

# MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

## **Board Officers:**

Robert L. Smith, Jr., D.D.S., President  
Mark Williams, D.M.D., Vice-President  
Marion Lewis Grubbs, D.M.D., Secretary



## **Board Members:**

Alexis Le'Kia Lampkin, D.M.D.  
Jeff Zimmerman, D.D.S.  
John B. Carlton, D.M.D.  
David Curtis, D.M.D.  
Haley Harrison Birmingham, R.D.H.

Denny Hydrick – Executive Director

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## **MSBDE Board Meeting Minutes July 14, 2023**

**Public Meeting started promptly at 8:30am (CST)**

Public attendance was permitted on site and via the following Zoom Meeting link:

Join Zoom Meeting

<https://us02web.zoom.us/j/82651375517?pwd=S3loV2hpWEMvYTIGSS9CdThSSkJXdz09>

Meeting ID: 826 5137 5517

Passcode: 090667

### **Board Members Present:**

Dr. Robert Smith, President  
Dr. Mark Williams, Vice-President  
Dr. M. Lewis Grubbs, Secretary  
Dr. John B. Carlton  
Dr. David Curtis  
Dr. Alexa Lampkin  
Dr. Jeff Zimmerman  
Mrs. Haley Harrison-Birmingham

### **MSBDE Board Staff Present:**

Mr. Denny Hydrick, Executive Director  
Mr. Westley Mutziger, Board Counsel  
Mrs. Tiffany Vaughn, Deputy Director  
Ms. Lou Randia Sims, Licensing Officer  
Ms. Denise Brown, Licensing Officer  
Mr. Nick Hardwick, Investigations Supervisor  
Mrs. Sherese Redmond, Investigator

### **Mississippi Attorney General's Office (AGO) Staff**

Drew Malone, Board Attorney

## **-- OPEN SESSION --**

### **1. Welcome & Introduction of Guests (Smith)**

#### **Noted Guests:**

Dr. Sree Koka, Dean of Mississippi School of Dentistry (Participant)  
Abby Longworth, MC School of Law-Summer Intern with (AGO)  
Amy Sullivan, MC School of Law-Summer Intern with (AGO)  
Denise DeRossette (Cornerstone)  
Dr. A. Roddy Scarbrough

**2. Determination of a quorum (Smith)**

A quorum was established.

**3. Approval of Meeting Minutes (Smith)**

April 14, 2023 – Board Meeting

President Smith opened the floor. A motion was made by Dr. Curtis and seconded by Mrs. Birmingham. There was no opposition, and the motion carried.

May 25, 2023 – Board Meeting

President Smith opened the floor. A motion was made by Mrs. Birmingham and seconded by Dr. Curtis. There was no opposition, and the motion carried.

June 29, 2023 – Rules & Regulations Committee

President Smith opened the floor. A motion was made by Dr. Carlton and seconded by Mrs. Birmingham. There was no opposition, and the motion carried.

**4. Subcommittee Reports & Updates**

**a. Rules & Regulations (Smith/Mutziger)**

**i. Board Regulation 47**

An informational discussion with MSBDE Attorney Mutziger on the status of Regulation #47, involving the 2021, revision of the Military Family Freedom Act and the Universal Recognition of Occupational Licenses Act (UROLA) on a proposed amendment of licensure by credentials. Dr. A. Roddy Scarbrough (Guest) was recognized by Board President Smith. He was allowed to publicly voice his concerns.

President Smith opened the floor. The motion was made by the Rules and Regulations Committee and was seconded by Dr. Williams. As there was no opposition, the motion carried.

**ii. Board Regulation #7**

In response, Mutziger introduced a motion to strike language in Regulation #7 regarding Military Provisional Licensure.

President Smith opened the floor. A motion was made by Dr. Williams and seconded by Dr. Zimmerman. There was no opposition, and the motion carried.

**iii. Board Regulation 41**

The committee reported that discussions regarding Regulation 41 are ongoing. The committee will bring forth recommendations in the future. The Board tabled this matter.

**iv. Board Regulation 13**

Mr. Mutziger interjected to provide a report on the status of the Board's Regulation 13. He noted that the OLRC had approved the update regarding the administration of Local Anesthesia by Dental Hygienists and that the amended Rule would go into effect on July 17, 2023.

b. Credentialing Committee (**Lampkin**)

i. CRDTS (**Mutziger**)

Mutziger reminded the Board about the previous proposal presentation from this business regarding their request for consideration of approval of their program to serve as administrators of examinations. Upon invitation, the Board vocalized the intent to witness their process and procedures at their facility. The Board rested on the decision to send a Board Representative, by show of hand(s) Dr. Lampkin was selected to accept (CRDTS) invitation to review their facility on September 29, 2023, in Carbondale, IL. Travel arrangements are to be made by Director Hydrick.

c. Legislative (**Birmingham**)

No report.

d. Licensure Examination (**Williams**)

No report.

e. Practice Act Review (**vacant**)

No report.

f. Budget & Finance (**Grubbs**)

No report.

5. Board Committee Assignments 2023-2024 (**Smith**)

Tabled until later in the meeting.

6. Presentation – AADB ACE Program (**Hydrick**)

Item tabled. AADB was unable to attend the board meeting to make a presentation.

7. Presentation - Dr. Elizabeth Carr – UMMC School of Dentistry (**Hydrick**)

Dr. Carr updated the Board on the status of the Course Implementation Plan for Local Anesthesia for Dental Hygienist Training to begin August 5, 2023, through December with completion by exam and implementation by January 2024. A robust discussion of the requirements occurred. Mutziger discussed the different requirements of the CDCA examinations. Malone proposed a further review of the agenda item.

Dr. Williams expressed a desire to ensure that all hygiene students moving forward in all hygiene programs have the same opportunity to receive the same training.



Dr. Carr asked the Board for its position on the allowance of CEUs for students who are about to complete the pilot program. The Board rested on the decision to refer the matter to the Credentialing Committee for more research.

8. Presentation – Dr. Sree Koka Dean of the UMMC School of Dentistry Updates & request to Expand the authority to administer HPV Vaccine (**Mutziger**)

Dr. Sree Koka requested approval from this Board concerning the HPV Cancer Prevention Program. Dean Koka seeks authorization on behalf of the UMMC School of Dentistry licensed dental faculty and licensed dental Hygiene faculty and students under their direct supervision to administer this vaccination. Dr. Koka provided additional information and answered the Board's questions. Mr. Mutziger discussed the agenda item and proposed that due to the lack of Rules and regulations, Law, or written guidelines before the Board, the item be sent to the Rules and Regulations Committee for further review and evaluation. Attorney Malone discussed his concerns and concurred with Mutziger.

Dr. Curtis questioned the need for additional regulation(s) to make the decision. Dr. Lampkin questioned the comparison between a Dentist and a Pharmacist who is authorized to administer the same vaccine. Birmingham questioned that if dentists are allowed to administer Botox and Juvéderm would that not be equal? Williams questioned the assurance of uniformity so that the students at other schools would be afforded the same opportunity as the students who attend UMMC's pilot program. The Board rested on the decision to call for a vote. Dr. Williams questioned Mr. Mutziger if an amendment would be needed to include other dentists to administer the HPV Vaccine who work outside of the dental school. Mr. Mutziger discussed that the Statute is broad.

President Smith opened the floor. A motion was made by Dr. Curtis and seconded by Mrs. Birmingham. There was no opposition, and the motion carried.

Mr. Mutziger expressed additional considerations regarding the authority of the Board to make the decision as there are a very limited number of States that allow the administration of the HPV vaccine by Dentists.

Mr. Malone discussed for clarification that the Dental School should follow the guidelines in the request submitted before this Board and that those requirements will be met by the Dental School Staff, Faculty, and Students. Dr. Curtis responded, "Yes, so stated in the language". President Smith nodded and responded "Yep" in agreement. Dr. Williams to Mr. Mutziger requested a follow-up email concerning current regulations related

to the subject matter from the April 16, 2021, meeting. Mr. Mutziger discussed that if the Board has an interest in dentists practicing outside of UMMC then it would be worthwhile to refer to the Rules and Regulations Committee.

Dr. Curtis discussed that dentistry calls them to sometimes address nutrition and childhood obesity as part of the practice and there are no specific regulations for that, but dentists have been trained and certified in those areas. Dr. Curtis questioned is there really a need for additional regulation. Mr. Mutziger discussed that this was the right question to ask because there could be endless regulations but does the Board want to address specific vaccines and impose regulations concerning training.

Mr. Malone interjected for clarity that the item just voted and passed applied only to the Dental School, only, to administer the vaccine and that it does not extend outside of what the Dental School requested/submitted. Dr. Williams discussed and recalled from memory that in 2021, the Board granted authority to every licensed dentist in the State to administer Vaccines. Mr. Malone discussed under the Emergency Orders that this was true. Dr. Williams discussed that the authority went beyond the Emergency Orders allowing every dentist if they chose to participate to administer vaccines in their office(s). Dr. Williams interjected and stated that when they voted on the item in 2021, they implied that the dentist would follow all State and CDC guidelines. President Smith queried the Board Members if they would like Rules and Regulations to review if an amendment is needed or not. Mr. Mutziger yielded to the Board's discretion.

**9. Board Review – Annual Reports (Hydrick)**

**a. University of Mississippi Medical Center School of Dentistry**

Hydrick provided documents to the entire Board from Dr. Phillips at UMMC. President Smith discussed the report submitted and it was reviewed by Board Members.

**b. Dental Hygiene Programs**

Hydrick discussed reports received from Pearl River Community College, Mississippi Delta Community College, UMMC, Northeast Mississippi Community College, and Meridian Community College. President Smith added that if a program did not submit a report, then the Board should be made aware.

**10. Anesthesia Applications (Vaughn)**

**a. Class II – *Sandy Thao Trieu Gaskill, D.M.D. with Pediatric Endorsement***

President Smith opened the floor. A motion was made by Dr. Curtis and seconded by Dr. Lampkin. There was no opposition, and the motion carried.

**11. Specialty Applications (Vaughn)**



a. Endodontics

i. *Jonathan Nguyen, D.D.S.*

Vaughn- informed the Board that a hard copy of the degree is not on file yet with MSDBE. The school wrote a letter confirming that the applicant passed and met all the requirements to obtain a degree. Dr. Williams questioned that since the certificate is coming on the following Monday, approval of the application is contingent upon the hard copy of the degree being on file with the MSBDE.

President Smith opened the floor. A motion was made by Dr. Lampkin and seconded by Dr. Zimmerman. There was no opposition, and the motion carried with the condition that the certificate is received.

ii. *Jon-Brighton Childs Russell, D.M.D.*

President Smith opened the floor. A motion was made by Dr. Lampkin and seconded by Dr. Carlton. There was no opposition, and the motion carried.

b. Oral and Maxillofacial Surgery –

i. *Daniel J. Hyneman, D.D.S., M.D.*

President Smith opened the floor. A motion was made by Dr. Curtis and seconded by Dr. Zimmerman. There was no opposition, and the motion carried.

c. Pediatrics – *Sandy Gaskill, D.M.D.*

President Smith opened the floor. A motion was made by Dr. Curtis and seconded by Mrs. Birmingham. There was no opposition, and the motion carried.

**12. Corporate Trade Name Applications (Vaughn)**

a. *South Mississippi Oral Surgery & Implant Center, PLLC*

President Smith opened the floor. A motion was made by Dr. Carlton and seconded by Dr. Williams. There was no opposition, and the motion carried.

**13. Board Notification – Plan for Facility Inspections and agreement scope (Hydrick)**

Executive Director Hydrick provided an overview of the plan to begin the required facility inspections under Regulation 30. Several issues related to costs and the use of staff resources and time were discussed. No vote was required.

A request was made by Mr. Hydrick to allow for the approval of 1 continuing education hour for each permit holder who attends the orientation and training related to the completing of the onsite inspections. President Smith opened the floor for a motion. A motion was made by Dr. Williams and seconded by Dr. Lampkin. There was no opposition, and the motion carried.

**14. Board Determination – FY 2025 Proposed Budget (Hydrick)**

Mr. Hydrick presented the proposed FY 2025 budget. Onetime expenses were noted to provide for the consideration of a change in office space and a new licensing database system. President Smith recommended that future fiscal budgets come before the Board Budget and Finance Committee.

President Smith opened the floor. A motion was made by Dr. Williams and seconded by Mrs. Birmingham to accept the proposed budget contingent upon a meeting with the Chair of the Budget and Finance Committee and report back to the Board. There was no opposition, and the motion carried.

**15. Financial Report (Hydrick/DeRossette)**

Mrs. DeRossette disseminated the line-by-line expense breakdown documentation and reviewed the proposed 2025 budget. Mrs. DeRossette presented information on the increases. Mr. Hydrick addressed questions regarding the increase in line-item requests as well as one-time expenses related to office relocation and a new database system. President Smith questioned regarding a prior discussion to purchase two state vehicles. Mr. Hydrick responded vehicles were not factored into the 2025-year budget but were included in the strategic five-year plan. Mr. Hydrick introduced and DeRossett further explained the State's vehicle exchange program as an option. President Smith questioned if the budget being rejected by the Legislature. Malone interjected to address the Board to be mindful that spending authority is not a just blanket request for more money and that the Legislature may look at the request in a differently, especially if it's one-time expense.

Mrs. DeRossette reviewed with the Board the current year-end FY23 financials. Dr. Willams requested an explanation of the subsidy category on the expense report. Mrs. DeRossette responded and explained that this account is the funds that are paid to other agencies for use of the Prescription Monitoring Program and the contract with the Professional Health Network. President Smith requested information on the cost in the use of Court reporters for Board meetings. Mr. Hydrick reviewed the current process. The Board rested with no further questions and President Smith excused Mrs. DeRossette from the meeting.

**16. Board Determination - 2025-2029 MSBDE Strategic Plan (Hydrick)**

Mr. Hydrick presented the FY2025-2029 MSBDE Strategic Plan. After a robust discussion and explanation of the plan, a motion was made to accept the plan as presented. The motion was made by Dr. Williams and seconded by Dr. Carlton. There was no opposition, and the motion carried.

**17. Board Determination - AADB request for Board to Accept ACE (Hydrick)**

Tabled

**18. Board Determination - Approval of the proposed MSBDE Compliance Policy (Mutziger)**



Mr. Mutziger reviewed a proposed Compliance Policy for the Board's consideration. An in-depth discussion occurred. President Smith tabled the approval of the MSDBE Compliance Policy until the Executive Committee has had the chance to review the revised proposal.

**19. Board Determination – COVID Protocol (Mutziger)**

Mr. Hydrick presented a licensee's request for guidance on the current remaining COVID-19 mandates. Mutziger discussed that on May 11, 2023, the National Emergency & Public Health mandates have expired. Mutziger proposed to the Board extinguish those remaining requiring/control mandates related to the COVID-19 protocols and recommend all licensees to consult or consider the revised CDC Guidelines and Protocols as needed.

President Smith opened the floor. A motion was made by Mrs. Birmingham and seconded by Dr. Curtis. There was no opposition, and the motion carried.

**20. Executive Director's Report (Hydrick)**

Hydrick disseminated the Executive Director's report to the Board. Hydrick discussed Travel Documents must be signed. Mr. Hydrick reported that the AADB meeting in October will be in Hollywood, CA attending so far is Mrs. Birmingham and Dr. Lampkin. Hydrick stated there is still space available. President Smith discussed that usually the Board Attorney goes and now it includes Investigators. President Smith opens the floor for participants; no volunteers to travel. President Smith volunteered to travel to (AADB) Conference in CA. President Smith to Mr. Hydrick discussed his passing the State Purchasing Agent course and exam to be a Mississippi Certified Purchasing Agent. Malone interjected and explained to the Board that there is a level of spending depending on what is to be purchased. Dr. Smith noted that Dental Hygienists' licensure numbers have increased.

President Smith opened to the floor for any other questions or old business that needed to be addressed. President Smith announced break for lunch.

**21. Board Committee Assignments**

President Smith presented the Board sub-committee assignments. He opened the floor for a vote. A motion was made by Dr. Smith and seconded by Mrs. Birmingham. The motion carried with no opposition.

**22. Determination of Need for Executive Session**



Motion made and seconded to go into closed session to determine if executive session is appropriate. The Board entered closed session. The Board determined that, pursuant to Miss. Code Ann. § 25-41-7, Executive Session is appropriate for the following:

- Consideration of specific Board investigations into allegations of violations of the Mississippi Dental Practice Act (Miss. Code Ann. § 73-9-1, et seq.);
- Strategic discussion regarding ongoing litigation with the Mississippi Association of Nurse Anesthetists; and
- Consideration of Board personnel matters related to staff job performance.

Dr. Williams moved for the Board to enter executive session; Seconded by Dr. Curtis. The Board unanimously voted to enter executive session for the aforementioned reasons.

### --- EXECUTIVE SESSION ---

#### 23. Pending Investigations & Disciplinary Matters (Mutziger/Hardwick/Redmond)

- a. Remands & Letter(s) of Concern (Hardwick)
- b. CDE Audit Results (Hydrick)
- c. Pending Consent Order(s) (Mutziger)
- d. Compliance (Grubbs)

The Board approved the following Remands of Board investigative Case No.'s:

- |            |            |            |
|------------|------------|------------|
| • 2018-039 | • 2022-113 | • 2022-042 |
| • 2022-079 | • 2023-044 | • 2022-105 |
| • 2022-048 | • 2023-045 | • 2023-020 |
| • 2023-003 | • 2023-055 | • 2022-090 |
| • 2021-093 | • 2022-076 |            |

The Board approved the following Letters of Concern to be issued in Board investigative Case No.'s:

- |            |            |            |
|------------|------------|------------|
| • 2023-037 | • 2023-070 | • 2023-081 |
| • 2023-041 | • 2023-075 | • 2023-083 |
| • 2023-067 | • 2023-079 | • 2023-086 |
| • 2023-068 | • 2023-080 |            |

**24. Personnel Matters (Hydrick)**

a. Legal Services Contract (**Mutziger**)

The Board approved the Legal Services Contract for Stan Ingram for his representation in the Board's litigation with the Mississippi Association of Nurse Anesthetists.

b. Compliance Job Duties (**Hydrick**)

c. Personnel Updates (**Hydrick**)

**25. The Board reconvened from Executive Session.**

President Smith asked if there was anymore business to come before this Board. President Smith recognized no show of hands or voices. A motion was made by Dr. Williams to adjourn and seconded by Dr. Lampkin. The motion carried without opposition. The meeting was adjourned.

Approved on the 27<sup>th</sup> day of October, 2023:



M. Lewis Grubbs, D.M.D. – MSBDE Board Secretary