

**BOARD OF DENTISTRY  
GENERAL BUSINESS MEETING MINUTES  
Embassy Suites Tampa, USF  
3705 Spectrum Boulevard  
Tampa, FL 33612  
(813) 977-7066  
February 17, 2023  
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**

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

**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

**MEMBERS NOT PRESENT**

Karyn Hill, CRDH, BS

**COURT REPORTER**

Magnolia Court Reporting  
Jane Heneghan  
(407)-896-1813  
[reportingorlando@aol.com](mailto:reportingorlando@aol.com)

Dr. Mellado 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. Miro recognized the Hillsborough County Dental Hygiene students in attendance. He also welcomed new board member, Ben Mirza.

**II. DISCIPLINARY PROCEEDINGS**

**A. Informal Hearings**

- i. Amir Beg, DMD, Case No. 2020-03080  
(PCP – Mellado, Morgan)

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

Dr. Beg was not present. He was represented by Thomas Edwards, Esq.

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 or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates the practice of dentistry or dental hygiene by pleading nolo contendere to attempted murder-pre-meditated, a crime related to the practice of dentistry, in Alachua County, Florida. **Count II:** Section 456.072(1)(x), Florida Statutes for failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction, by failing to notify the Board in writing within 30 days of pleading nolo contendere to attempted murder-pre-meditated.

Motion by: Dr. Tejera to find that the Respondent was properly served, deficiently responded requesting a formal hearing, therefore denying the request for a formal hearing and proceed with an informal hearing.

Second: Dr. White

Vote: Unanimous

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

Second: Dr. White

Vote: Unanimous

Motion by: Dr. Tejera to adopt the materials into evidence in this proceeding

Second: Mr. Andrade

Vote: Unanimous

Motion by: Dr. Tejera 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. Tejera for revocation

Second: Mr. Andrade

Vote: Unanimous

Motion: by Dr. Tejera to waive costs

Second: Mr. Andrade

Vote: Unanimous

- ii. Charles Stamitoles, Sr., DDS, Case No. 2022-22414  
(PCP – Mellado, Cherry, Thomas)

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

Dr. Stamitoles was not present. He 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)(mm), Florida Statutes, by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto by using the dentist-patient relationship to induce or attempt to induce Patient A.B. to engage, or to engage or attempt to engage Patient A.B. in sexual activity. **Count II:** Section 466.028(1)(mm), Florida

Statutes, by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto by dentist-patient relationship to induce or attempt to induce Patient J.J. to engage, or to engage or attempt to engage Patient J.J. in sexual activity.

Motion by: Dr. Tejera to find that the Respondent was properly served and proceed with an informal hearing based on the finding of the administrative law judge.

Second: Dr. White

Vote: Unanimous

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

Second: Dr. White

Vote: Unanimous

Motion by: Dr. Tejera to adopt the materials into evidence in this proceeding

Second: Mr. Andrade

Vote: Unanimous

Motion by: Dr. Tejera 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. Tejera for revocation

Second: Mr. Andrade

Vote: Unanimous

Motion: by Dr. McCawley to waive the costs.

Second: Dr. Tejera

Vote: Unanimous

## **B. Settlement Agreements**

i. Paul Plasky, DDS, Case No. 2022-20300

(PCP – Mellado, Morgan)

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

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

Ms. Garrison summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 466.028(1)(aa), Florida Statutes, for violating a lawful order of the Board of Dentistry by failing to take and pass the Florida Laws and Rules exam by November 29, 2021.

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

- Appearance
- Fine of \$7,500 to be paid within ninety (90) days of the filing of the Final Order
- Costs in the amount of \$276.17 to be paid within ninety (90) days of the filing of the Final Order

- Suspension until compliant and petition to the Board to lift the suspension

After discussion, the following action was taken:

Motion by: Dr. Tejera to reject the Settlement Agreement

Second: Dr. White

Vote: Unanimous

Motion: by Dr. Tejera to offer a counter Settlement Agreement which includes the following:

- Fine of \$5,000 payable within ninety (90) days of the filing of the Final Order
- Costs in the amount of \$276.17 to be paid within ninety (90) days of the filing of the Final Order

Second: Mr. Andrade

Vote: Unanimous

Dr. Plasky accepted on the record.

ii. Lorena Corzo, DDS, Case No. 2021-33630

(PCP – Miro, Morgan, Fatmi)

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

Dr. Corzo was present and was sworn in by the court reporter. She was represented by Sean Ellsworth, Esq.

Ms. Shideler summarized the case for the Board. Respondent was charged with the following violation: **Count I:** Section 456.072(1)(bb), Florida Statutes, for performing or attempting to perform health care services on the wrong patient, a wrong procedure, or an unauthorized procedure that is medically unnecessary by performing a wrong site procedure by erroneously extracting tooth 4 instead of the intended tooth 5.

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

- Appearance
- Letter of Concern
- Fine of \$2,500 to be paid within one (1) year of the filing of the Final Order
- Costs in the amount of \$2,301.66 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
- 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. Cherry to reject the Settlement Agreement

Second: Dr. McCawley

Vote: Unanimous

Dr. Cherry to offer a Counter Settlement Agreement which includes the following:

- Fine of \$2,500 to be paid within one (1) year of the filing of the Final Order
- Costs in the amount of \$2,301.66 to be paid within one (1) year of the filing of the Final Order

Second: Dr. Tejera  
Vote: Unanimous

Dr. Corzo accepted on the record.

### C. Determination of Waiver

- i. Charles Stamitoles, Sr., DDS, Case No. 2022-24296  
(PCP – Mellado, Morgan, Perdomo)

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

Dr. Stamitoles was not 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)(mm), Florida Statutes, by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto by dentist-patient relationship to induce or attempt to induce Patient C.M. to engage, or to engage or attempt to engage Patient C.M. in sexual activity.

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, to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: Mr. Andrade  
Vote: Unanimous

Motion: by Dr. Tejera 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 Mr. Andrade for revocation  
Second: Dr. Tejera  
Vote: Unanimous

The Department withdrew their motion for costs

- ii. Charles Stamitoles, Sr., DDS, Case No. 2022-32313  
(PCP – Mellado, Morgan, Perdomo)

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

Dr. Stamitoles was not 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)(mm), Florida Statutes, by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto by dentist-patient relationship to induce or attempt to induce Patient B.S. to engage, or to engage or attempt to engage Patient B.S. in sexual activity.

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, to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the Board.

Second: Mr. Andrade

Vote: Unanimous

Motion: by Dr. Tejera 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 Mr. Andrade for revocation

Second: Dr. Tejera

Vote: Unanimous

The Department withdrew their motion for costs

#### **D. Recommended Order**

- i. James Renner, DMD, Case No. 2022-04826  
(PCP – Miro, Perdomo)

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

Dr. Renner was present and was sworn in by the court reporter. He was represented by Julie Gallagher, Esq.

Ms. Tiernan summarized the case for the Board. On March 14, 2022, the Department filed an Administrative Complaint against Dr. Renner. Respondent disputed the allegations and requested an expedited administrative hearing. On May 13, 2022, the Department transmitted the case to DOAH.

The case was referred to the Department of Administrative Hearings and assigned Case No. 22-1437PL. As set forth in the findings of fact, the Department was unable able to establish that the Respondent engaged or attempted to engage in sexual misconduct with A.A. in violation of 466.027 or 456.063(1), Florida Statutes; and the Department was unable to establish that the Respondent failed to keep sufficient dental records justifying the course of treatment in violation of section 466.028(1)(m), Florida Statutes. On November 16, 2022, the Administrative Law Judge recommended that the Board of Dentistry enter a Final Order dismissing the complaint.

The Department filed exceptions to the Recommended Order. After hearing from the Department and Respondent, the following action was taken based on the oral presentation and written statements submitted:

Motion: by Dr. McCawley to deny Exception 1

Second: Dr. Tejera

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Vote: Unanimous

The Board believes every treatment should be documented.

Dr. Mellado discussed the records being incomplete. Dr. Tejera agrees with Dr. Mellado's assessment of the records being incomplete.

Mr. Tellechea explained the records rule and explained that the Department did not provide evidence at trial.

Following discussion, the following action was taken by the board:

Motion: by Dr. White to accept the findings of facts from the Administrative Law Judge and to adopt the Conclusions of Law as amended.

Second: by Dr. Tejera

Vote: Unanimous

Following discussion, the following action was taken by the board:

Motion: by Dr. White to accept the Administrative Law Judge's recommendation and dismiss the case

Second: Dr. Tejera

Vote: Unanimous

### III. PROSECUTION REPORT

#### A. Assistant General Counsel

<b><u>Case Status</u></b>	<b>8/12/2022</b>	<b>10/17/2022</b>	<b>2/17/2023</b>
Total cases open/active in Prosecution Services:	<b>174</b>	<b>216</b>	<b>235</b>
Cases in Emergency Action Unit:	4	2	2
Cases under legal review:	103	135	170
Cases awaiting supplemental investigation/expert opinion:	13	17	15
Cases with PCP recommendation:	6	14	14
Cases where probable cause has been found:	5	4	23
Cases where DOAH has been requested:	20	15	20
Cases pending before DOAH:	2	2	2
Cases on Board meeting agendas:	11	11	8

Cases on appeal:	0	0	0
<b>Cases older than one year:*</b>	<b>57</b>	<b>62</b>	<b>72</b>

\* Does not include cases currently agendaed for final action by the Board.

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

Motion: by Dr. Miro to continue prosecuting year and older cases

Second: Dr. White

Vote: Unanimous

#### **IV. PETITION FOR REMOVAL OF RESTRICTION AND COMMENCEMENT OF PROBATION**

##### **i. Matthew Moye**

Dr. Moye was present and was sworn in by the Court Reporter. He was represented by Ed Bayo, Esq. A final order was entered on September 14, 2018, that restricted Dr. Moye from practicing dentistry until he is released from incarceration and appears before the Board. The Final Order also required that Dr. Moye be placed on a 1-year probation after his release from incarceration and his appearance before the board. Dr. Moye's attorney has filed a Petition to appear before the board for removal of the restriction and to allow him to begin his probationary period. Dr. Moye is also required to undergo a PRN evaluation before his Board appearance.

Mr. Bayo asked that the Petition be continued. The Chair granted the request.

#### **V. PETITION FOR VARIANCE OR WAIVER OF RULE**

##### **i. Mahru Malekiha**

Dr. Malekiha was present and sworn in by the Court Reporter. 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. Tejera to accept the petition

Second: Dr. McCawley

Vote: Unanimous

##### **ii. Kai On-Art**

Dr. On-Art was present and sworn in by the Court Reporter. 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. Tejera to accept the petition  
Second: Dr. McCawley  
Vote: Unanimous

iii. Angelo Pereira

Dr. Pereira was present and sworn in by the Court Reporter. He has filed a Petition for Variance or Waiver of Rule requesting the Board to accept his 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. Tejera to accept the petition  
Second: Dr. McCawley  
Vote: Unanimous

iv. Stormie Futch

Dr. Futch was present and sworn in by the Court Reporter. 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. Tejera to accept the petition  
Second: Dr. McCawley  
Vote: Unanimous

v. Edward Craciun

Dr. Craciun was present and sworn in by the Court Reporter. He has filed a Petition for Variance or Waiver of Rule requesting the Board to accept his 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. Tejera to accept the petition  
Second: Dr. McCawley  
Vote: Unanimous

vi. Thelma Chong

Ms. Chong was not 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 64B5-2.0135, F.A.C.

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept the petition

Second: Dr. McCawley  
Vote: Unanimous

## **VI. REVIEW OF APPLICATIONS**

### **A. Application for Dental License**

#### **i. Alexei Mizin**

Dr. Mizin was present and was sworn in by the court reporter. He was not represented by counsel. His appearance was requested due to a previous malpractice case in another state.

After further discussion, the following action was taken:

Motion: by Dr. Tejera to accept the application  
Second: Dr. Cherry  
Vote: Unanimous

#### **ii. Rebekha Michelle Rodriguez**

Dr. Rodriguez was present and was sworn in by the court reporter. She was represented by Kim Lucas, Esq. Her appearance was requested due to a previous malpractice case in another state.

After further discussion, the following action was taken:

Motion: by Dr. Miro to accept the application  
Second: Mr. Andrade  
Vote: Unanimous

#### **iii. Anum Ullah**

Dr. Ullah was present and was sworn in by the court reporter. She was not represented by counsel. Her appearance was requested due to past discipline history in another state.

After further discussion, the following action was taken:

Motion: by Dr. Miro to accept the application  
Second: Dr. Tejera  
Vote: Unanimous

#### **iv. Marino Vigna**

Dr. Vigna was present and was sworn in by the court reporter. He was not represented by counsel. His appearance was requested due to past discipline in Florida.

After further discussion, the following action was taken:

Motion: by Dr. Tejera to deny the application  
Second: Mr. Andrade  
Vote: Unanimous

#### **v. Charles Elwell**

Dr. Elwell was present and was sworn in by the court reporter. He was not represented by counsel. His appearance was requested due to a previous malpractice case and past criminal history.

After further discussion, the following action was taken:

Motion: by Dr. Tejera to accept the application  
Second: Dr. Cherry  
Vote: 9/1 Motion carries. Mr. Andrade opposed.

## **B. Application for Expanded Functions Program**

### **i. South Florida Dental Training Center**

Ms. Cruz and Dr. Swanson were/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. Ms. Cruz submitted an email asking to cancel her application.

After discussion, the following action was taken:

Motion: by Dr. White to allow South Florida Dental Training Center to withdraw their application  
Second: by Dr. Tejera  
Vote: Unanimous

## **C. Application for Non-Profit Corporation**

### **i. Smile Faith**

Mike O'Carroll appeared on behalf of Smile Faith and was sworn in by the Court Reporter. They are represented by Ed Bayo, Esq. Smile Faith was previously issued a non-profit permit by the Board of Dentistry on October 6, 2021. That permit expired on October 6, 2022. Smile Faith submitted an application to renew their non-profit permit on January 13, 2023. There were documents included in their application relating to continuing education credits along with a memorandum of understanding. Board staff was not sure how this correlated with their non-profit permit and put this application on the agenda for full board review.

After discussion, the following action was taken:

Motion: by Dr. Tejera to deny the application due to Smile Faith not providing credentials in advance of events, in compliance with rule 64B5-7.006, F.A.C. and the entity providing CE not being a part of Smile Faith.

Second: by Mr. Andrade

Vote: Unanimous

## **VII. REPORTS**

### **A. Board Counsel**

#### **i. Rules Report**

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

### **B. Executive Director**

i. Licensure Compact

Ms. Sapp provided information on the proposed Licensure Compact and asked if the Board would like the CDCA to come and present at the next meeting. The Board agreed that they would like them to appear at the next meeting.

ii. Electronic Licensing

Ms. Sapp presented information of the Department of Health's new Electronic Licensing program.

iii. Legislative Update

Ms. Sapp provided a summary of the following bills:

HB 503 – Practice of Dentistry

HB 583 – Health Care Practitioner Titles

SB 652 – Dentistry

iv. Dental Sedation Workshop

Ms. Sapp provided information on the upcoming Dental Sedation Workshop scheduled for May 18, 2023, in Jacksonville.

v. Financial Reports

Financial reports were presented as FYI

**C. Chair**

**D. Board Members**

i. Dr. Cherry - Anesthesia Committee Report

Dr. Cherry gave an update from the January 9, 2023, Anesthesia Committee Meeting.

ii. Dr. White - Rules Committee Report

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

Dr. White gave an update from the January 31, 2023, Rules Committee Meeting. The following rules are being brought forward for consideration by the full Board.

**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 of the National Board of Dental Examiners dental examination.

(1) Practical or Clinical Examination:

(a) Effective October 1, 2011, the Florida Practical or Clinical Examination and the Diagnostic Skills Examination is currently the American Dental Licensing Examination (ADLEX) developed by the American Board of Dental Examiners, Inc., or its successor entity if the successor entity is determined by the Board of Dentistry to comply with the provision of Section 466.006, F.S. The ADLEX is inclusive of a comprehensive diagnostic skills examination covering the full scope of the practice of dentistry.

**(b) All parts of the ADEX shall be completed within eighteen (18) months from the initial start of any portion of the examination or from eighteen (18) months from July 1<sup>st</sup> of the applicant's last year of dental school. A failure to**

complete all parts of the examination ~~within eighteen (18) months~~ within the time frames set forth above will require the applicant to retake the entire examination.

(c) Each part of the ADEX shall be completed with a grade of at least seventy-five (75%) percent.

(d) Provided the Board of Dentistry maintains representation on the Board of Directors of the American Board of Dental Examiners, Inc., and the Examination Development Committee of the American Board of Dental Examiners Inc., the practical or clinical examination procedures, standards, and criteria of the ADEX are approved.

(e) If any portion of the clinical or practical portion of the ADEX exam was completed in a jurisdiction other than Florida, applicants must comply with the applicable provisions of Sections 466.006(4)(b)3. and 466.006(6), F.S., Rules 64B5-2.0150 and 64B5-2.0152, F.A.C.

(2) Written Examination:

(a) The Written Examination for dental licensure shall consist of the laws and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(b) A final grade of seventy-five (75%) percent or better is required to pass the Written Examination.

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the proposed language

Second: by Mr. Andrade

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

Motion: by Dr. Tejera to include that this rule shall include a sunset provision

Second: Mr. Andrade

Vote: Unanimous

#### b. Rule 64B5-12.013, F.A.C.

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

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

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

(a) A board-approved two (2) hour continuing education course on the prevention of medical errors. To be approved by the board, the course shall include a study of root cause analysis, error reduction and prevention, and patient safety. This course shall count towards the requirement of subsection (1). In addition, a two (2) hour prevention of medical errors course approved by the Board of Medicine pursuant to Rule 64B8-13.005(1)(c), F.A.C., shall also fulfill the requirements of Rule 64B5-12.013(2), F.A.C.

(b) Training in cardiopulmonary resuscitation (CPR) at the basic support level, including one-rescuer and two-rescuer CPR for adults, children, and infants; the relief of foreign body airway obstruction for adults, children, and infants; the use of an automatic external defibrillator (AED); and the use of ambu-bags. The CPR training shall result in the certification or recertification by the American Heart Association, the American Red Cross or an entity with equivalent requirements. CPR training and certification shall be taken in-person or through a blended learning course. A blended learning course includes online CPR training and hands-on skill competency completed in person for certification. Online training without hands-on training completed in person for certification shall not be accepted by the board. CPR training and certification shall not count towards the requirement of subsection (1).

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

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

(a) Any course completed outside of Florida, which otherwise complies with this subsection (4), besides the Florida law and subject areas set for in Section 456.033(1), F.S. shall be approved by the board if the licensee submits to the board a statement that he or she has reviewed and studied the Florida law set forth in Section 456.033(1), F.S.

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

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

(5) Prescribing of Controlled Substances: As part of every biennial licensure renewal or for reactivation of a dental license, all licensed dentists shall complete a board-approved, two-hour continuing education course on the safe and effective prescribing of controlled substances.

(a) The Board hereby deems the courses previously approved pursuant to Section 456.0301, F.S., as approved to meet the requirement of this subsection.

(b) This course shall count towards the requirement of subsection (1).

(c) In addition, a two (2) hour prescribing of controlled substances course approved by the Board of Medicine pursuant to Rule 64B8-13.008, F.A.C., shall also fulfill the requirements of Rule 64B5-12.013(5), F.A.C.

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

(a) By taking courses offered by a board -approved continuing education provider.

(b) By taking courses offered by:

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

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

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

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

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

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

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

8. The American Academy of Dental Hygiene.

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

(d) By participating in examination standardization exercises for the examinations that are required for dental or

dental hygiene in Florida. Dentists and dental hygienists may receive a maximum of six (6) continuing education credits per biennium for participating in the dental hygiene exercise; dentists may receive a maximum of eight (8) continuing education credits for the dental clinical exercise; and dentists may receive a maximum of eleven (11) continuing education credits per biennium for participating in both exercises.

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

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

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

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

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

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the proposed language

Second: by Mr. Andrade

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

Motion: by Dr. Tejera to include that this rule shall include a sunset provision

Second: Mr. Andrade

Vote: Unanimous

c. Rule 64B5-16.0051, F.A.C.

**64B5-16.0051 Delegation of Remediable Restorative Functions to Dental Assistants; Supervision Level; and Training and Experience Requirements.**

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

(1) Delegable Restorative Functions: After a dentist has prepared a tooth, a dentist may delegate to a dental assistant, who has met the mandatory training requirements of this rule, the task of placing, packing and contouring amalgam and composite restorations and the fitting and contouring of stainless-steel crowns (tasks). However, a dental assistant shall not permanently cement stainless steel crowns.

(a) The tasks shall only be performed using a slow speed handpiece and hand instruments.

(b) The delegating dentist shall not supervise more than four (4) dental hygienists or dental assistants in combination who are simultaneously performing the tasks pursuant to this rule or a rule authorizing the same or similar delegable tasks for dental hygienists.

(c) The delegating dentist shall ensure that the patient's dental chart is annotated to reflect the initials of the dental assistant who performed the tasks.

(d) The delegating dentist shall also ensure that the patient's dental chart reflects that the final restoration was verified by the delegating dentist and the result of the verification shall also be documented.

(2) Mandatory Training Course Prerequisites: To be eligible to be admitted into the mandatory training course required in subsection (3), a dental assistant (Candidate) shall meet the following conditions:

(a) The Candidate shall be at least 18 years of age.

(b) The Candidate shall be a high school graduate or have a High School Equivalency Certificate.

(c) The Candidate shall have a current Basic Life Support for Healthcare Provider certificate.

(d) The Candidate shall be a graduate of a dental assisting program that is accredited by a dental accrediting entity recognized by the United States Department of Education or shall have received formal training in expanded duties pursuant to paragraph 64B5-16.002(1)(b), F.A.C. The Candidate shall have never had a dental assisting license suspended or revoked in any jurisdiction.

(e) Within 24 months prior to being admitted to the mandatory training course in subsection (3), the Candidate must have documented proof of 2400 hours of clinical work experience in either a dental office or as an educator of dental assisting.

(f) All students must have a delegating dentist to enroll in the program. The commitment of the delegating dentist is to supervise and evaluate a portion of their clinical requirements and submit a report to the CE provider.

(g) The delegating dentist must attend a two-hour online interactive video conference mandatory training on the Laws and Rules of Remediable Restorative Functions, and calibration of the clinical requirements and procedures.

(3) Mandatory Training Course: The mandatory training course shall be offered by a dental or dental hygiene school or program that is accredited by a dental accrediting entity recognized by the United States Department of Education. The training course must be specifically designed and implemented to comply with the provisions of this rule. The training program shall ensure that the candidate meets all the qualifications in subsection (2) before accepting the candidate into the training program. At a minimum, the training shall include and contain the following:

(a) 105 clock hours including a minimum of 10 hours dedicated to preclinical didactic hours, and a clinical portion consisting of a minimum 70 hours dedicated to simulated lab and a minimum of 25 hours dedicated to live patients, **divided in 12 clinical hours with the delegating dentist, and 13 clinical hours at the course provider institution.** The preclinical didactic hours, may be offered online. At the completion of the preclinical didactic hours, the course shall require the passing of an initial written examination prior to the clinical portion of the training. A passing score shall require a score of 75 percent or above.

(b) A clinical and lab session for Amalgam Restorations Class I, II, and V, which shall include live patients.

(c) A clinical and lab session for Composite Restorations Class I, II, III, and V, which shall include live patients.

(d) A ~~clinical and~~ lab case-based clinical scenario session to size, fit and contour, but not permanently cement, stainless steel crowns ~~-which shall include live patients.~~

(e) The training program shall verify competency by requiring an exit or final written examination and clinical examination that includes live patients. The written portion of the examination shall include a section covering the Laws and Rules of Dentistry in Florida. A passing score shall require a 75 percent or above on both the written and clinical examination and the examinations shall not be weighted to achieve an overall score of 75 percent or better. The clock hours dedicated to the exit or final written and clinical examination shall not count towards the required minimum 105 total clock hours required by the course.

(f) Upon the successful completion of the training course, a certificate of successful completion of the Restorative Function Course shall be issued.

(4) Documentation of Training: A Dentist who delegates tasks pursuant to this rule shall ensure that a copy of the Restorative Function Course training certificate is immediately available at the location where tasks are delegated, and the certificate shall be produced by the dentist when requested by the Board Office or any authorized inspector.



(5) Responsibility: The delegating and supervising dentist shall remain fully responsible for all delegated tasks and for ensuring that the dental assistant meets the training requirements of this rule.

After discussion, the following action was taken:

Motion: by Dr. White to approve the proposed language

Second: by Dr. Tejera

Vote: Unanimous

The Board found there was no economic impact, that no part of this rule or a violation of this rule should be designated as a minor violation, and that a Statement of Regulatory Cost was not necessary and will not need legislative ratification.

Motion: by Dr. Tejera to include that this rule shall include a sunset provision

Second: Mr. Andrade

Vote: Unanimous

### iii. Council on Dental Hygiene Report

Ms. Hill's Council on Dental Hygiene report was tabled until the May meeting.

#### a. Rule 64B5-2.0135, F.A.C.

##### **64B5-2.0135 Dental Hygiene Examination.**

###### (1) Practical or Clinical 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 Commission on Dental Competency Assessments (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.

(b) Any dental hygiene applicant, who fails to pass the Practical or Clinical Examination in three (3) attempts, shall not be eligible for reexamination until the successful completion of one academic semester of clinical course work at the senior clinical practice level at a dental hygiene school approved by the American Dental Association Commission on Accreditation. A failure to comply with the remedial course work in this paragraph will result in a denial of licensure or a denial to sit for reexamination.

(c) The Board of Dentistry hereby approves the practical or clinical Dental Hygiene Examination developed by ADEX. All ADEX clinical or practical examination procedures, standards, and criteria are approved and shall remain approved contingent on the Board of Dentistry maintaining representation on the ADEX House of Representatives and the ADEX Dental Hygiene Examination Development Committee.

###### (2) Laws and Rules Examination:

(a) The written examination shall be an examination covering the laws and rules applicable to the practice of a health care profession, the practice of dentistry and the practice of dental hygiene in the State of Florida.

(b) The examination shall, at a minimum, cover the following subject areas:

1. The provisions of Chapter 466, F.S.,
2. The provisions of Chapter 456, F.S.; and,
3. The provisions of Chapter 64B5, F.A.C.

(c) No more than three percent (3%) of the examination shall cover the topic of Chapter 456, F.S.

**(3) All parts of the ADEX shall be completed within eighteen (18) months from the initial start of any portion of the examination or after eighteen (18) months from July 1<sup>st</sup> of the applicant's last year of dental hygiene school. A failure to complete all parts of the examination ~~within eighteen (18) months~~ within the time frames set forth above will require the applicant to retake the entire examination.**

###### (4) Grading, Passing Results, and Time Requirements:

(a) The practical or clinical examination must be completed with a score of seventy-five (75) points or greater on both portions of the examinations, whether administered in Florida or another jurisdiction.

(b) The written examination shall be completed with a seventy-five percent (75%) or greater.

(5) Historical Note Florida Dental Hygiene Exam:

(a) On March 23, 2012, legislation became effective, SB 1040, which amended Section 466.007, F.S. Beginning July 1, 2012, the amendment made the Florida Dental Hygiene Exam the hygiene examination developed by ADEX.

(b) Prior to the legislative change, the Board voted and implemented the Dental Hygiene Exam developed by ADEX and set June 1, 2010, as the controlling date for acceptance of this exam. Preceding June 1, 2010, the hygiene examination was an independent administered state exam.

(c) In accordance with the applicable rules and statutes, June 1, 2010, is the earliest date the Board shall accept for a valid Dental Hygiene Exam developed by ADEX, as this is the earliest date the Board and Council found the ADEX exam met the requirements of Section 466.007, F.S.

After discussion, the following action was taken:

Motion: by Dr. White to accept the proposed language

Second: by Dr. Tejera

Vote: Unanimous

### **E. Inspection Report**

#### **i. Ron Dilworth**

Mr. Dilworth provided the Board with an overview of the dental sedation program. He indicated that 676 inspections had been completed last calendar year. He also indicated that 80 inspections have been completed since January 1 of this year.

## **VIII. FOR YOUR INFORMATION**

### **A. Florida Prescription Drug Monitoring Program (PDMP) Monthly Report**

## **IX. NEW BUSINESS**

### **A. Delegation of Authority**

Mr. Tellechea asked that two new delegations be added granting authority to the chair to allow board counsel to file a notice of appeal upon consulting with the Chair and to allow board counsel to review requests for DOAH hearings including licensure cases, petitions for variance or waiver, or rule hearings, and refer to DOAH when appropriate upon consulting with the Chair.

Motion: by Dr. Tejera to accept the Delegation of Authority

Second: Mr. Andrade

Vote: Unanimous

### **B. 2024 Meeting Dates**

February 16, 2024

May 17, 2024

August 16, 2024

November 15, 2024

### **C. Licensure Ratification Lists**

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the licensure ratification list  
Second: by Mr. Andrade  
Vote: Unanimous

**D. Anesthesia Ratification List**

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the anesthesia ratification list  
Second: by Dr. White  
Vote: Unanimous

**X. OLD BUSINESS**

**A. Approval of Board Meeting Minutes – November 18, 2022**

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the meeting minutes  
Second: by Dr. White  
Vote: Unanimous

**B. Approval of Anesthesia Committee Meeting Minutes – January 9, 2023**

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the meeting minutes  
Second: by Dr. White  
Vote: Unanimous

**C. Approval of Rules Committee Meeting Minutes – January 31, 2023**

After discussion, the following action was taken:

Motion: by Dr. Tejera to approve the meeting minutes  
Second: by Dr. White  
Vote: Unanimous

**XI. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:01 a.m.