

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
Le Meridien Dania Beach at Ft. Lauderdale Airport
1825 Griffin Road
Dania Beach, FL 33004
(954) 920-3500
November 18, 2022
7:30 A.M. ET**

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

I. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT

T. J. Tejera, DMD, MD, Chair
Fabio Andrade, Consumer Member, Vice Chair
Claudio Miro, DDS
Nick White, DMD
Karyn Hill, CRDH, BS
Bradley Cherry, DDS, MD
Christine Bojaxhi, DMD
Thomas McCawley, DDS
Jose Mellado, DMD
Angela Johnson, RDH

STAFF PRESENT

Jessica Sapp, Executive Director
Paulette Schofill, Program Administrator

BOARD COUNSEL

Ed Tellechea, Chief Assistant Attorney General

PROSECUTION SERVICES UNIT

Christina Shideler, Chief Legal Counsel
Rose Garrison, Assistant General Counsel

COURT REPORTER

Magnolia Court Reporting
Heather Howard
(407)-896-1813
reportingorlando@aol.com

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

Dr. Tejera welcomed students from Nova Southeastern University's Dental School and Dental Hygiene program.

II. DISCIPLINARY PROCEEDINGS

A. Informal Hearings

- i. Daniel Hwang, DDS, Case No. 2020-27366
(PCP – Miro, Morgan, Fatmi)

Dr. Miro was recused due to participation in the probable cause panel.

Dr. Hwang was present and was sworn in by the court reporter. He was not represented by counsel.

Ms. Shideler summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the

standards of performance in diagnosis and treatment by failing to expose a full series of radiographs; by failing to perform periodontal probing and charting; by failing to diagnose the remaining upper six teeth's poor condition; and/or failing to refer patient H.K. to periodontist.

Count II: Section 466.028(1)(l), Florida Statutes, states that making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry by indicating that he performed root scaling and planning in patient H.K.'s upper right and left quadrants when he had not done so. **Count III:** Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history justifying the course of treatment by failing to document the condition of patient H.K.'s upper six teeth within the dental record of patient H.K.; and/or when the root scaling and planning procedures were performed on patient H.K.'s upper right and left quadrants.

Motion by: Dr. White to adopt the findings of fact as set forth in the Administrative Complaint and to find that the Respondent was properly served and has requested an informal hearing.

Second: Mr. Andrade

Vote: Unanimous

Motion by: Dr. White to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: Mr. Andrade

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Mr. Andrade to impose the following penalties:

- Reprimand
- Fine of \$25,000 payable within one (1) year of the filing of the Final Order
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level III (13-18 hour) in Risk Management, Level III (13-18 hour) in Prosthodontics, and Level III (13-18 hour) in Periodontics, Level III (13-18 hour) in Recordkeeping
- Successful completion of a three-semester hour course in Ethics to be completed at or through (online) any accredited college or university within one (1) year of the filing of the Final Order
- Successful completion of the Laws and Rules exam within ninety (90) days of the filing of the Final Order
- Patient reimbursement of \$5,000. Proof of payment, accompanied by copies of the invoices, must be made to the Compliance Officer within ninety (90) days of the filing of the Final Order

Second: Dr. White

Vote: Unanimous

Motion: by Mr. Andrade to impose costs of \$2,130.48 to be paid within one (1) year

Second: Dr. Mellado

Vote: Unanimous

ii. Jessica Good, RDH, Case No. 2022-03018

(PCP – Mellado, Thomas, Hill)

Dr. Mellado and Ms. Hill were recused due to participation in the probable cause panel.

Ms. Good was present and was sworn in by the court reporter. She was not represented by counsel.

Ms. Garrison summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(c), Florida Statutes, for being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or ability to practice, a licensee's profession by entering a plea to one count of lewd or lascivious exhibition in the presence of a minor on or about September 18, 2021. **Count II:** Section 456.072(1)(x), Florida Statutes, for failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, entered a plea of nolo contendere to, regardless of adjudication, by failing to notify the board in writing within 30 days of pleading nolo contendere to one count of lewd or lascivious exhibition in the presence of a minor.

Motion by: Dr. Miro to adopt the findings of fact as set forth in the Administrative Complaint and to find that the Respondent was properly served and has requested an informal hearing.

Second: Dr. White

Vote: Unanimous

Motion by: Dr. White to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: Mr. Andrade

Vote: Unanimous

After discussion, the following action was taken:

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

- \$1,000 fine
- Restriction – No Contact with Minors
- Successful completion of a three-semester hour course in Ethics to be completed at or through (online) any accredited college or university within ninety (90) days.

Dr. Cherry made a friendly amendment that she successfully completes the Florida Laws and Rules exam within ninety (90) days of the filing of the Final Order. Dr. McCawley accepts.

Dr. Miro made a friendly amendment that she notifies the Board of any change to her practice location. Dr. McCawley accepts.

Second: Dr. Cherry

Vote: 5/3 against- motion fails. Dr. White, Dr. Tejera, Dr. Miro, Dr. Bojaxhi, Mr. Andrade opposed.

Motion by: Mr. Andrade for revocation

Second: Dr. White

Vote: 5/3 Motion carries. Dr. Cherry, Dr. McCawley, Ms. Johnson opposed

B. Settlement Agreements

- i. Sandra Silva, DMD, Case No. 2018-11367
(PCP/January 14, 2022 – Miro, Morgan, Mellado)
(PCP/May 5, 2020) – Miro, Morgan, Perdomo)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Silva was present and was sworn in by the court reporter. She was represented by Frank DeLuca, Esq.

Ms. Garrison summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the standards of performance in diagnosis and treatment by failing to properly place and/or fit the permanent crown on tooth 19; and/o by failing to properly place and/or fit the permanent crown on tooth 30.

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

- Appearance
- Letter of Concern
- Fine of \$5,000 to be paid within one (1) year of the filing of the Final Order
- Costs in the amount of \$12,000 to be paid within one (1) year of the filing of the Final Order
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level I (3-6 hour) course in Diagnosis and Treatment Planning, Level I (3-6 hour) course in Crown and Bridge; and a Level I (3-6 hour) course in Periodontics
- Patient reimbursement in the amount of \$995.00. Proof of payment, accompanied by copies of the invoices, must be made to the Compliance Officer within six (6) 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. Hill to accept the Settlement Agreement.

Second: Mr. Andrade

Vote: Unanimous

Dr. Silva orally agrees to accept that the continuing education be done at or through a Florida accredited college of dentistry.

- ii. Lorena Corzo, DDS, Case No. 2021-33630
(PCP – Miro, Morgan, Fatmi)

Case tabled until February.

- iii. Tejashree Karkare, DDS, Case No. 2021-26199
(PCP – Miro, Mellado, Morgan)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

Dr. Karkare was present and was sworn in by the court reporter. She was not represented by counsel.

Ms. Shideler summarized the case for the Board. Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(aa), Florida Statutes, for violating a lawful order of the Board of Dentistry by failing to submit proof of completion of continuing education courses in diagnosis and treatment planning and crown and bridge and failure to take and pass the Florida Laws and Rules exam within twelve (12) months of the issuance of the Final Order.

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

- Appearance
- Reprimand
- Fine of \$5,000 to be paid within ninety (90) days of the filing of the Final Order
- Costs in the amount of \$691.50 to be paid within ninety (90) days of the filing of the Final Order

After discussion, the following action was taken:

Motion by: Ms. Hill to accept the Settlement Agreement

Second: Dr. Bojaxhi

Vote: Unanimous

- iv. Kimberly Galbut, DDS, Case No. 2020-30923
(PCP – Miro, Mellado, Morgan)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

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

Ms. Shideler summarized the case for the Board. Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(mm), Florida Statutes, by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto by failing to publish a notice in the newspaper of greatest general circulation in Palm Beach County advising Respondent's patients of Respondent's termination of practice or relocation and providing a name, address, and telephone number of the person from whom patients may obtain copies of their dental records, Respondent failed to notify the Board in writing within 10 days of Respondent's change of address.

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

- Appearance
- Letter of Concern
- Fine of \$750 to be paid within six (6) months of the filing of the Final Order
- Costs in the amount of \$2,930. 27 to be paid within six (6) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within six (6) months of the filing of the Final Order

After discussion, the following action was taken:

Motion by: Dr. McCawley to reject the Settlement Agreement

Second: Dr. Cherry

Vote: 7/1 motion carries. Mr. Andrade opposes

Motion: by Dr. McCawley to offer a counter Settlement Agreement which includes successful completion of the Laws and Rules exam within (6) months of the filing of the Final Order

Friendly amendment from Ms. Johnson to include a Letter of Concern. Dr. McCawley accepts
Friendly amendment by Dr. White to include a fine of \$750.00 and costs of \$2930.27 to be paid
within six (6) months. Dr. McCawley accepts

Second: Dr. Cherry
Vote: Unanimous

v. Robert Miller, DDS, Case No. 2020-25231
(PCP – Miro, Morgan, Fatmi)

Dr. Miro was recused due to participation in the probable cause panel.

Dr. Miller was present and was sworn in by the court reporter. He was represented by
Traci Glickman, Esq.

Ms. Garrison summarized the case for the Board. Respondent was charged with the
following violation: **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the
standards of performance in diagnosis and treatment by failing to refer Patient M.L. to a
specialist for advanced treatment of the oroantral fistula.

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

- Appearance
- Letter of Concern
- Fine of \$4,000 to be paid within one (1) year of the filing of the Final Order
- Costs in the amount of \$3,394.39 to be paid within one (1) year of the filing of the Final Order
- Continuing Education to be completed in person at or through a Florida accredited college or university within one year: Level II (7-12 hour) course in Risk Management
- Patient reimbursement in the amount of \$3,388.00. Proof of payment, accompanied by copies of the invoices, must be made to the Compliance Officer within six (6) months of the filing of the Final Order

After discussion, the following action was taken:

Motion by: Dr. Mellado to reject the Settlement Agreement.
No second, motion fails

Motion by: Dr. McCawley to accept the Settlement Agreement
Second: Mr. Andrade
Vote: 8/1 motion carries. Dr. Mellado opposed

C. Determination of Waiver

i. Walter Van Ness, DMD, Case No. 2021-32395
(PCP – Miro, Morgan, Perdomo)

Dr. Miro was recused due to participation in the probable cause panel.

Dr. Van Ness was present. He was represented by Ed Bayo, Esq.

Ms. Garrison summarized the case for the Board. Respondent is charged with the following violations: **Count I:** Section 466.028 (1) (aa), Florida Statutes, for a violating a lawful order of the Board of Dentistry by failing to pay the administrative fine in the amount of \$7,500.00 and costs in the amount of \$1,505.11 within six (6) months of the issuance of the Final Order; and by failing to complete the Level II continuing education courses in Diagnosis and Treatment Planning and Periodontics within twelve (12) months of the issuance of the Final Order.

Motion: by Dr. White 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: Mr. Andrade

Vote: Unanimous

Motion: by to Dr. White to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board, and to find the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

Second: Mr. Andrade

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. McCawley to dismiss

Second: Dr. Mellado

Vote: 7/2 against - motion fails. Dr. Tejera, Dr. Cherry, Dr. White. Dr. Bojaxhi, Ms. Hill, Mr. Andrade, Ms Johnson opposed

Motion: by Dr. Tejera to impose a fine of \$1,000 to be paid within six (6) months

Second: Dr. Mellado

Vote: Unanimous

Motion: by Dr. Tejera to impose costs of \$332.79 to be paid within six (6) months

Second: Dr. White

Vote: Unanimous

ii. William Carter, DDS, Case No. 2020-36324

(PCP – Miro, Morgan, Mellado)

Dr. Miro and Dr. Mellado were recused due to participation in the probable cause panel.

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

Ms. Garrison summarized the case for the Board. Respondent is charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes, for failing to meet the standards of performance in diagnosis and treatment by using Patient M.H.'s tooth 6 and/or 11 as abutment teeth in a partial upper denture despite their lack of stability to support the denture; by failing to take a new impression for the partial denture after a new bridge spanning teeth 6-10 was fabricated; by failing to splint Patient M.H.'s anterior teeth in delivering the bridge from 6-10 despite decay in tooth 11; and/or by paying or having paid on their behalf an indemnity of \$45,000 to Patient M.H. in settlement as a result of negligent conduct on the part of the Respondent. **Count II:** Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history justifying the course of treatment by failing to keep complete written dental records and medical history justifying the course of treatment for Patient M.H.

Motion: by Dr. White 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, to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: Ms. Hill

Vote: Unanimous

Motion: by Mr. Andrade to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board, and to find the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

Second: Dr. White

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Ms. Johnson to impose the following penalties:

- Fine in the amount of \$7,500 fine to be paid within twelve (12) months of the filing of the Final Order
- Continuing Education to be completed in person at or through a Florida accredited college of dentistry within one year: Level II (7-12 hour) course in Periodontics and a Level III (13-18 hour) course in Diagnosis and Treatment Planning and Level III (13-18 hour) course in Crown and Bridge
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

Second: Mr. Andrade

Vote: Unanimous

Motion: by Dr. White to impose costs of \$2,145,14 to be paid within twelve (12) months

Second: Mr. Andrade

Vote: Unanimous

iii. Nicholas Zankos, DMD, Case No. 2021-37035

(PCP – Mellado, Cherry, Thomas)

Dr. Mellado and Dr. Cherry were recused due to participation in the probable cause panel.

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

Ms. Shideler summarized the case for the Board. Respondent is charged with the following violations: **Count I:** Section 466.028 (1) (aa), Florida Statutes, for a violating a lawful order of the Board of Dentistry by failing to complete a continuing education course in Oral Surgery, failing to take and pass the Florida Laws and Rules exam, and failing to reimburse the patient in the amount of \$192.94 within twelve (12) months of the issuance of the Final Order.

Motion: by Dr. White 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: Mr. Andrade

Vote: Unanimous

Motion: by Mr. Andrade to adopt the allegations of fact in the Administrative Complaint as the

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findings of fact of the Board, and to find the Respondent in violation of the Florida Statutes as charged in the Administrative Complaint.

Second: Dr. White

Vote: Unanimous

After discussion, the following action was taken:

Motion: by Dr. Miro to impose the following penalties

- Fine in the amount \$10,000 to be paid within one (1) year of the filing of the Final Order. The fine will be paid in quarterly payments of \$2,500.00

Second: Mr. Andrade

Vote: Unanimous

Motion: by Dr. Miro to impose costs of \$ 130.64 to be paid within ninety (90) days

Second: Mr. Andrade

Vote: Unanimous

D. Voluntary Relinquishment

- i. Raquel Soca, DR, Case No. 2019-04341
(PCP – Waived)

Dr. Soca was not present. She was not represented by counsel.

After discussion, the following action was taken:

Motion: by Dr. White to accept the Voluntary Relinquishment

Second: by Dr. Miro

Vote: Unanimous

III. PROSECUTION REPORT

A. Assistant General Counsel

Ms. Shideler presented the Board with the current status of Board Cases.

<u>Case Status</u>	5/20/2022	8/12/2022	10/17/2022
Total cases open/active in Prosecution Services:	188	174	216
Cases in Emergency Action Unit:	2	4	2
Cases under legal review:	71	103	135
Cases awaiting supplemental investigation/expert opinion:	20	13	17
Cases with PCP recommendation:	56	6	14

Cases where probable cause has been found:	1	5	4
Cases where DOAH has been requested:	19	20	15
Cases pending before DOAH:	0	2	2
Cases on Board meeting agendas:	14	11	11
Cases on appeal:	0	0	0
Cases older than one year:*	63	57	62

Motion: by Dr. White to continue prosecuting year and older cases
 Second: Dr. Mio
 Vote: Unanimous

IV. PETITION FOR VARIANCE OR WAIVER OF RULE

i. Lynn Hoang

Dr. Hoang was present. She has filed a Petition for Variance or Waiver of Rule requesting the Board to accept her ADEX scores, even though they were completed outside of the 18-month requirement

a. Petition of Rule 64B5-2.013, F.A.C.

After discussion, the following action was taken:

Motion: by Dr. Mellado to accept the petition
 Second: Mr. Andrade
 Vote: 9/1 Motion carries. Ms. Hill opposes

ii. Taira Yusufova

Dr. Yusufova was present. She has filed a Petition for Variance or Waiver of Rule requesting the Board to accept her ADEX scores, even though they were completed outside of the 18-month requirement

a. Petition of Rule 64B5-2.013, F.A.C.

Motion: by Dr. Mellado to accept the petition
 Second: Mr. Andrade
 Vote: 9/1 Motion carries. Ms. Hill opposes

iii. Noor Hamdi

Ms. Hamdi was present and was sworn in by the court reporter. She has filed a Petition for Variance or Waiver of Rule requesting the Board waive the additional educational requirements for reexamination and accept her passing exam score from her fourth attempt.

a. Petition of Rule 64B5-2.0135, F.A.C.

The Board will grant the petition for waiver of the rule and Ms. Hamdi will be required to demonstrate compliance of acceptable remediation that meets the statutory requirement.

Ms. Hamdi waived the ninety (90) day requirement on her application. Her application was continued until she provides proof of acceptable remediation.

After discussion, the following action was taken:

Motion: by Mr. Andrade to grant the petition for twelve (12) months

Second: Dr. Miro

Vote: Unanimous

iv. Dental Assisting Training Schools of Florida (DATS)

Dr. Michael Childers was present and was sworn in by the court reporter. He was represented by Jon Pellett, Esq. He has filed a Petition for Variance or Waiver of Rule requesting the Board approve their Restorative Functions program even though the rule required that the restorative functions mandatory training course must offered through a dental or dental hygiene school or program that is accredited by a dental accrediting entity recognized by the United States Department of Education.

This Petition was heard at the August meeting and was tabled to the November meeting.

a. Petition of Rule 64B5-16.0051(3), F.A.C.

Mr. Tellechea stated that he does not believe they have standing to bring this petition. He referenced the Petition for Variance and Waiver statutory provision which states that Variance and Waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute has been met. He further states that the school is not subject to this rule.

After discussion, the following action was taken:

Motion: by Mr. Andrade to deny the petition for lack of standing

Second: Dr. White

Vote: Unanimous

V. REVIEW OF APPLICATIONS

A. Application for Dental License

i. Drew Rappaport

Dr. Rappaport was present and was sworn in by the court reporter. He was represented by Ed Bayo, Esq. His appearance was requested due to pending civil litigation in another state.

After further discussion, the following action was taken:

Motion: by Dr. Tejera to accept the application

Second: Dr. Miro

Vote: Unanimous

ii. Andrew Maron

Dr. Maron was present and was sworn in by the court reporter. He was not represented by counsel. His appearance was requested due to past discipline history in another state.

After further discussion, the following action was taken:

Dr. Maron withdrew his application.

iii. Pierre Tedders

Dr. Tedders was present and was sworn in by the court reporter. He was not represented by counsel. His appearance was requested due to past criminal and discipline history in another state.

After further discussion, the following action was taken:

Motion: by Dr. Mellado to accept the application with the condition that he not be allowed to dispense controlled substances.

Second: Dr. McCawley

Vote: Unanimous

B. Application for Dental Radiography Certification

i. Stephanie Day

Ms. Day was present and was sworn in by the court reporter. She was not represented by counsel. Her appearance was requested due to past criminal history.

After further discussion, the following action was taken:

Motion: by Ms. Johnson to accept the application

Second: Mr. Andrade

Vote: Unanimous

C. Application for Expanded Dental Assisting Program

i. South Florida Dental Training Center

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

Applicants were not present. Application will be tabled until February.

D. Application for Non-Profit Corporation

i. Suncoast Community Health Center

Brad Herremans, CEO and Dr. Aura Cisneros, Dental Director appeared on behalf of Suncoast Community Health Centers. They were represented by counsel by William Dillon of Gunster Law Firm. The appearance was requested due to prior discipline against a

Suncoast Community Health Center pharmacy license.

After discussion, the following action was taken:

Motion: by Dr. Miro to accept the application

Second: by Dr. McCawley

Vote: Unanimous

VI. REPORTS

A. Board Counsel

i. Rules Report

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

ii. JAPC Correspondence

a. Rule 64B-1.002, F.A.C.

Mr. Tellechea referenced the July 26, 2022, JAPC letter received regarding 64B5-1.002, F.A.C. and presented draft language to the Board for consideration.

64B5-1.002 Unexcused Absences of Board Members.

(1) A Board member's absence from a Board meeting shall be considered unexcused if the Board member had not received approval of the Chair or the Chair's designee prior to missing the meeting. Reasons for granting excused absences shall be, but are not limited to the following:

(a) Illness or injury of the Board member;

(b) Illness, injury or death of family member;

(c) Court order, subpoena, or business with a federal or state court or other governmental body;

(d) Travel delays or cancellations;

(e) Any conflict or extraordinary circumstance or event approved by the Board Chair.

(2) Arriving late for a Board meeting or leaving early from a Board meeting without prior approval of the Chair or the Chair's designee shall be considered an unexcused absence.

After discussion, the following action was taken:

Motion: by Dr. Mellado to accept the proposed language and allow board counsel to file a notice of change

Second: Dr. McCawley

Vote: Unanimous

iii. Approved Annual Regulatory Plan

Motion: by Mr. Andrade to ratify the Annual Regulatory Plan

Second: Dr. White

Vote: Unanimous

B. Executive Director

i. Financial Reports

ii. Annual Long Range Planning Meeting

C. Chair

D. Board Members

i. Ms. Hill

- a. Council on Dental Hygiene Report
- b. Rule 64B5-25.003, F.A.C.

Ms. Hill provided a report from the September 10, 2022, Council on Dental Hygiene Meeting. The Council proposed changes to rule 64B5-25.003(8), F.A.C.

64B5-25.003 Required Sterilization and Disinfection Procedures.

(1) through (7) No change

(8) Surgical or examination gloves and surgical masks shall be worn by all dentists, dental hygienists, and dental assistants while performing or assisting in the performance of any intra-oral dental procedure on a patient in which contact with blood and/or saliva is imminent. Surgical or examination gloves must be changed between patients. Hands shall be washed with soap and water and dried immediately after removing and prior to replacing gloves. A healthcare grade alcohol-based hand rub may also be used according to the most current CDC Guidelines as defined and incorporated by reference in subsection 64B5-25.002(4), F.A.C. Gloves are never to be washed and reused. Surgical or examination gloves that are punctured or torn must be removed and replaced immediately with new gloves following rewashing of provider's hands with soap and water. Protective eyewear shall be provided to the patient during intraoral debris generating procedures and must be worn by all dentists, dental hygienists, and dental assistants while performing or assisting in the performance of any dental procedure on a patient in accordance with OSHA's Bloodborne Pathogen Standard, as defined and incorporated by reference in subsection 64B5-25.002(5), F.A.C., and the CDC Guidelines as defined and incorporated by reference in subsection 64B5-25.002(4), F.A.C.

(9) through (10) No change

After discussion, the following action was taken:

Motion: by Ms. Johnson to accept proposed language

Second: Dr. McCawley

Vote: 7/3 against - motion fails. Dr. Tejera, Mr. Andrade, Dr. Miro, Dr. Cherry, Dr. Bojaxhi, Dr. Mellado, Dr. White opposed.

E. Inspection Report

VII. RULE DISCUSSION

A. Rule 64B5-2.013 and 2.0135, F.A.C.

Mr. Tellechea referenced the public comment received on this rule and his subsequent response. There was no action required by the Board.

VIII. DISCUSSION

A. Commission on Dental Competency Assessments (CDCA)

Dr. Guy Champagne and Ms. Kimber Cobb appeared on behalf of the CDCA. Dr. Champagne provided the board with information on how the ADEX exams are administered. He also provided context regarding the 18-month requirement.

Case Stoutamire spoke on behalf of the Florida Dental Association (FDA). She indicated they

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are working on a clean-up bill which would remove the language regarding the 18-month requirement from the statute.

Dr. Mellado does not think the timeline is necessary, applicants should just have to pass the ADEX exam.

The board supports streamline changes.

IX. FOR YOUR INFORMATION

- A. Florida Prescription Drug Monitoring Program (PDMP) Monthly Report
- B. Report of the Annual Meeting of the American Board of Dental Examiners (ADEX)

X. NEW BUSINESS

- A. 2023 Elections

Motion: by Dr. Tejera to nominate Dr. Miro for Chair. Dr. Miro accepted.

Second: by Mr. Andrade

Vote: Unanimous

Motion: by Dr. Tejera to nominate Dr. White for Vice-Chair. Dr. White accepted.

Second: by Dr. Miro

Vote: Unanimous

- B. Licensure Ratification Lists

After discussion, the following action was taken:

Motion: by Dr. White to approve the licensure ratification list

Second: Dr. Miro

Vote: Unanimous

- C. Anesthesia Ratification List

After discussion, the following action was taken:

Motion: by Dr. White to approve the anesthesia ratification list

Second: Dr. Miro

Vote: Unanimous

XI. OLD BUSINESS

- A. Approval of Anesthesia Committee Minutes – August 11, 2022

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the meeting minutes

Second: Dr. Miro

Vote: Unanimous

B. Approval of Board Meeting Minutes – August 12, 2022

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the meeting minutes

Second: Dr. Miro

Vote: Unanimous

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:15 p.m.