

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

Board Officers:

Robert L. Smith, Jr., D.D.S., President
Jeff Michael Zimmerman, D.D.S., Vice-President
Marion Lewis Grubbs, D.M.D., Secretary



Board Members:

Alexa L. Lampkin, D.M.D.
T. Delton Moore, Jr., D.D.S.
Steven M. Porter, D.D.S.
Mark D. Williams, D.M.D.
Haley Harrison Birmingham, R.D.H.

Telephone: (601) 944-9622
Facsimile: (601) 944-9624

600 East Amite Street, Suite 100
Jackson, Mississippi 39201-2801

Internet: www.dentalboard.ms.gov
E-Mail: dental@dentalboard.ms.gov

Mississippi State Board of Dental Examiners Business Meeting Minutes January 13, 2023

The Mississippi State Board of Dental Examiners is a legislatively mandated state regulatory agency charged with the responsibilities of examining, licensing, registering, and regulating the practices of dentistry and dental hygiene to ensure competency (through examination and licensure) and ethics (through registration and regulation) among all dental professionals in the State of Mississippi for the ultimate goal of safeguarding and enhancing the health and welfare of the citizens of this State. As such, the Mississippi State Board of Dental Examiners is neither affiliated with nor functions as a subsidiary of any private or professional organization.

The Mississippi State Board of Dental Examiners held a regularly scheduled meeting of the Board on January 13th, 2023, at 8:30 a.m., at Board offices, located at Suite 100, 600 East Amite Street, Jackson, Mississippi, 39201. Virtual participation via Zoom was available at the link <https://us02web.zoom.us/j/84771184661>. Steven M. Porter, D.D.S., participated virtually. Board Members physically present for the meeting were as follows:

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Jeff Michael Zimmerman, D.D.S., Vice-President
Marion Lewis Grubbs, D.M.D., Secretary
Alexa L. Lampkin, D.M.D.
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Board Staff physically present for the meeting were as follows:

Denny Hydrick, Executive Director
Tiffany Vaughn, Deputy Director
Nick Hardwick, Director of Investigations
Lou Sims, Dental Hygiene Licensing Officer
Westley Mutziger, Board Counsel

Drew Malone, Special Asst. Attorney General, was also present to advise the Board.

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--- OPEN SESSION ---

The Board President determined all Board Members were present for the Meeting. The Board President called the meeting to order at approximately 8:30 a.m.

1. Welcome & Introduction of Guests (Smith)

- The Board President identified and welcomed those guests in attendance.

2. Welcome & Introduction of New Executive Director (Smith)

- Dr. Smith introduced Mr. Denny Hydrick as the new Executive Director for the Mississippi State Board of Dental Examiners.

3. Approval of Meeting Minutes – November 04, 2022 & November 18, 2022 (Mutziger)

- Motion to Approve by Dr. Moore; Seconded by Dr. Grubbs. **The Board voted unanimously to approve the November 04, 2022, and November 18, 2022, Minutes.**

4. Subcommittee Reports & Updates (No action reported for any of the subcommittees.)

- Rules & Regulations (Zimmerman)
- Credentialing (Lampkin)
- Legislative (Birmingham)
- Licensure Examination (Williams)
- Practice Act Review (Moore)
- Budget & Finance (Grubbs)

5. Request for Approval of Radiology Seminar – Accelerated Dental Assisting Academy (Birmingham/Mutziger)

- Mr. Mutziger informed the Board that Accelerated Dental Assisting Academy (ADAA) submitted a revised Radiology Seminar application/curriculum for approval. Mr. Mutziger advised that the Board did not approve the prior

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submission, due to the Radiology Seminar's failure to utilize a full mouth series of x-rays.

- Mrs. Birmingham advised that the latest submission by ADAA has been revised to evidence utilization a full mouth series of x-rays. Mrs. Birmingham found that ADAA's application/curriculum met the requirements to be a Board-approved Radiology Seminar.
- Dr. Williams expressed concern that even though utilization of a full mouth series of x-rays is indicated, the x-rays should occur on live patients instead of manikins. Mr. Mutziger cautioned against conditioning approval of ADAA's Radiology Seminar on this issue, since this standard was not also applied to other Radiology Seminars seeking Board-approval. The Board discussed the issue further and determined the issue of patient-based vs manikin-based x-rays should be considered by the Board's Rules & Regulations subcommittee.
- Motion to approve ADAA's Radiology Seminar by Dr. Moore; Seconded by Dr. Grubbs. **The Board voted unanimously to approve ADAA's Radiology Seminar.**
- Motion to refer consideration of requiring Radiology Seminars to use live patients for full mouth x-rays to the Rules & Regulations subcommittee by Dr. Williams; Seconded by Mrs. Birmingham. **The Board voted unanimously to refer consideration of the issue to the Board's Rules & Regulations subcommittee.**
- Dr. Williams requested that the Rules & Regulations subcommittee provide a recommendation at the April 2023 Board Business Meeting. Further, Dr. Smith requested Mrs. Vaughn to obtain a report from the Mississippi State Department of Health on all licensed radiographic machines in the state of Mississippi. Mrs. Vaughn confirmed.

6. Board Regulation 13 – Update (Mutziger)

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- Mr. Mutziger advised that he and Mrs. Birmingham met with the OLRC on December 06th, 2023. Board Regulation 13 was placed on the OLRC agenda as a discussion item. Mrs. Birmingham and Mr. Mutziger provided clarification at the OLRC meeting regarding the dental hygienists' scope of practice. That is to say, that the dental hygienist's scope of practice remains unchanged. Miss. Code Ann. § 73-9-5 clearly articulates the dental hygienist's scope of practice, and the Board's proposed amendment does not allow for practice outside those bounds. The OLRC voiced support for the amendment to Board Regulation 13 but also expressed a desire for the Board to include language clarifying the proposed regulation's impact on the dental hygienist's scope of practice. Mr. Mutziger advised that he had created such language and brings it forward for Board consideration.
- Dr. Williams stated concerns regarding interpretation of the additional language, in that he believed the proposed language contradicted Miss. Code Ann. § 73-9-5. Mr. Mutziger responded that that administration of local anesthesia by the dental hygienist is not prohibited by Miss. Code Ann. § 73-9-5, and that the passage of the contemplated amendments to Board Regulation 13 do not alter the requirements and limitations imposed by Miss. Code Ann. § 73-9-5.
- Motion to amend Board Regulation 13 to include, "The authorization of the dental hygienist to administer local anesthesia shall not be interpreted to expand and/or amend the dental hygienist's scope of practice defined in Miss. Code Ann. § 73-9-5," and to resubmit to the OLRC for approval by Dr. Moore; Seconded by Dr. Grubbs. Dr. Williams opposed. **The remaining Board Members voted to resubmit Board Regulation 13 to the OLRC with the additional clarifying language.**

7. Specialty Applications (Vaughn)

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- Endodontics – Dr. Charly Edwards
 - The Board discussed the application and confirmed that the candidate met all qualifications.
 - Motion to Approve by Dr. Williams; Seconded by Dr. Moore. **The Board voted unanimously to approve the Specialty Licensure in Endodontics for Dr. Charly Edwards.**
 - Orthodontics – Dr. Alexandra Engel
 - The Board discussed the application and confirmed that the candidate met all qualifications.
 - Motion to Approve by Dr. Williams; Seconded by Dr. Moore. **The Board voted unanimously to approve the Specialty Licensure in Orthodontics for Dr. Alexandra Engel.**
 - Orthodontics – Dr. Mary Remley
 - The Board discussed the application and confirmed that the candidate met all qualifications.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Specialty Licensure in Orthodontics for Dr. Mary Remley.**
8. Corporate Trade Name Applications (Vaughn)
- LeFleur Dental Group – Dr. William Mayfield
 - The Board discussed the application and confirmed all requirements were satisfied.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Williams. **The Board voted unanimously to approve the Corporate Trade Name.**
 - Bailey Family Dental – Dr. Charles William Bailey
 - The Board discussed the application and confirmed all requirements were satisfied.

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- Motion to Approve by Dr. Williams; Seconded by Dr. Moore. **The Board voted unanimously to approve the Corporate Trade Name.**
- **E Dental Implants** – Dr. Gary Keeler
 - The Board discussed the application and confirmed all requirements were satisfied.
 - Motion to Approve by Dr. Moore; Seconded by Dr. Zimmerman. **The Board voted unanimously to approve the Corporate Trade Name.**
- 9. Board Determination – ADA Question regarding Clinical Examinations in 2023
 - Dr. Smith noted that the Board previously ruled that a hybrid model (patient & manikin-based) is acceptable for clinical examination in 2023.
- 10. Board Determination – CE for ADEX Calibration; CE: Live vs Online
 - Dr. Smith reported that Dr. Dalton inquired with him whether the Board will continue to allow for CE credit for ADEX Calibration.
 - The Board determined it would continue to allow CE credit for ADEX Calibration.
- 11. Board Determination – Dr. Tiffany Green Request for return of MSBDE Newsletters
 - My Hydrick opined that it would be in the Board's interest to reinstate the MSBDE Newsletters. Specifically, he recommended the Board disseminating a Newsletter within two (2) weeks of regularly scheduled Board Meetings.
 - The Board discussed and determined that email dissemination would be sufficient.
- 12. Financial Report (DeRossette)
 - Ms. DeRossette was not present, so Mr. Hydrick presented the financial report.
 - Mr. Hydrick noted he only received the financial report late the prior evening, but that he had reviewed the information and would answer any questions the

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Board may have. He then proceeded with an overview of the Board's financials, including revenues, expenditures, and other details.

- Dr. Smith noted his preference for comparative figures; specifically, he requested that the Board budget include up-to-date expenditures with a figure indicating the percentage of the total budgetary item expended to-date. Dr. Smith also expressed the utility of being able to compare the current year's budget with the prior year's budget in the financial report.
- Mr. Hydrick expressed his commitment to transparency and creating a user-friendly financial report for the Board Members.

13. Executive Director's Report (Hydrick)

- Mr. Hydrick stated he met with Cornerstone staff during his first week to go over immediate priorities for the Board.
- Mr. Hydrick reported that he presented a modified FY 24 Budget Proposal to the House Appropriations Subcommittee for Special-Funded Agencies.
- Mr. Hydrick reported that the Board's unfilled position was removed from the FY 24 Budget. He stated that it is commonly believed that the legislature will eliminate positions that go unfilled for a period of six (6) months or more. However, he is pursuing the appropriate process to ensure the position is reinstated. Mr. Hydrick is optimistic that the Board will be able to restore the lost position. He will present to the Senate Appropriations Subcommittee next.
 - Dr. Grubbs inquired whether the Board position was actually lost. Mr. Hydrick confirmed. Dr. Grubbs inquired whether the Board was advised of the common practice by the legislature to eliminate positions that go unfilled for a period of six (6) months or more. It was noted Ms. DeRossette was not present to respond.

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- Dr. Smith inquired whether the Board's vacant Investigator position had been posted. Cornerstone is to facilitate the posting. Mr. Hydrick replied that it had not.
 - Dr. Moore notated his request for immediate Board notification upon any staff resignations.
 - Dr. Grubbs requested updates from the Executive Director over the pending personnel matters and Cornerstone's Involvement.
- Mr. Hydrick reported that the online portal for submitting ballots for Boards Members will be opening January 15th, 2023; CE audits will begin in March; and Dental Renewal will begin September 1. The Board will advise its licensees to renew as early as possible to account for any possible technical difficulties.
- Dr. Moore expressed that he received requests from licensees for the Board to limit emails regarding late licensure renewal to only those licensees not yet renewed. Dr. Williams agreed that he had received similar feedback.
- Mr. Hydrick reported that the Board will issue joint communication with the Pharmacy Board to its licensees regarding DEA enforcement of rules related to the appropriate sharing of controlled substances for administration via a shared stock between providers.
- Dr. Williams expressed that applicants renewing for the first time should only incur a pro-rated fee. Mr. Hydrick agreed that the Board will look further into this issue.
- Mr. Hydrick reported that he has made contact with Next Step, the Board's vendor, regarding replacement of computer hardware and software in the Board room. Mr. Hydrick hopes to have the technology updated by the April Business Meeting. Mr. Hydrick reported that the phone systems are showing progress, but for Board Members to please advise him if unable to reach the

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staff. Mr. Hydrick reviewed maintenance items with facility personnel.

Further, he has scheduled a meeting to re-key Board locks and re-program the alarm system.

- Mr. Hydrick reviewed licensure statistics with the Board. The Board thanked Mr. Hydrick for the data and requested that this data continually be made available to the Board.
- The Board discussed upcoming commitments.
 - The Southern Deans & Examiners Conference is scheduled for January 27-29th, 2023. The Board discussed staff and Board Members' availability to attend.
 - UMMC School of Dentistry is hosting an Accreditation Site Visit on or about February 27, 2023. The Board has been invited to nominate Board Members to attend. The Board discussed but did not confirm nominees.
 - Pearl River Community College is conducting an Accreditation Site Visit for its Dental Hygiene Program on or about November 29, 2023. The Board has been invited to nominate Board Members to attend. Mrs. Birmingham expressed a willingness to attend.
- Mr. Hydrick discussed Board investigations statistics. He noted that 116 allegations were submitted in 2022. Mr. Hydrick discussed the need to expeditiously fill the investigator position recently vacated.
- Mr. Hydrick provided documentation – Statements of Economic Interest – to Board Members for completion and return by May 01, 2023.
- Mr. Hydrick asked that the Board approve and execute the necessary documentation to confer Mr. Hydrick signatory authority for the Board's checking account. Motion to approve Mr. Hydrick as a signatory on the Board's checking account by Dr. Williams; Seconded by Dr. Moore. **The**

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Board voted unanimously to approve adding Mr. Hydrick as a signatory on the Board's checking account.

- Dr. Moore reminded the Board of the State Auditor's prior concern regarding timely payment of bills. Mr. Hydrick noted that he was in the process of ensuring all financials were up to date.
- Dr. Williams commended Mr. Hydrick for providing a written Executive Director's report. Mr. Hydrick invited the Board to ask for additional details it wishes to see in future reports. The Board had no additions at this time.

Dr. Williams moved to enter closed session to determine if an executive session is proper; Dr. Grubbs Seconded. The Board entered closed session. The Board determined Executive Session is appropriate to consider specific pending investigatory and disciplinary matters. Further, the Board found that Executive Session is appropriate for consideration of personnel matters; namely, so the Board may address management objectives and Board staff performance with its Executive Director. Dr. Williams moved to enter executive session; Dr. Moore Seconded. **The Board unanimously voted to enter into Executive Session to discuss personnel matters and pending investigatory and disciplinary matters.**

--- EXECUTIVE SESSION ---

This section is intentionally left blank.

Dr. Moore moved to exit executive session; Seconded by Dr. Williams. **The Board unanimously voted to exit executive session.**

--- OPEN SESSION ---

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14. Report from Executive Session – Pending Investigations & Disciplinary Matters

(Mutziger/ Hardwick/ Grimes)

- Dr. Lampkin moved to approve the following Remands; Seconded by Dr. Moore. Dr. Zimmerman was not present. **The remaining Board Members voted to approve the following Remands:**
 - Case No. 2022-064
 - Case No. 2022-108
- Dr. Williams moved to approve Dr. James Allen's request to modify the period of Suspension of his dental license, as Ordered by the November 04th, 2022, Board Consent Order, to begin March 01st, 2023; Seconded by Dr. Moore. Dr. Zimmerman was not present. **The remaining Board Members voted to approve the Suspension of Dr. Allen's licensure to begin March 01st, 2023.**
- Dr. Grubbs moved to proceed according to Board Regulations in Part 2302 regarding Case No 2022-068; Seconded by Dr. Moore. Dr. Zimmerman was not present; Dr. Smith opposed; Dr. Lampkin and Mrs. Birmingham abstained. **The remaining Board Members voted to proceed according to Part 2302 of Board Regulations for Case No. 2022-068.**

15. Report from Executive Session – Personnel Matters

- The Board discussed Board personnel matters.

There was no further business of the Board. Motion by Dr. Moore to adjourn; Seconded by Dr. Williams. **The Board voted unanimously to adjourn at approximately 2 p.m.**

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APPROVED BY THE BOARD ON THIS, THE 14TH DAY OF APRIL, 2023.

m lewis grubbs

m lewis grubbs (Apr 18, 2023 12:17 CDT)

MARION LEWIS GRUBBS, D.M.D.
SECRETARY, MSBDE


Minutes - 01-13-2023


Final Audit Report


2023-04-18


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By:	Westley Mutziger (westley@dentalboard.ms.gov)
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