

July 25, 2003

Tammi O. Byrd, RDH
282 Woodwinds Drive
Columbia, South Carolina 29212

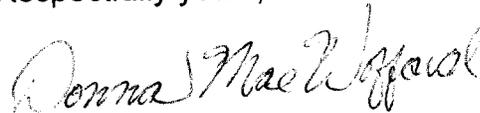
Dear Tammi O. Byrd, RDH:

Enclosed please find the information regarding the Florida Board of Dentistry and the Florida Dental Hygiene Association that you had previously requested. I have tried to highlight and explain some of the actions and the resulting consequences.

If you have any questions, my contact information is:

Donna Mae Wofford, RDH
2706 Clubhouse Drive
Plant City, Florida 33566
(813) 752-6226
redheadrdh@aol.com

Respectfully yours,



Donna Mae Wofford, RDH
FDHA President 2002-2003

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #1:

The statute that provides for an advisory council to the Florida Board of Dentistry called the Council on Dental Hygiene:

466.004 Board of Dentistry (2) (a) *A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, which the board shall consider, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, ore regulation; and dental hygiene education.*

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #2:

This is a copy of page 18 of the January 18-19, 2002 Florida Board of Dentistry meeting minutes. These minutes can be obtained for a period of time from the website address for the Florida Board of Dentistry, which is:
www9.myflorida.com/mqa/dentistry/dn_home.html

This page was included to show that the full board habitually took actions that affected the areas of dental hygiene that the statute legislatively requires be brought through the council for advisement to the board without referring these actions to the Council on Dental Hygiene for the advise of that council.

1 Motion: by Ms. Douglas to approve
2 Second: by Dr. Ackley.
3 Vote: Unanimous.

4 **Exam Committee - Dr. Garcia, Chair**

5 **Rule 64B5-2.013(4)(b) – Raising Periodontal Requirement to 5mm**

6 The board discussed raising the periodontal requirement to 5mm at a prior meeting.
7 Standardization and the Candidate Information Booklet (CIB) will require colored probe.
8 The CIB will be placed on WEB site with picture of probe.

9 Motion: by Dr. Haering to return to original language (4 mm) testing minimum
10 competency.
11 Second: by Ms. Douglas
12 Vote: Unanimous.

13 Motion: by Dr. Haering to return to four designated teeth for root planing.
14 Second: by Dr. Klement.
15 Vote: Passed with Dr. Ackley, Ms. Douglas, Ms. Stavros and Dr. Garcia opposed.

16 Following considerable discussion and input from Ms. Carnes, Dr. Stone (Bureau of
17 Testing), board members and board counsel, Dr. Garcia directed Mr. Bayo, Dr. Haering,
18 Dr. Stone and Ms. Carnes to develop proposed language for a statement regarding this
19 change including all ramifications before noticing the rule. Dr. Stone recused the
20 Department from being involved because this was contrary to the Department
21 recommendation and the Department's task analysis survey.

22 **Administration of dental/dental hygiene exams at two sites**

23 Mr. Wayne McDaniel, Deputy Secretary, Department of Health, was introduced to the
24 Board by Dr. Garcia. Mr. McDaniel expressed concerns that he understands what the
25 board wants to achieve and felt that having the December 2002 dental and dental
26 hygiene examinations at Nova was a good start, with the goal that eventually the exam
27 would be offered at both universities for each administration. Dr. Garcia requested that
28 Testing Services hold the December 2002 dental/dental hygiene examinations at Nova
29 University, June 2003 at both schools and alternate the December examinations.

30 **RULES (Full Board - Dr. Haering, Chair)**

31 **Rule 64B5-13.005 Disciplinary Guidelines; Range of Penalties; Aggravating and**
32 **Mitigating Circumstances**

33 Mr. Bayo directed the board's attention to the changes in the rule found on Pages 33-34
34 of the January 2002 rules report. These changes were made at the suggestion of the
35 Joint Administrative Procedures Committee.

36 Motion: by Mr. Poitevent to adopt the changes as noted.
37 Second: by Dr. Dallas.
38 Vote: Unanimous.

39 **Rule 64B8-9.013 Board of Medicine Rule Draft Standards for the Use of Controlled**
40 **Substances for Treatment of Pain**

41 The aforementioned draft was provided to the committee for input for future rulemaking.
42 A draft has been provided to Mr. Nicol, attorney for the Florida Dental Association for his

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #3:

This is a copy of the letter sent by the Florida Dental Hygiene Association President 2001-2002, Debra Vitale, RDH, BS requesting that the Council on Dental Hygiene be allowed to meet.

Dr. Faustino Garcia, Chairman
Florida Board of Dentistry
2020 Capital Circle Southeast, BINC06
Tallahassee, FL 32399-3256

February 16, 2002

Dear Dr. Garcia:

On behalf of the Florida Dental Hygiene Association, I am requesting that the Board of Dentistry hold a Dental Hygiene Council Meeting. We believe that this is an important component of the Board of Dentistry, however the Council has not met in several years.

We believe that the Council meeting will allow the Dental Hygiene members of the Dental Hygiene Council to discuss the issues facing the profession of Dental Hygiene. Such issues concern privatization or outsourcing, local anesthesia, and the dental hygiene examination.

The Mission of the Florida Dental Hygiene Association is to serve the public by advancing the art and science of dental hygiene, increasing awareness of and access to quality health care; promoting the highest standards of dental hygiene education, licensure, and practice; and by, representing the profession of dental hygiene.

To ensure the representation of the profession of dental hygiene, I therefore request inclusion on any and all correspondence concerning the Dental Hygiene Council.

I look forward to hearing from you concerning this matter.

Respectfully,

Debra G. Vitale, RDH, BS
FDHA President 2001-2002
10442 Vanderbilt Drive
Naples, FL 34108
941-594-9042
941-564-3416
dgvrhd@aol.com

cc: Sue Foster, Executive Director, Board of Dentistry
John O. Agwunobi, M.d., M.B.A., Secretary, Florida Department of Health

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #4:

These are pages 9 and 10 of the March 1, 2002 Florida Board of Dentistry meeting minutes. They show that the Board discussed FDHA President 2001-2002 Vitale's letter requesting that the Council on Dental Hygiene meet. No meeting date was established at this time.

1 Dr. Soldatos submitted the independent accountant's report covering his billing practices
2 for the past 5 years which was completed by Ken Hutto, CPA, for board review.

3 Motion: by Ms. Douglas to approve the report.
4 Second: by Dr. Dallas
5 Vote: Unanimous

6 **Christopher Lodenquai, D.D.S. (approval of billing practices)**
7 Dr. Lodenquai submitted the independent accountant's report covering billing practices
8 for the past 5 years. This report was completed by Ken Hutto, CPA.

9 Motion: by Ms. Douglas to approve the report.
10 Second: by Dr. Dallas
11 Vote: Unanimous

12 **FOR YOUR INFORMATION**

13 **AADE Correspondence**

14 **Unlicensed Activity Bulletin**

15 **Senate Bill 2064**

16 **Dental Examination Proposal**

17 **AADE Membership Dues**

18 The board clarified that they would like staff to look into payment of dues for all licensed
19 members of the board.

20 **AADE Citizen of the Year Award**

21 Motion: by Ms. Stavros to nominate Dr. Solomon Brotman as Citizen of the Year
22 Second: by Dr. Garcia
23 Vote: Unanimous

24 **Thank You Notes (re: December exams)**

25 **Steven E. Polasky, D.D.S. (petition to waive second continuing education audit)**

26 Motion: by Dr. Garcia to deny the petition to waive second continuing education audit.
27 Second: by Ms. Douglas
28 Vote: Unanimous

29 **Correspondence (re: dental work order prescriptions)**

30 The board was asked about scanning prescriptions - whether it is necessary to also
31 store paper copies for two years as stated in s. 466.021 F.S. Mr. Bayo stated that the
32 Board of Pharmacy has accepted this standard for scanning prescriptions. The board
33 opined that scanned prescriptions are acceptable so long as a hard copy could be
34 obtained.

35 **Correspondence (re: unlicensed activities fund)**

36 This was a copy of the budget in simplified format where it was suggested that funds
37 could be transferred to the general operating fund from the unlicensed activity fund. This
38 will be addressed at the next meeting after renewal is completed.

39 **Correspondence from Debra Vitale, Florida Dental Hygiene Association**

40 Ms. Vitale sent a letter to Dr. Garcia requesting that the dental hygiene committee hold a
41 meeting. Ms. Douglas stated that she had been in contact with Ms. Vitale and a meeting

1 would be held when there were issues to discuss. Dr. Garcia sent a response to Ms.
2 Vitale on this.

3 Ms. Vitale was present and stated that she wanted to ensure that hygienists' interests
4 were being met since there had not been a meeting for some time. The board and staff
5 will make a best effort that she is kept apprised of all issues and meetings involving the
6 board so that she may give input into any issues facing the board.

7 **REPORTS**

8 **Board Counsel**

9 Mr. Bayo disseminated a copy of his rules report with the status of the following rules:
10 64B5-12.0175, 64B5-4.002, 64B5-17.014, 64B5-17.013, 64B5-17.0045, 64B5-2.0135,
11 64B5-17.011, 64B5-25.003, 64B5-2.0126, 64B5-12.019, 64B5-12.020, 64B5-13.005.

12 **Board Director**

13 No report.

14 **Vice Chair**

15 No report.

16 **Chair**

17 Dr. Garcia requested that a credentials committee be held at the next board meeting if
18 the application deadline did not conflict as well as an exam committee meeting. He
19 would like members to re-visit the task analysis which was recently sent to them by
20 Exam Services concerning the 5mm/4mm issue.

21 Dr. Garcia also discussed the pre-molars issue for the endodontic exam and that the
22 board may want to consider changing this.

23 Dr. Garcia presented Dr. Charles Ross with a plaque for his many years of dedicated
24 service to the Board.

25 **OLD BUSINESS/NEW BUSINESS**

26 The following motion was made:

27 Motion: by Dr. Abdoney that the Board send Ed Bayo to California to attend the
28 conference concerning amalgam in April, 2002.

29 Second: by Ms. Douglas

30 Vote: Unanimous

31 **ADJOURNMENT**

32 The meeting was adjourned at 4:35 p.m.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #5:

This is a copy of the letter that FDHA President 2001-2002 Vitale sent to the Council on Dental Hygiene's Chair, Helen Douglas, RDH. In it, President Vitale requests again a meeting of the council and gives suggestions for the agenda for such a meeting.

Helen Douglas, RDH, BS
Council on Dental Hygiene Chair
9550 Foxrun Road
Pensacola, FL 32514

April 30, 2002

Dear Helen:

It was good to speak with you on the evening of April 17, 2002. Just to recap some of our telephone conversation, I acknowledge your concerns in not wanting to call a Dental Hygiene Council meeting. As I understand, from this and our previous conversations, your continued concerns are the cost to meet and the need to establish an agenda.

The Florida Dental Hygiene Association is concerned that the legislative intent of the Council on Dental Hygiene has been lost. According to the statute 466.004 (2) (a):

(2) **To advise the board**, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a)...

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair. **The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, which the board shall consider, on matters pertaining to that part of dentistry licensure, discipline, or regulation; and dental hygiene education.**

In our opinion, the legislative intent of the Council on Dental Hygiene is clear, in that the Council should advise the Board of Dentistry in all areas that affect dental hygiene regulation before official decisions are made. We are disappointed that the Board of Dentistry is not utilizing the Council on Dental Hygiene in this manner.

The Florida Dental Hygiene Association, once again, respectfully requests the Council to meet, since it has not met in over two years. We would recommend the following agenda items as previously discussed:

- 1) Supervision Levels
- 2) Local Anesthesia
- 3) Ownership of Instruments
- 4) Clarification of CPR level
- 5) Dental Hygiene Exam
- 6) Privatization as it directly relates to Dental Hygiene regulation

Sincerely,

Debra G. Vitale, RDH, BS
President

Cc: Faustino Garcia, DMD, Chair
Ms. Sue Foster, Executive Director
Ms. Irene Stravos, RDH

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #6:

These are pages #1 & 14 of the May 3, 2002 Florida Board of Dentistry meeting minutes. These minutes address that the Board has received the letter from FDHA President Vitale requesting that the Council on Dental Hygiene meet. It also shows that the Council had not met in such a long time that new council members had to be appointed. It was agreed to hold a Council on Dental Hygiene meeting to coincide with the September 20-21, 2002 Board of Dentistry meeting.

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**BOARD OF DENTISTRY
BOARD MEETING MINUTES
Crowne Plaza Hotel
5555 Hazeltine National Drive
Orlando, FL 32812
(407) 856-0100
May 3, 2002**

8 **CALL TO ORDER/INVOCATION**

9 The meeting was called to order at 1:20 p.m. by Dr. Garcia. Invocation was given by Dr.
10 Dallas. Those present for all or part of the meeting included the following:

11 Members present:

12 Faustino Garcia, D.M.D.
13 Eva Ackley, D.M.D.
14 Helen Ann Douglas, R.D.H.
15 Michael Abdoney, D.D.S.
16 Betty Klement, D.M.D.
17 Hal Haering, D.M.D.
18 Gerald Laboda, D.M.D.
19 Benjamin Poitevent
20 Irene Stavros, R.D.H.
21 Michelle Dallas, D.D.S.
22 Gloria Fisher

23 Staff Present:

24 Lee Ann Gustafson, Board Counsel
25 Sue Foster, Board Director
26 Cindy Ritter, Program Administrator
27 Dean Bunton, AHCA Attorney
28 Letha Wheeler & Associates, Court Reporter (352) 589-8852

29 **REVIEW OF MARCH 1-2, 2002 MINUTES**

30 Minutes were reviewed and the following corrections noted: Page 1 - Ms. Fisher was in
31 attendance; Page 9 – line 39 Mr. Poitevent stated that minutes needed additional review
32 regarding the dental hygiene committee discussion. Page 10 – lines 3-6, Dr. Laboda
33 stated that staff should substitute “make a best effort” for “ensure.”

34 It was requested that staff make a transcript of Mr. Poitevent's comments and the dental
35 hygiene committee discussion from the last meeting.

36 Motion: by Ms. Stavros to approve as amended.
37 Second: by Ms. Douglas
38 Vote: Unanimous

1 **Vice Chair**

2 **Report on attendance at AADE Mid-Year Meeting**

3 Ms. Stavros gave the board an update on her trip to the AADE mid-year meeting in
4 March. Topic discussions included accreditation, how regulators and educators can help
5 each other on outcome assessments and the variance in national board scores between
6 applicants from accredited vs. non-accredited schools.

7 **Chair**

8 **Correspondence (AADE Citizen of the Year Award)**

9 Dr. Garcia prepared a letter to the AADE nominating Dr. Sol G. Brotman for this award.

10 **Correspondence from DOH Secretary (re: mandated CE)**

11 The response to Dr. Garcia from Dr. Agwunobi was provided for the board's information.

12 **Correspondence (re: administration of WREB)**

13 Dr. Garcia gave a synopsis of what had happened concerning the administration of the
14 Western Regional Examining Board examination in May 2002 at Nova Southeastern
15 University.

16 **Other**

17 Dr. Garcia addressed a letter sent to him by Ms. Deborah Vitale, President of the Florida
18 Dental Hygiene Association. Ms. Vitale was requesting a dental hygiene council
19 meeting be held. Also discussed was the need to appoint new members to the dental
20 hygiene council. Dr. Garcia was given recommendations for possible members by Ms.
21 Douglas and Ms. Vitale for his consideration. Dr. Garcia requested that curriculum
22 vitae's be sent to him for review. It was agreed that a council meeting would be set to
23 coincide with the September 2002 board meeting.

24 Dr. Garcia apologized to Ms. Vitale for the delivery of his comments in March, but not for
25 the words that were said.

26 Dr. Garcia requested that the topic of non-accredited graduates be placed on the next
27 Rules committee agenda.

28 Dr. Garcia expressed his interest in continuing to serve on the probable cause panel
29 after his term on the board ends. He requested that the board consider a rule change
30 indicating the panel may be comprised of former board members and that a draft be
31 prepared for the July meeting.

32 **Correspondence (American Academy of Periodontology)**

33 **Certify dental/dental hygiene candidates for June 2002 exam**

34 Motion: by Ms. Douglas to certify dental candidates beginning with Abrol and ending
35 with Zepeda as eligible for the June 2002 examination.

36 Second: by Dr. Dallas

37 Vote: Unanimous

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #7:

This is the official roster of the members of the Florida Board of Dentistry 2002-2003 as given out at one of the board meetings. Note that Irene Stavros, RDH was serving as Vice Chair for this year with Dr. Faustino Garcia serving as the board chair.

FLORIDA BOARD OF DENTISTRY
DEPARTMENT OF HEALTH

BOARD COMPOSITION 7 Licensed Dentists
 2 Licensed Dental Hygienists
 2 Consumer Members
 11 Total

LICENSED DENTISTS

Faustino Garcia, D.M.D.
Chair

Michael L. Abdoney, D.D.S.

Eva Ackley, D.M.D.

Michele Dallas, D.D.S.

Hal Haering, D.M.D.

Betty D. Klement, D.M.D.

Gerald Laboda, D.M.D.

DENTAL HYGIENISTS

Helen Ann Douglas, R.D.H.

Irene J. Stavros, R.D.H.
Vice Chair

CONSUMER MEMBERS

Gloria Fisher

Benjamin Poitevent

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #8:

This is a copy of the Florida Board of Dentistry committee appointments for the 2002-2003 year. Please note especially the members of the Legislative committee that included: Mr. Ben Pointevent, Chair; Dr. Betty Klement; Dr. Gerald Laboda; and Irene Stavros, RDH.

**FLORIDA STATE BOARD OF DENTISTRY
COMMITTEE APPOINTMENTS 2002**

ANESTHESIA COMMITTEE

Dr. Gerald Laboda, Chair
Dr. Michele Dallas
Dr. Betty Klement
Mr. Benjamin Poitevent

BUDGET COMMITTEE

Mr. Benjamin Poitevent, Chair
Dr. Hal Haering
Helen Douglas, RDH

CONTINUING EDUCATION

Irene Stavros, RDH, Chair
Dr. Eva Ackley
Ms. Gloria Fisher
Helen Douglas, RDH

CREDENTIALS COMMITTEE

Dr. Faustino Garcia, Chair
Dr. Michael Abdoney
Dr. Michele Dallas

DENTAL ASSISTING COUNCIL

Dr. Eva Ackley, Chair
Dr. Michele Dallas
Ms. Sharon Berrier
Ms. Connie Gore

DENTAL HYGIENE COUNCIL

Helen Douglas, RDH, Chair
Dr. Betty Klement
Lynn Padovano, RDH
Deanna Stentiford, RDH
Nancy C. Zinser, RDH

EXAMINATION COMMITTEE

Dr. Faustino Garcia, Chair
Dr. Michael Abdoney
Dr. Eva Ackley
Helen Douglas, RDH
Dr. Betty Klement
Irene Stavros, RDH

INFECTION CONTROL COMMITTEE

Dr. Michele Dallas, Chair
Dr. Eva Ackley
Irene Stavros, RDH
Dr. Carol Stewart (advisor)
Dr. Richard Karpay (advisor)

LEGISLATIVE COMMITTEE

Mr. Benjamin Poitevent, Chair
Dr. Betty Klement
Dr. Gerald Laboda
Irene Stavros, RDH

PROBABLE CAUSE PANEL

Dr. Faustino Garcia, Chair
Ms. Gloria Fisher
Dr. William Robinson (former Bd. member)

RULES COMMITTEE

Dr. Hal Haering, Chair
Dr. Michael Abdoney
Ms. Gloria Fisher
Dr. Faustino Garcia
Dr. Gerald Laboda
Irene Stavros, RDH

PRIVATIZATION COMMITTEE

Dr. Faustino Garcia, Co-Chair
Mr. Benjamin Poitevent, Co-Chair
All Board Members

Revised 12/5/01

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #9:

This is a copy of page 18 of the September 20-21, 2002 Florida Board of Dentistry meeting minutes. This is the outcome of the committee reports as reported in the full board minutes. The way that the meetings were being held is that each committee would hold their meeting with the full board in attendance. When an item was brought forth, the committee discussed and voted on what action to recommend to the Board. Then the committee would turn the meeting over to the full board and the full board voted on the recommendations. The actions of the board are not reflected in these minutes and one is referred to the minutes of the committees.

DRAFT

1 Dr. Laboda summarized the parenteral conscious sedation permits approved and stated that an
2 October 15, 2002 telephone conference call would be held at noon to workshop the anesthesia
3 rule 64B5-14, F.A.C. language.

4 **Budget**

5 Mr. Poitevent summarized the actions taken by the budget committee, review of the current
6 budget, and presentation by Dr. Brotman. Mr. Bayo advised the board that the statute does not
7 allow a former board member to serve on the Budget Committee, and that Dr. Brotman could
8 possibly be appointed as a consultant.

9 Motion: by Dr. Laboda that Dr. Brotman be appointed as a consultant to represent the board
10 at the October budget meeting of all of the boards.

11 Second: by Dr. Ackley

12 Vote: Unanimous

13 A letter will be sent to the Division Director of MQA requesting that Dr. Brotman serve in this
14 capacity. Mr. Poitevent will take Dr. Brotman's place if he is unable to serve in this capacity.
15 See Budget Committee minutes for additional information.

16 **Continuing Education**

17 Ms. Stavros summarized the actions taken by the Continuing Education Committee. See
18 Continuing Education Committee minutes for additional information.

19 **Dental Hygiene Council**

20 Ms. Douglas summarized the actions taken by the Dental Hygiene Council. See Dental
21 Hygiene Council minutes for additional information.

22 **Examination**

23 Dr. Garcia summarized the actions taken by the Examination Committee. See Examination
24 Committee minutes for additional information.

25 **Legislative**

26 Mr. Poitevent summarized the actions taken by the Legislative Committee. See Legislative
27 Committee minutes for additional information.

28 **Rules**

29 Dr. Haering summarized the actions taken by the Rules Committee. See Rules Committee
30 minutes for additional information.

31 Notes will be forwarded to Mr. Bayo by Dr. Haering for rule drafting. Ms. Stavros stated that she
32 would like to see consent forms listed in rule and staff will check to see whether the Board of
33 Medicine requires this. She also would like to see the Rules Committee address remedial
34 education for foreign dentists to take the dental hygiene exam. It was requested that root
35 planing be added to the next agenda.

36 Motion: by Ms. Stavros to pursue remedial education for foreign dentists.

37 Second by Dr. Garcia

38 Vote: Unanimous

39 **PERMIT/LIMITED LICENSE REQUESTS**

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #10:

This is page 22 of the September 20-21, 2002 Florida Board of Dentistry meeting minutes. This is the election result of the vote for the Chair and Vice Chair for the Board. The Board chose to elect Dr. Gerald Laboda as Chair and re-elected Irene Stavros, RDH as the Vice Chair.

DRAFT

1 ELECTION OF OFFICERS

2 Vice Chair

3 Motion: by Dr. Garcia to nominate Ms. Stavros for vice chair.

4 Second: by Mr. Poitevent

5 Vote: Nominee received 6 votes.

6 Motion: by Ms. Fisher to nominate Dr. Ackley for vice chair.

7 Second: by Dr. Abdoney

8 Vote: Nominee received 5 votes.

9 Chair

10 Motion: by Mr. Poitevent to nominate Ms. Stavros for chair.

11 Second: by Ms. Douglas

12 Vote: Nominee received three votes.

13 Motion: by Dr. Haering to nominate Dr. Laboda for chair.

14 Second: by Dr. Garcia

15 Vote: Nominee received four votes.

16 Motion: by Dr. Klement to nominate Dr. Ackley for chair.

17 Second: by Ms. Fisher

18 Vote: Nominee received four votes.

19 A run-off election was held between Dr. Laboda and Dr. Ackley with Dr. Laboda winning the
20 election with a vote of 7 to 4.

21 Meeting dates for 2003

22 The following are meeting dates set by the board for next calendar year:

23 January 31- February 1

Tampa

24 April 11 – 12

Jacksonville

25 June 27-28

Ft. Myers

26 September 19-20
27 availability)

Gainesville (tentative depending on sports schedule/hotel

28 November 21-22

Ft. Lauderdale

29 ADJOURNMENT

30 The board and committee meetings were recessed at 8:30 p.m. on Friday and adjourned at 3:15
31 p.m. Saturday.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #11:

This is the minutes to the Legislative Committee meeting held on September 20, 2002. Please note that not only were the members of the Legislative Committee present, but also the other seven members of the Board are listed as being present for this meeting.

Note the action concerning allowing the administration of local anesthesia by dental hygienists.

BOARD OF DENTISTRY
LEGISLATIVE COMMITTEE
SEPTEMBER 20-21, 2002
Doubletree Hotel and Conference Center/UF
1714 SW 34th Street
Gainesville, FL 32607
(352) 371-3600

CALL TO ORDER

The meeting was called to order by Mr. Poitevent, Chairman. Those present for all or part of the meeting included the following:

Members present

Mr. Poitevent, Chairman
Dr. Klement, D.M.D.
Dr. Laboda, D.M. D.
Ms. Stavros, R.D.H.

Staff present

Ed Bayo, Board Counsel
Sue Foster, Board Director
Cindy Ritter, Program Administrator

Others present:

Faustino Garcia, D.M.D.
Eva Ackley, D.M.D.
Gloria Fisher
Helen Douglas, R.D.H.
Michael Abdoney, D.D.S.
Hal Haering, D.M.D.
Michele Dallas, D.D.S.

REVIEW OF JULY 20, 2002 MINUTES

Line 5, page 35 name should be spelled Debi Clayton.

Motion: by Dr. Garcia to approve the minutes as amended.

Second: by Dr. Laboda

Vote: Unanimous

ITEMS FOR TOPIC DISCUSSION

Chapter 466.017, F.S. - local anesthesia administration by dental Hygienists

The Committee discussed the above-cited law and requested that board counsel bring back language – can make the change by just deleting "not as a remediable task" from this law. It was also requested that board counsel draft language to allow administration of local anesthesia by hygienists.

Motion: by Ms. Stavros to bring above-cited language draft to the November meeting.

Second: by Dr. Laboda

Vote: motion passed with Mr. Poitevent opposed

DRAFT

ADJOURNMENT

The meeting was adjourned.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #12:

This is the minutes to the September 20, 2002 Council on Dental Hygiene meeting.

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**BOARD OF DENTISTRY
DENTAL HYGIENE COUNCIL AGENDA
SEPTEMBER 20, 2002
Doubletree Hotel and Conference Center/UF
1714 SW 34th Street
Gainesville, FL 32607
(352) 371-3600**

CALL TO ORDER

The meeting was called to order by Helen Douglas, Chairperson, at 7:00 p.m. Those present included the following:

Committee Members:

Helen Douglas, R.D.H.
Betty Klement, D.M.D.
Carroll Cameron, R.D.H.
Anne Guntkowski, R.D.H.
Bibiana Telco Jackson, R.D.H.

Staff Present:

Ed Bayo, Board Counsel
Sue Foster, Board Director
Cindy Ritter, Program Administrator

Others Present:

Faustino Garcia, D.M.D.
Irene Stavros, R.D.H.

REVIEW OF JANUARY 7, 2000 MINUTES

The minutes were reviewed by the committee. After review, the following action was taken:

Correction on page 13, line 51, Dr. J. Allen.

Motion: by Ms. Cameron to approve the minutes as amended
Second: by Dr. Klement
Vote: Unanimous

ITEMS FOR TOPIC DISCUSSION

Chapter 466.023, F.S. - Access to care

Ms. Douglas proposed a change to 466.023(3) which she wanted sent in the next legislative package. Dental hygienists may, without supervision provide educational programs, faculty or staff training programs, authorized fluoride rinse programs, pre-assess and advise of the need for a dental exam, and other services which do not involve diagnosis or treatment of dental conditions and which services are approved by rule of the board.

Rule 64B5-16.006(1)(a) and (o) - applying sealants and placement of subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride

The committee discussed the above-cited rule concerning indirect supervision.

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Motion: by Ms. Douglas to allow both to be indirect

Vote: Motion passed with Dr. Klement supporting 1(a) for direct supervision and (1)(o) as indirect supervision.

Reason: Occlusion may need to be checked and adjusted by dentist.

Clarification of CPR levels

Ms. Donna Wolpert proposed a rule change on 64B5-12.020 Courses Required for Renewal and Reactivation. It was determined that there should be consistent wording throughout the CPR rule sections.

Motion: by Ms. Cameron to approve as amended

Second: by Ms. Jackson

Vote: Unanimous

Dental Hygiene Examination

Ms. Vitale addressed the Council and stated that FDHA supports the exam at the current level and that FDHA should remain in the process of evaluating the exam.

Ms. Jackson questioned why dental hygiene candidates were not allowed to take periodontal charts into the exam - Security violation issue.

Ms. Jackson stated that there should be something in the rules that candidates have the right to assess a patient for examination if the application is received even though a hygienist cannot probe or evaluate – they should be permitted to do this if they are a candidate for licensure.

Motion: by Ms. Jackson to refer this issue to the Exam Committee for discussion

Second: by Ms. Cameron

Vote: Unanimous

Privatization as it directly relates to regulation of dental hygienists

Ms. Vitale stated that the FDHA has concerns of accountability on this privatization effort and the effects it would have on dental hygienists.

Ms. Vitale requested on behalf of FDHA, that the Southeast Regional Testing Board be reviewed for the feasibility of offering this exam for portability of the dental hygienist license.

Motion: by Ms. Cameron to investigate this exam, costs, etc.

Second: by Ms. Jackson

Vote: motion passes with Dr. Klement and Ms. Douglas opposed

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #13:

This is FDHA's recording of the actions recommended by the Council on Dental Hygiene and what became of these actions.

Please note that the language change recommendation to the statutes that would have provided for dental hygienists to pre-assess and advise the need for a dental exam has passed by the full board at this meeting, but for some reason was not included in the packet that goes to the legislators with other of these recommendations for statute changes. This language, having already passed the 2002-year and promised to be included in the 2003 Legislative packet was delayed. The Board voted on this language change (even though previously approved in the last year) at the 7-18, 2003 Florida Board of Dentistry meeting just recently held and it was denied for inclusion in the packet for the 2004 legislative year.

Council on Dental Hygiene Recommendations	Board of Dentistry Actions on Council Recommendations	Benefit to the health and safety of the public
9/02: Consistent wording throughout the rules regarding required CPR certification at the Healthcare provider level	9/02: Adopted, but then in 10/3 denied adopting and Referred to Rules Committee for further discussion	Increasing the educational level required increases the life saving protection of CPR to all citizens in Florida
9/02: Legislation to allow dental hygienists to pre-assess and advise of the need for a dental exam in Public Health settings, such as nursing homes and schools.	9/02: Adopted, but did not include in 2003 Legislative packet.	Increase access to care to the elderly and children in Florida who are not currently utilizing dental and dental hygiene services by identifying the need for care
9/02: Reduce the supervision level of applying sealants	9/02: Denied	Increase access to care by not requiring the dentist to check the patient before and after the procedure
9/02: Reduce the supervision level of placement of subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride	9/02: Adopted	Increase access to care by not requiring the dentist to check the patient before and after the procedure
9/02: Review the feasibility of offering the Southeast Regional Testing Board for portability of the dental hygienist license.	9/02: Denied	Reduce the financial burden of an individual state examination for dental hygiene licensure and allow dental hygienists portability amongst several states

- The Council on Dental Hygiene was established in 1986 by the Legislature to advise the Board of Dentistry in all areas relating to dental hygiene regulation
- The Council on Dental Hygiene has only met once in the last three years
- The Board of Dentistry has made changes in the continuing education requirements for dental hygiene licensure, delegable tasks with strict supervision levels impeding access to care, and approved administration of local anesthesia (denied adoption at next meeting) all without Council on Dental Hygiene advise

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #14:

This is page 11 and 12 of the November 15, 2002 Florida Board of Dentistry meeting minutes. This is the first indication that there is some confusion about the voting and reporting patterns of the Board. They stated at this time that they did not know if the full board voted to draft language allowing dental hygienists to administer local anesthesia or if it was just the legislative committee that voted. Irene Stavros, RDH requested that the transcript for the legislative committee be transcribed.

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Correspondence concerning temporary certificate

A question was posed to the board concerning the feasibility of a dentist working under a temporary permit providing services to a sister agency on the same grounds and under the same supervisor. The board opined that there was no problem with this arrangement.

Correspondence from Escambia-Santa Rosa Dental Association

Citations

Statistics on visits to web site for the month of October

Letter from Dr. Brotman

This item needs to be placed on a future agenda. Dr. Laboda will request that Dr. Brotman attend the next meeting.

Letter from Dr. Tricia Bradley and Dr. Wayne Bradley

REPORTS

Board Counsel

Mr. Bayo discussed the following in connection with the November 2002 Rules Report:

Rule 64B5-17.014 Removal of Amalgam fillings became effective October 21, 2002

Rule 64B5-4.002 Advertising and Soliciting by Dentists will be renoticed

Rule 64B5-14 Anesthesia rules will be renoticed

Rule 64B5-12.019, 12.020 Courses Required for Initial Licensure, Renewal or Reactivation (Medical errors prevention course) will be readied for adoption

Rule 64B5-17.0105 Ownership of Dental Instruments by a Dental Hygienist will be readied for adoption

64B5-17.002 Written Dental Records; Minimum Content; Retention –Mr. Bayo will hold pending further action by Rules Committee

64B5-2.0135 Dental Hygiene Examination - included because rulemaking authority has expired

Mr. Bayo also advised the board that several rules required technical changes due to the transfer of the practitioner regulation component to the Department of Health from the Agency for Health Care Administration. No formal rulemaking was required to correct the rules' text and technical change requests were submitted, changing the word "agency" to "department" where appropriate.

Dr. Haering requested that board members be provided with the rules report prior to the meeting. Mr. Bayo stated his concerns, but will try to get this information distributed prior to the meeting when possible.

Correspondence

Letter concerning Brite White – The Smile Spa

Draft language concerning dental hygienist administering local anesthesia

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There was a concern that the minutes of this meeting were not available. Staff will send out these minutes to members for review. Legislation has already been submitted, but it is possible to send in legislation after the deadline.

Staff was directed to bring language to the next meeting concerning CPR for dental hygienists to bring CPR up to date as recommended by the Dental Hygiene council.

Staff was requested to include motions made concerning committee and/or council discussions in the full board minutes when the full board voted on the issues.

Board Director Board Meeting Dates for 2003

January 31-February 1	Tampa
March 28-29	Jacksonville
May 16-17	West Palm Beach
July 11-12	Ft. Myers
September 26-27	Gainesville
November 7-8	Pensacola

Cost Saving Efficiency Proposals

FL Board of Dentistry Outsourcing Feasibility Study

Ms. Foster reported to the board, her concerns that this study had decreased the number of positions for the board of Dentistry from 6.6 currently held in the board office to 4 positions with the addition of numerous tasks now being performed by other sections of the Department. She stated that the board of dentistry currently had 30 positions handling their workload: 7 in Testing, 6 in Legal; 6 in Investigations, 1 in Consumer Services; 1 in Information Technology; 3 in Management Services.... Her concern was that this workload with 10,000 dentists, 10,000 hygienists, 18,000 radiographers, 1000 dental labs, etc. could not be handled by 4 people.

Board of Dentistry Streamlining Proposals

Ms. Foster offered the board streamlining proposals, pursuant to Dr. Brotman's request at the last meeting, to enable the board office to become more efficient and save costs. She stated that the board could then concentrate on more important issues which would be a better use of their time.

Ms. Foster requested that permits be delegated to staff with oversight by one committee member, as well as continuing education. One member of the committee could travel to Tallahassee to train staff on continuing education, and with 125 renewals due in February, 2004, staff will handle this workload, with notices being mailed to all providers.

Mr. Poitevent stated that he would like Ms. Foster to bring additional streamlining proposals to each meeting for the board's consideration.

Website Statistics

Ms. Foster discussed the monthly website statistics for July, August, September and October which were included in the agenda. It is noted that the board of Dentistry receives an average of 10,000 hits per month and these reports show each page that is

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #15:

This is the transcription of the 9-20-02 Legislative Committee meeting.

Mr. Poitevent, as the Chair of this committee opened the discussion about allowing dental hygienists to administer local anesthesia and opened the floor for discussion. The discussion continues until there is a disruption by the end of the tape on the page handwritten to be 7. At a later meeting, there is talk of a fifteen-minute delay in the tape, and unexplained lapse. On the page listed as handwritten #9, Mr. Poitevent concludes the meeting of the committee and turns the meeting over to the then Board Chair, Dr. Faustino Garcia. Dr. Garcia requests a motion concerning the actions of the committee. Ms. Stavros gives the motion and the board voted on it. FDHA's count was 8-2 in favor of drafting language that would allow dental hygienists to administer local anesthesia. One of the dentists had left the room prior to the vote. This transcript only recorded the opposed. But significant to this is that it records Ms. Fisher as opposed. Ms. Fisher was a member of the full board, but was not a member of the legislative committee.

Board of Dentistry

FULL BOARD - 1/31/2003

II. Review and Approval of Minutes

B. Transcription of September 2002 Legislative Committee Meeting



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Transcript of discussion – Legislative Committee, September 20-21, 2002, concerning the administration of local anesthesia by dental hygienists.

Mr. Poitevent – Regarding Chapter 466.017, F.S. Local anesthesia administration by dental hygienists. I believe this was here for any discussion by the hygienists here that wish to comment. Ms. Stavros.

Ms. Stavros – I wish to speak on this -does that surprise you? I think the reason why I have chosen to speak on this is approximately ten years ago I was legislative chair of the Florida Dental Hygiene Association. At that time I was responsible for a bill that went into the legislature. The reason why this went into the legislature instead of coming before the board was that it does need a legislative change and the board does not actually have the authority to make this change. The reason for this is under the definitions in the beginning of 466 it does identify local anesthesia as a non-remediable task. So this is why it went directly to the legislature. It is now being brought up again because at the time that this bill originated there were 20 states that allowed hygienists to administer local anesthesia. All of these states were under different supervision, some could give blocks, some could only give infiltration. Today there are 31 states which means that as the years have gone by there has been one state that has picked up local anesthesia almost. Some of these states have been allowing hygienists to give local anesthesia since the 1970's. When I did the research ten years ago all of these states had absolutely no problem. I have not done that research currently so I cannot testify to that. Dentists felt in those states that they would never give it up and go back to the way it was, that it was definitely an asset to their practices to have the hygienists administering local anesthesia. So the bill when it was originally set up was for Florida hygienists to administer under direct supervision. This would mean that the dentist would have to authorize, be on the premises and check the patient afterwards. It was also written so that the patient would also have to sign the chart when the hygienist administered the local anesthesia. It was also written so that Florida had the very highest educational requirements. What I did at that time was I polled all the 20 states that were allowing the administration of local anesthesia and then chose the highest number of hours that were required for the educational requirements. I still feel today that this is something that Florida hygienists should be allowed to do. I feel very strongly that it should be one of the highest requirements in the nation of any state. I still feel today that it should only be given at one of our dental schools. I feel very strongly that it should not be in the curriculum of the dental hygiene schools, that not every hygienist that comes out of the dental hygiene programs should be allowed to administer this. And I feel that with all of these requirements that it would be safe for the public.

Mr. Poitevent – Thank you Ms. Stavros. Do you have a proposal or do you plan to come up with specific statutory language.

Ms. Stavros – The only statutory language that I think would allow the board – I also feel very strongly by the way that any requirements that are brought forth, any educational requirements, licensure requirements, permit requirements or anything that is necessary for this to happen should be a part of this board. Yes, we should be able to get the

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information from the associations and any interested parties but it should be this board that puts together all the requirements that are necessary. The only part of the statute that I can see that stands in the way of this board being able to do that would be under the definitions in the beginning of the statute where it does name local anesthesia as an irremediable task. If that one line was removed then that would give this board the authority to make it a delegable task. I also feel that it should be a task that is obtained only through expanded functions.

Dr. Jernigan – I am Kim Jernigan representing the FDA. I would like to give a little background information and maybe clarify one issue and that is the FDA met with the joint dental hygiene and dental committee in Tallahassee in 2000. There current executive director, their lobbyist Paul Lambert, Linda Lambert who is the immediate past president, their current president and another member of the hygiene council that they have appointed met with myself and Richard Chichetti and two other members of the dental council. We asked at that time in 2000 for the dental hygienists representing that group to bring forth a resolution about local anesthetic and how they would like to have it set up within the State of Florida to the House of Delegates for the FDA and let us vote on it and figure out if there is a way we could make this-first present it to the dentists of Florida and if the dentists of Florida say this is something we would like to do then that would give us the avenue to work in concert to have this happen. That was in 2000 and we waited through 2000 and on to 2001 and never received any resolution. We again approached this through Dr. Cadle who was the president of the FDA with Traci Wheeler who was the FDHA president. We again asked all through 2001 for that resolution to come forward to be voted on either the January or June House of the FDA. We never received any resolutions, nothing we could work on. Dr. Bauknecht has extended this same information and we still have to date not received anything to work on with them on this issue. We just want to let you know that the Florida dentists are not creating a stalemate. We have tired to provide a caveat but we have not had a response.

Mr. Poitevent – Any other comments from the committee.

Ms. Vitale – I would just like to respond to that and I know that this is not necessarily the place to do that. But my understanding not being at the joint committee on dental hygiene matters meeting that Dr. Jernigan speaks of, that that meeting took place in 2001 and the FDHA had attempted to have the same meeting again this year in 2002 and bring that information forward for the FDA and was not met with response in a meeting date or time. We do have documentation and correspondence to request that meeting. But again as Ms. Stavros stated this maybe the better forum to discuss the issue and bring forward the discussion of local anesthesia and the FDHA supports that.

Donna Wofford – President-elect of the FDHA and also a California licensed hygienist. I speak in favor of Ms. Stavros' proposal. I am a California licensed hygienist, which means that if I were to go to California today I could do local anesthesia under general supervision. I was employed there for two years working in a perio office and I did it on a daily basis. Safely for my patients' comfort it was a bonus to me and also to my patients to have this ability. I am not boasting but it was helpful. Now as a hygienist in

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Florida I feel that I am very limited in what I can do for my patients' comfort. As a matter of fact I left a practice here in Florida because one of my employers who ran a very, very busy office-a patient came in after 20 years of not getting any dental care he came in for a gross debridment. I asked the doctor if he would inject my patient for me and he told me "I do not have time to anesthetize your patient, you do the best you can". Ethically speaking that spoke against everything that I believe in as a dental hygienist. I want to do the best job I can for every single patient that I see. I want to provide comfortable care to best of my ability and I was very limited because of the patient's discomfort. To be able to do local anesthesia in this state with direct supervision I am willing to go to Gainesville or wherever you guys choose to send me for the extra training to be able to do that again in this state for my patient's comfort. I left the practice where the doctor would not anesthetize my patient because ethically I could not work for him after that date. Thank you.

Ms. Fisher - Yesterday we had an extensive discussion about anesthetizing and sedating patients by dentists. I think until that is clarified we should not think about any other persons - they are not sure that dentists should sedate and to what level.

Mr. Poitevent - Thank you.

Dr. Garcia - I saw Kim leave the room and I was hoping that she would be here. The statement she made, it would seem to me and I am not doubting the ability of those statements but it seems to me that is indicative of how opposing these two organizations maybe or how separate they are. Believe I seems to me that you have the FDHA would love or should love nothing better than, based on their record, would love nothing more than to get this on the books. FDA has traditionally opposed this. It was very comforting to me to hear the statement that Dr. Richard Chichetti who was part of all the original discussion when it came to local anesthesia was willing to take this issue back to the House of Delegates. Surprising, but comforting. I think that it has been ten or eleven years since we first took up this issue. I happened to be there. I was a staunch supporter of the theory that dental hygienists should have nothing to do with local anesthesia at the time. Maybe I have mellowed but at the time I was. The big to do here as Ms. Stavros said legislatively it is not a remediable task. Not only did I oppose it in principal I opposed it because of the law. It is not a remediable task. My concern was equally, not only directed at the hygienists, but actually at the dentists that are going to be supervising the hygienists giving the local anesthesia. Coming from Dade County I shutter to think what may open up down there. I will tell you and this may shock a few of you here but so be it. I will support the board looking at supporting the investigation of dental hygienists doing local anesthesia in our state with the strictest educational requirements. I will support looking at that. I will tell you that when I say strict I mean real strict. There are issues that are dear to me. When we were talking about foreign dentists taking the dental hygiene exam there are a lot of here that feel, and the board voted that they should additional education and so on and so on to practice dental hygiene and I agreed with that. I think the level of additional education that should be taken by a dental hygienist should well supersede the level of education the board has approved for foreign graduates that are doing dental hygiene. I think that it should be under the control of the

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board. You have a track history now, more of a track history. I think the homework is there if the board decides to go forward with this. The homework is a change in the statute, then come up with a bang-up strict rule that this board feels will protect the public and not necessarily give any one group an advantage. We are here to protect the public and I will speak in favor of pursuing this.

Mr. Poitevent: Thank you Dr. Garcia.

Ms. Douglas: I just wanted to clarify one thing to Ms. Fisher. The issues we were talking about regarding anesthesia deal with conscious sedation. The administration of local anesthesia is not the same thing. The dental hygienists are not asking to be able to administer or permitted for conscious sedation, only to be able to inject anesthesia at the site.

Ms. Fisher: But isn't anxiolysis Novocain?

Ms. Douglas: No it's not the same thing, it is different. I am sure Dr. Laboda could explain.

Dr. Laboda: It is two different issues.

Ms. Fisher: Suppose a person has a reaction to the Novocain because I know people that have, me.

Dr. Laboda: That is why it would have to be under direct supervision that the dentist would have to be present.

Dr. Ackley: In keeping that in mind, what you are talking about, Dr. Garcia. This issue is not just with the FDA dentists it is with all the licensed dentists in the State of Florida. So if in fact a study or an issue is looked into all the licensed dentists in the state of Florida that will become the supervisors need to be comfortable with this issue. And I would hope that some how their opinions are sought out because they have to feel okay with it.

Dr. Garcia: I think not, Dr. Ackley. I think the Board has to be comfortable with the issue, not all the licensed dentists in the State of Florida or all the membership of the FDA. I think the board has to feel very comfortable with this issue.

Mr. Poitevent: And I think certainly the issue there also is all the dentists in the state have to feel comfortable with it but as I understand it, it would give statutory authority if it passed for hygienists to have this new authority or power under the statute. But that is up to the dentists isn't it. They can have the authority but the dentist can say no you don't do it in my practice.

Dr. Ackley: I understand the board has the authority to decide that. But included in the study was the thoughts that certainly part of the triangle is they are the supervisor.

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Dr. Laboda: Two things to expand on that. Again I think the point is that if this went through and the dentist is uncomfortable with it he does not need to permit his hygienist to do that. That would be the option of the dentist and the hygienist would either work for him or not work for him. The dentist would have the option as to what occurs in his own practice. But I would make one comment relative to the easy way with the statute is what you presented. Just take it out from being a non-remediable task. I think that is not the way to go because it is still not a remediable task. It is not something that can be reversed and I think that is the definition. I am not speaking against it, I am just thinking that although that might be the expedient way to approach it, it basically is not the rational way to approach it because it is not a true thing. It is not a reversible task so I think legislatively it would require addressing the issue. Otherwise, a cat is a cat is a cat and a cat is not a dog. No matter what law you pass it is not a dog. I think for this issue that is not the way to do it.

Ms. Stavros: That definitely is the easiest and the most obvious. But it most definitely has to be addressed in the other parts of the statute as well which will then be able to be ruled on. But that is the one area where it is definitely mentioned. So that would be the beginning. You would have to start there and then probably add it on to another area also. But I wanted to address the fact with Florida dentists. When we initially drafted this bill there were petitions that went out to the entire state and there were thousands of dentists that signed these petitions in support of hygienists administering local anesthesia. Obviously, after ten years I did not keep those petitions. But if I had known this was going to come up at this time maybe I should have. The study was done, the petitions were sent out, the petitions were signed and gathered, they were brought before the legislature and come is what also, I testified in front of the legislature probably for about four or five years on this issue. But because of the petitions this was what also brought about a study that was done in the legislature. So this is not a new thing. The studies have been done, the support was there and we tried to make initially this bill as strict as possible. It could be even more so and I feel very much the same way Ms. Wofford feels that if I could administer it in this state I would go anywhere to get the education that I needed. So we have two dental schools today, it has to be at a dental school. I will absolutely not vote to have it in any dental hygiene school.

Man: I don't know what happened in 2001 regarding communication to the dental hygiene association and the FDA. If there was an invitation delivered I was not aware of that. But I know there has been no invitation since I have taken office in June and I welcome any dialogue that we can have between the associations. Our goal has been to present this to our House of Delegates, if our House of Delegates votes this up and less remember to that the demographics of the House of Delegates has changed considerable in the last ten years. If the House of Delegates votes this up I think we can expedite the situation by simply giving our blessing and letting the legislature know that this is something we support. If the House of Delegates doesn't then of course we don't have that mandate and it is not that easy of a solution or problem. But we can certainly remove a lot of the impediments by going that route. That is why were looking forward to it. In fact when I was at the national governor's association meeting in Mississippi I

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spoke to your delegate there and requested that I would like to see this proposed legislation so we could get moving on it or at least have it evaluated and presented to our House of Delegates. She said we expect to have it ready within the next two to three weeks and I still haven't seen that. So whatever the delay has been I am aware but I am certainly open to dialogue I welcome it and would like you to know that I would do everything in my power during my administration to have it presented to the House of Delegates for consideration.

Ms. Stavros: Thank you very much for that because that is definitely a change from what it used to be. I think at this point what ever the FDA House of Delegates support could give would be most welcome but I think at this point that the recommendation should come from this board. I think that if we are going to as a board support this and follow it through I think it is going to need to go into this next legislative package, the Department's next legislative packet. Like I mentioned, the studies have been done, the support has been there. Really at this point there is not anything else I can know of that can be done other than we are either going to support it or we are not.

Dr. Garcia: Since we are still in committee I would like to see if you as committee chair would move within the committee to go forward and support formulating draft language for the application of local anesthesia by dental hygienists to be presented back to the board. You are under some kind of time constraint obviously. The reason I am suggesting this is maybe the Department will be willing to put it in their package if the board chooses to support that. Just a suggestion.

Mr. Poitevent: Thank you, Dr. Garcia, that is exactly where I was going with this. We keep hearing that the FDA association is doing this and the FDHA is doing something else and we are trying to get together and can't get together. My position is somebody needs to present some proposed statutory language to this board. I would ask that you do that by the next meeting. Hopefully, whatever coordination can be accomplished with the FDA will have been done but at the very least they will have an opportunity to provide input at the time the committee considers it. So I am going to make a motion and would seek a second that "the FDHA bring brought proposed statutory language for consideration by the committee".

Ms. Stavros: I will second that but I would like to ask, when is the deadline for getting any language into the package.

Mr. Poitevent: It usually gets in October and November.

Ms. Foster: Actually the deadline has passed and has already gone to the Secretary and probably on to the Governor. There is always the chance that you can get it in. If we have a draft at the next meeting and everyone is comfortable with it and (can't hear)
(end of tape)

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Ms. Stavros: I am sorry I voted to second that but I think I would like to withdraw my second. I would like that statutory language to come from this board.

Mr. Poitevent: You are seconding a motion that doesn't exist. You withdrew your second so there is no pending vote. I am not sure that we got a vote the last time. Is there a motion to accomplish....

Ms. Stavros: I would like to move that the statutory language to allow Florida licensed dental hygienists to administer local anesthesia be drafted by this board.

Mr. Poitevent: Are you speaking of presentation by the board counsel?

Ms. Stavros: Yes.

Mr. Poitevent: Is there a second. Okay. Discussion.

Dr. Haering: I am not opposing at all your proposal but I don't think to hand a blanket thing to our board counsel to draft language without it coming from the appropriate educational and scientific community which can be done. The FDHA, the FDA and other interested parties including the schools, the schools would want to be consulted as to the program they put forward.

Dr. Garcia: By the way you don't have a second. I thought I was on the committee because I got all the paperwork.

Mr. Poitevent: So you did not second the motion.

Dr. Garcia: Yes, I did second the motion but I am not on the committee.

Dr. Haering: In any event I don't see the problem with getting the language developed for the background information. I just threw that out there.

Mr. Poitevent: On the legislative committee, the chair is the co-chair of the legislative committee, also Dr. Klement, Dr. Laboda and Ms. Stavros.

Mr. Bayo: Just a comment on Dr. Haering's comment. The language is very simple. The language will provide that they can do it under such conditions as established by rule of the board.

Mr. Poitevent: Any further discussion. There is a motion that has been seconded.

Dr. Garcia: No, I am not on the committee. I am co-chair of the Privatization Committee but not the Legislative Committee.

Dr. Haering: There are four people on the Committee, Poitevent, Klement, Laboda and Stavros.

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Mr. Poitevent: Is there a second to the motion. Would you restate it Ms. Stavros.

Ms. Stavros: The motion was that the legislative language be drafted by board counsel for the administration of local anesthesia by dental hygienists.

Mr. Poitevent: Again I would suggest to you that the burden fall on the association with the assistance of board counsel. I think that if the FDHA is going to go forward with this they need to do so, do so with some eagerness and Mr. Bayo has indicated that he will assist you every way he can. So I speak against the motion but is there a second of the committee members.

Dr. Laboda: I would like to second the motion but I would like to make a comment. I think that this is an issue that needs to be voted on by the full board I don't want this decided in committee. So I will second the motion for purposes of getting it on the table and I will vote for the motion for the purposes of getting it in front of the full board. So I do second the motion. I would also disagree with you Mr. Poitevent relative to the drafting of the language. The expertise, scientific input, conditions that we put upon this will be done in the rule making. The language as Mr. Bayo said of the actual statutory changes are rather simple. I think that he can do that without all this other input. The great judgments and other things will come in the rule making and we will need input all around.

Mr. Poitevent: I will disagree with that because I believe with the association coming forward wanting statutory change they should present the statutory change they are supporting especially when you have a comment that it is fairly simple and you have the assistant attorney general prepared to assist them every way he can. So my position is very simple and that is when any organization comes forward with proposed statutory changes that they at least provide the statutory change that they are proposing so that we have something to vote on.

Lady: I would like to offer support in Ms. Stavros' proposal in that the change come from the legislative committee and Board of Dentistry. Certainly, the FDHA can submit language as she has already stated we have had and do have. But I think to move forward that the FDHA supports the recommendation by Ms. Stavros.

Mr. Poitevent: We have a second. All in favor of the motion. Opposed, Mr. Poitevent. Motion passes. Any other business before the committee. I have just one quick comment. As chairman of the legislative committee I believe very quickly it is going to be incumbent on this board to write a response to the final report prepared by Mr. Starling. I would like each of you to be thinking of that. Please look at his recommendations very closely and prepare at least a list of questions for yourself and items you believe should be covered in a response to his report. I was particularly concerned that he indicated his marching orders from the legislature were not what we asked for. His marching orders were to prepare an outsourcing recommendation report and this board has been talking about privatization study but we find that he is doing an outsourcing study. That is some of the activities of the board be outsourced and some not

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be outsourced. The final result of that is going to be that you are still under the control of the Department and state, the travel restrictions and all the restrictions that have been offensive to this board in the past. Any comments.

Mr. Chairman I would move then that the board accept the findings of the committee.

Dr. Garcia: And those findings were Mr. Poitevent. The chairman moved and the motion is Ms. Stavros.

Ms. Stavros: I moved that board counsel draft legislative language to allow Florida dental hygienists to administer local anesthesia with the full board to review.

Dr. Garcia: All in favor of the motion say aye. Opposed-Poitevent & Fisher.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
And the Council on Dental Hygiene Actions**

Item #16:

These are two emails that were copied to FDHA President 2002-2003, Donna Wofford, RDH concerning the pre-assess language that was approved unanimously by the full board to be included in the legislative packet for recommended statute changes. This year, it was lost when the Board chose to vote on this issue again. The language will not be included in the 2004 legislative packet for the Florida Board of Dentistry.

Subj: **access to care**
Date: 2/2/03 5:34:13 PM Pacific Standard Time
From: HRDouglas
To: Ed_Bayo@oag.state.fl.us, Sue_Foster@doh.state.fl.us
CC: Redheadrdh, Stavrosi@juno.com, IJStavros@MSN.Com

Hi Ed and Sue - At the September 2002 Board of Dentistry meeting, the Dental Hygiene Council moved, and the board adopted (unanimously) that Chapter 466.023 be amended to allow dental hygienists to "preassess and refer for dental examinations at those facilities listed under section 466.013(2)(c)." This was to be added to the legislative package. (page 18, Board of Dentistry minutes, September 20-21, 2002) Was this done? Please let me know.
Helen Douglas

Subj: **Fwd: access to care**
Date: 2/3/03 4:50:25 PM Pacific Standard Time
From: HRDouglas
To: Redheadrdh, cameronc@bellsouth.net, cameron@homestudyeducators.com,
IJStavros@MSN.Com, Stavrosi@juno.com

Somehow the "July" deadline was never mentioned at the September meeting. The BOD meeting will be in West Palm in May (May 16-17) IF I am chair, I am calling for a Dental Hygiene Council meeting for May (The new BOD Chair will be appointing new committee/council members by the March meeting)

Helen

Forwarded Message:

Subj: **RE: access to care**
Date: 2/3/03 5:09:56 AM Pacific Standard Time
From: Sue_Foster@doh.state.fl.us
To: HRDouglas@aol.com
Sent from the Internet (Details)

This was past the deadline to submit so we have it in the 2004 folder. Do you want us to contact the associations to see if they could include it in their packages? The deadline for legislation this year was early July. We may need to have the Hygiene Council meeting earlier this year (May) if they have legislation they want to include so that we can be sure to get it in.

Susan J. Foster

Executive Director

Department of Health-Medical Quality Assurance

850/245-4474-telephone

850/921-5389-fax

www.doh.state.fl.us/mqa

sue_foster@doh.state.fl.us

Department of Health Mission: To promote and protect the health and safety of all people in Florida through the delivery of quality public health services and promotion of health care standards.

Medical Quality Assurance Mission: To protect and promote the health of all persons in Florida by diligently regulating health care practitioners and facilities.

Please note: Florida has a very broad public records law. Most written communication to or from state officials regarding state business are public records available to the

America Online: Redheadrdh

**Florida Dental Hygiene Association
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Item #17:

This is page 24 of the March 28, 2003 Florida Board of Dentistry meeting minutes. In the intervening time from the meeting that was held on January 2003 and this meeting, Dr. Laboda was not re-appointed to the Board of Dentistry by Governor Bush and therefore, could not be the Chair of the Board. As Vice Chair, Ms. Stavros moved up and officiated over this meeting.

On this page was again mention of how the board was confused over whether the full board or the legislative committee for the drafting of legislative language that would allow dental hygienists to administer local anesthesia. The Florida Dental Hygiene Association President 2002-2003 read from the transcript proving that the vote had to have been the full board. The board, instead of correcting the minutes to the legislative committee meeting of 9-20-02 that were proven by the transcripts to be incorrect, voted to adopt the minutes as presented.

Motion: by Dr. Ackley to deny
Second: by Ms. Douglas
Vote: unanimous

Administration of local anesthesia by dental hygienists

This issue was placed on the agenda due to confusion by board members over whether committee or full board voted on this proposal. Staff was requested to do a transcript of this portion of the September meeting which was included for the board's review.

Motion: by Dr. Haering that no language be drafted by the Board counsel. This will allow associations to get together on this issue.
Second: by Dr. Ackley
Vote: Motion passed with Ms. Douglas and Ms. Stavros opposed

Proposed legislative change to Chapter 466.028(1)(h), F.S.

Mr. Bunton has requested that a change be made in the Dentistry Practice Act that states that a dentist shall not be employed by nor serve as independent contractor for any corporation, organization, group, or person other than a dentist...

Motion: by Mr. Poitevent to accept this language
Second: by Ms. Douglas
Vote: Unanimous

Dr. Jernigan indicated the Florida Dental Association would try to add this to their legislative initiative for this year's session.

Mr. Bayo reviewed a letter from Dr. Nieto requesting the board's permission to work in a non-profit facility.

Motion: by Dr. Haering to grant permission to Dr. Nieto
Second: by Dr. Ackley
Vote: unanimous

FOR YOUR INFORMATION

Information on Borgner Case

The board was given a report of charges for this case - \$90,896. Also included was the US District Court of Appeals Judgment and Supreme Court of the United States Decision on this case.

Methadone letter and attachments from Board of Medicine

A letter was sent /press release/website regarding methadone deaths. This lists some recommendations from the Department of Health and the Department of Children and Families' Substance Abuse Program.

Unlicensed Activity Arrests

Information concerning the arrest of Gwen Ervin, owner of the One Day Denture Repair. Dental Lab charged with practicing dentistry without a license in Jacksonville. Also reported was Derrick Alvin Davis who was arrested and charged with practicing dentistry without a license by placing gold teeth and other jewelry appliance in the mouth and making adjustments – Jacksonville flea market.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
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Item #18: ..

Page 26 from the 3-28-03 Florida Board of Dentistry meeting minutes. This page shows that the acting chair, Ms. Stavros, RDH requested from the Board affirmation of her position as the Chair of the Board of Dentistry. The doctors on the Board stated that they felt that a dentist should chair the Board of Dentistry and the vote was to the election of a dentist, Dr. Eva Ackley, to serve as Chair and Ms. Stavros to serve again as Vice Chair.

Dr. Ackley will represent the board in Atlanta next week at a meeting to discuss innovative exam changes. There is a national movement to dispense with live patient examinations and Dr. Haering stated that Florida's interests need to be heard at this meeting.

Motion: by Dr. Levsky to send Dr. Haering to represent the board.
Second: by Ms. Douglas
Vote: Unanimous

Dr. Haering stated that the Coalition of Independent Testing Agencies is an organization that the board needs to be involved with. The dues are \$500 and he asked staff to check into the board becoming a member of this organization.

Motion: by Dr. Haering to ask the Department to fund Florida to join together with other states in the Coalition of Independent Testing Agencies.
Second: by Dr. Ackley
Vote: Unanimous

OLD BUSINESS

None

NEW BUSINESS

Ms. Stavros made a short presentation to the board concerning her desire to serve this board as chair, her years of service to the board as vice-chair and work conducting the meeting held today. Following this presentation, the following action was taken by the board:

Motion: by Dr. Klement to open nominations for chair
Second: by Dr. Abdoney
Vote: Motion passed with Mr. Poitevent, Ms. Douglas and Ms. Stavros opposed

Motion: by Dr. Abdoney to nominate Dr. Ackley for chair
Second: by Dr. Klement

Motion: by Mr. Poitevent to nominate Ms. Stavros for chair
Second: by Ms. Douglas
Vote: six votes for Dr. Ackley to serve as chair.

Dr. Ackley discussed committee meetings being held on Friday mornings, discipline possibly on Saturdays. Following discussion, the board opted to continue disciplinary hearings on Friday mornings and to convene at 8:00 am rather than 9:00 am. The board would also consider committee meetings/workshops on Thursday night – possibly before probable cause panel meetings.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

**Florida Dental Hygiene Association
Information on the Florida Board of Dentistry
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Item #19:

This is a copy of the letter sent to Dr. Eva Ackley, Chair of the Florida Board of Dentistry from the Florida Dental Hygiene Association President 2002-2003, Donna Wofford, RDH.

There was a copy of this letter in the May 16, 2003 Florida Board of Dentistry packet that went to interested parties, but it was not discussed during the Board meeting.

April 17, 2003

Dr. Eva Ackley, Chair
Florida Board of Dentistry
4052 Bald Cypress Way, BIN #C08
Tallahassee, Florida 32399-3258

Dear Dr. Ackley:

The Florida Dental Hygiene Association is deeply concerned that Irene Stavros, RDH was not confirmed as the Chair of the Florida Board of Dentistry, apparently because she is a dental hygienist and not a dentist. This was the only stated reason for her not being appointed as Chair. Members of the Florida Dental Hygiene Association have watched as she has successfully and competently fulfilled her duties as Vice-Chair of the Board through the last year and as an outstanding Board member for the last six years. Having a dental hygienist as the Board Chair does not affect the Board of Dentistry's main responsibility, which is to protect the safety of the people of Florida. In addition, licensed dental hygienists makeup 49% of all the licensees that are regulated by the Florida Board of Dentistry. The only way to achieve any balance of input is to treat each individual member as an equal contributor to the board, regardless of whether she or he is a dentist, dental hygienist or consumer member. This clearly did not happen in this instance.

Another concern of the Florida Dental Hygiene Association is that the minutes of the Florida Board of Dentistry meetings do not accurately reflect the actions taken by the full board. Important decisions of the Board have been made and, therefore, have not been reported in the minutes and have not been acted upon. Those decisions impact the services provided dental patients and the protection of the safety of the people of Florida. As recently as the March 28, 2003, Board of Dentistry meeting, the Board approved minutes shown to be inaccurate by the transcripts of that meeting. The Florida Board of Dentistry must take whatever measures necessary to ensure that this does not happen again.

Very Truly,

Donna Wofford, RDH
FDHA President 2002-2003

cc: John O. Agwunobi, M.D.
Department of Health Secretary