F.S and following all requirements set forth in 466. 024 (2-5), F.S.

~~(e) The program must require the volunteer dentist or dental hygienist to sign out with the program's director or designee upon concluding the rendering of pro bono dental or dental hygiene services.~~

~~(f) The program shall calculate the award of continuing education credit based upon the time each dentist or dental hygienist has actually dedicated to the performance of substantial professional dental or dental hygiene services for indigent patients.~~

~~(g) (e) The program must retain documentation of the number of hours of volunteer professional service contributed by each volunteer involved in the program's pro bono activities. This documentation shall contain the name and license number of each participant; the dates and times of all pro bono activity; the location of the related patient records; and in the case of dental hygienist volunteers not providing services in health access settings, the name and license number of the supervising Florida licensed dentist. Such records must be maintained for a minimum of 4 years following the biennium in which the pro bono services are provided.~~

~~(2) The following pro bono programs are found by the Board to meet the foregoing requirements and are hereby approved by the Board: Programs that request board approval shall apply to the Board office through CE Broker and shall submit all documentation that shall prove compliance with this rule.~~

~~(a) Programs affiliated with Project Dentists Care.~~

~~(b) Programs operated by accredited dental colleges or schools and accredited dental hygiene programs.~~

~~(c) Florida Dental Association Foundation and Florida Mission of Mercy³) Other formalized not-for-profit programs may petition for Board approval by filing a written petition with the Board that establishes the program's compliance with the requirements of this rule.~~

The Committee requested the Board accept the proposed changes.

Motion: by Dr. Fatmi to accept proposed changes
Second: Ms. Cabanzon
Vote: Unanimous

Motion: by Ms. Cabanzon to find no economic impact.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that a Statement of Estimated Regulatory Cost was not necessary, and the rule will not need legislative ratification.
Second: by Dr. White
Vote: Unanimous

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

Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that this rule shall not include a sunset provision.
Second: by Dr. White
Vote: Unanimous

64B5-16.005 Remediable Task Delegable to Dental Assistants

(n) May activate light source, apply, monitor and remove whitening agent to permanent and or transitional dentition.

The Committee requested the Board add the proposed language.

Motion: by Dr. Fatmi to accept proposed changes
Second: Ms. Hill
Vote: Unanimous

Motion: by Ms. Cabanzon to find no economic impact.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that a Statement of Estimated Regulatory Cost was not necessary, and the rule will not need legislative ratification.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that no part of this rule or a violation of this rule should be designated as a minor violation.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that this rule shall not include a sunset provision.
Second: by Dr. White
Vote: Unanimous

64B5-25.007 Disposition of Biohazardous Waste

~~(2) Extracted teeth may be rendered non-biohazardous by disinfection so that they may be returned to the patient or the patient's legal guardian. Extracted teeth used for scientific, educational, testing purposes or returned to the patient or patient's legal guardian, should first be cleaned of adherent patient material. by scrubbing with detergent and water or by using an ultrasonic cleaner. Teeth should then be decontaminated in accordance with the guidelines set forth in Rule 64B5-25.003, F.A.C, and kept in a sealed labeled sterilized pouch. stored, immersed in a fresh solution of sodium hypochlorite (household bleach diluted 1:10 with tap water) or any liquid chemical germicide suitable for clinical specimen fixation.~~

The Committee requested the Board accept the proposed changes.

Motion: by Dr. White to accept proposed changes
Second: Dr. Fatmi
Vote: Unanimous

Motion: by Ms. Cabanzon to find no economic impact.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that a Statement of Estimated Regulatory Cost was not necessary, and the rule will not need legislative ratification.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that no part of this rule or a violation of this rule should be designated as a minor violation.
Second: by Dr. White
Vote: Unanimous

Motion: by Ms. Cabanzon to find that this rule shall not include a sunset provision.
Second: by Dr. White
Vote: Unanimous

VII. RULES DISCUSSION

A. Application Redesign

- i. Dental Licensure Application
Rules 64B5-2.014 and 2.0146, F.A.C.
- ii. Dental Hygiene Licensure Requirements Application
Rules 64B5-2.014 and 2.0144, F.A.C.
- iii. Application for Credentials Review for Graduates from Non-Accredited Dental Colleges or Schools
Rule 64B5-2.0144, F.A.C.
- iv. Application for Credentials Review for Graduates from Non-Accredited Dental Colleges or Schools
Rule 64B5-2.0146
- v. Application for Health Access Dental License
Rule 64B5-2.0142, F.A.C.
- vi. Residency/Intern Application
Rule 64B5-7.003, F.A.C.
- vii. Application for Temporary Dental Certificate for Employment in State and County Government Facilities
Rule 64B5-7.0035, F.A.C.
- viii. Application for Teaching Permit
Rule 64B5-7.005, F.A.C.
- ix. Application for Limited Licensure Dentist/Dental Hygienist
Rule 64B5-7.007, F.A.C.
- x. Dental Radiography Certification Application
Rule 64B5-9.011, F.A.C.
- xi. Application for Dental Hygiene Certification-Administration of Local Anesthesia
Rule 64B5-14.003, F.A.C.

Ms. Sapp provided the Board with a summary of the application revisions.

Motion: by Dr. Fatmi to approve the application revisions and open the applicable rules for development.

Second: by Dr. White

Vote: Unanimous

Motion: by Ms. Cabanzon to find no economic impact.

Second: by Dr. Fatmi

Vote: Unanimous

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

Second: by Dr. Fatmi

Vote: Unanimous

Motion: by Ms. Cabanzon to find that this rule shall not include a sunset provision.

Second: by Dr. Fatmi

Vote: Unanimous

VIII. NEW BUSINESS

A. Licensure Ratification Lists

Motion: by Dr. White to approve licensure ratification lists

Second: Dr. Fatmi

Vote: Unanimous

IX. OLD BUSINESS

A. Approval of Board Meeting Minutes – May 8, 2020

Motion: by Dr. White to approve

Second: Dr. Tejera

Vote: Unanimous

B. Approval of Rules Committee Meeting Minutes – June 22, 2020

Motion: by Dr. White to approve

Second: Dr. Miro

Vote: Unanimous

C. Approval of Board Meeting Minutes – July 24, 2020

Motion: by Dr. White to approve

Second: Ms. Hill

Vote: Unanimous

X. FOR YOUR INFORMATION

A. CE Broker Quarterly Report

XI. ADJOURNMENT

There being no further business, the meeting adjourned at approximately 2:40 p.m.