

**BOARD OF DENTISTRY  
GENERAL BUSINESS MEETING MINUTES  
May 8, 2020  
Teleconference Meeting  
(888) 585-9008  
When prompted enter 599196982#  
8:00 A.M.**

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

**I. CALL TO ORDER/ROLL CALL**

Call to Order - The meeting was called to order by Board Chair, Dr. Fatmi, at 8:00 a.m. ET.

Those present during the meeting included the following:

**MEMBERS PRESENT**

Naved Fatmi, DMD, Chair  
Nick White, DMD, Vice-Chair  
Nick Kavouklis, DMD  
T.J. Tejera, DMD, MD  
Karyn Hill, RDH  
Claudio Miro, DDS  
Matthew Freedman, DMD  
Fabio Andrade, Consumer Member  
Catherine Cabanzon, RDH, BASDH

**COURT REPORTER**

For the Record  
150 Mahan Drive, Suite 140  
Tallahassee, FL 32308  
(850) 222-5491 (850) 224-5316 (Fax)

**STAFF PRESENT**

Jessica Sapp, Executive Director  
Paulette Schofill, Program Administrator

**BOARD COUNSEL**

David Flynn, Esq.  
Senior Assistant Attorney General

**PROSECUTION SERVICES UNIT**

Octavio Ponce, Assistant General Counsel  
Kelly Fox, Assistant General Counsel  
Chad Dunn, Assistant General Counsel  
Ellen Carlos, Assistant General Counsel

**II. DISCIPLINARY PROCEEDINGS**

**A. Informal Hearings**

- i. Kimberly Suzanne Correa, DH, Case No. 2019-29571  
(PCP – Fatmi, Morgan, Cabanzon)

Ms. Correa was present. She was not represented by Counsel.

Mr. Ponce presented the case to the Board. Respondent was charged with the following violation: **Count I:** Section 456.072 (1)(c) Florida Statutes, by entering a plea of nolo contendere to crimes which relate to the practice of, or ability to practice, dental hygiene. **Count II:** 456.072(1)(x), Florida Statutes, by failing to notify the Board of her criminal plea.

Motion: by Dr. Tejera to make a finding that Respondent was properly served and elected an informal hearing; to accept the investigative report into evidence for the purposes of imposing penalty; and to adopt the findings of fact as set forth in the Administrative Complaint.

Second: by Mr. Andrade.

Vote: Unanimous

Motion: by Dr. Tejera to adopt the conclusions of law as set forth in the Administrative Complaint and that you find that this constitutes a violation of ss. 456.072(1)(c) and 456.072(1)(x), F.S.

Second: by Mr. Andrade.

Vote: Unanimous

The Department recommends revocation.

After discussion, the following action was taken:

Motion: by Mr. Andrade to support the Department's recommendation of revocation and to withdraw the motion for cost.

Second: by Dr. Miro.

Vote: Unanimous

## **B. Settlement Agreements**

- i. Dr. Andrew Zerbinopoulos, DMD, Case No. 2018-11669  
(PCP/9-13-19 - Fatmi, Morgan, Britten)  
(PCP/1-10-20 - Miro, Britten)

Dr. Zerbinopoulos was present. He was represented by Michael R. Ragan, Esq.

Ms. Carlos presented the case to the Board. The Respondent was charged with the following violation: **Count I:** Section 466.028 (1)(mm), Florida Statutes, through a violation of Rule 64B5-17-002(1), Florida Administrative Code; and/or Section 466.028 (1)(m), Florida Statutes, by failing to keep written dental records and medical history records justifying the course of treatment.

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

- Appearance
- Letter of Concern
- Fine of \$2,500.00 to be paid within one (1) year of the filing of the Final Order
- Costs of \$1,813.03 to be paid within one (1) year of the filing of the Final Order
- Successful completion of a three (3) hour record keeping course within twelve (12) months.
- Successful completion of the Laws and Rules exam within twelve (12) months.

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept the proposed settlement agreement.  
Second: by Ms. Cabanzon.  
Vote: Unanimous.

- ii. Dr. Terrance R. Soule, DDS, Case No. 2018-06538  
(PCP – Fatmi, Thomas, Calderone)

Dr. Soule was present. He was represented by Joseph Justice, Esq.

Ms. Carlos presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 466.028 (1)(x) for failing to meet the minimum standards of performance in diagnosis and treatment, Florida Statutes, **Count II:** Section 466.028 (1)(m), Florida Statutes by failing to keep written dental records and medical history records justifying the course of treatment.

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

- Appearance
- Letter of Concern
- Fine of \$10,000 to be paid within one (1) year of the filing of the Final Order
- Costs of \$2,326.02 to be paid within one (1) year of the filing of the Final Order
- Successful completion of a three (3) hour record keeping course and a Level II (7-12 hours) Implant course to be completed through a Florida accredited college of dentistry
- Successful completion of the Laws and Rules exam within twelve (12) months.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to reject the Settlement Agreement as presented.  
Second: by Mr. Andrade  
Vote: Carried, 7:1

Motion: by Dr. Miro to offer a counter Settlement Agreement to include all of the original terms with the exception to increase the total fine to \$17,500.  
Second: Dr. Tejera.  
Vote: Unanimous.

Dr. Soule shall accept or reject counter settlement agreement within ten (10) days of filing.

### **C. Determination of Waiver**

- i. Ivan Cecil Graham, DDS, Case No. 2018-07212  
(PCP – Fatmi, Freedman, Morgan)

Dr. Graham was present. Dr. Graham was represented by Amber Tracey, Esq.

Ms. Fox summarized the case for the Board. The Respondent was charged with the following violation(s): **Count I:** Section 466.028 (1)(x), Florida Statutes, by failing to remove the retained  
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roots at the extraction site; and/or by failing to diagnose there were retained root tips at the extraction sites; and/or by failing to refer the patient to another dentist or oral surgeon to assess or remove the remaining roots.

Motion: by Dr. Tejera to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing.

Second: by Ms. Cabanzon.

Vote: Unanimous

Motion: by Dr. Tejera to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Ms. Cabanzon

Vote: Unanimous

Motion: by Dr. Tejera to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Ms. Cabanzon.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to grant a continuance to the August 21, 2020 board meeting.

Second: by Dr. Tejera

Vote: Carried, 6:1

#### **D. Voluntary Relinquishment**

- i. Dr. Seldon T. Childers, DDS, Case No. 2017-04583  
(PCP – Gesek, Melzer, Calderone)

Dr. Childers was not present. Dr. Childers was represented by Mia L. McKown, Esq.

Motion: by Dr. Fatmi to accept the voluntary relinquishment for Case No. 2017-04583.

Second: by Dr. White.

Vote: Unanimous.

### **III. PROSECUTION REPORT**

#### **A. Octavio Ponce, Assistant General Counsel**

Mr. Ponce presented the Board with current status of Board cases.

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

Second: by Dr. Tejera.

Vote: Unanimous

### **IV. PETITION FOR MODIFICATION OF FINAL ORDER**

#### **A. Dr. David S Gaines DDS**

Case Nos.: 2014-14968 and 2018-13132

Dr. Gaines was present. He was represented by Jon Pellet, Esq.

Dr. Gaines filed a petition to modify his Final Order on Case No. 2018-13132. He is requesting that the Board consider lifting the suspension of his license as he is not able to fulfill his requirement of successful completion of the Laws and Rules exam at this time.

Dr. Gaines filed a petition to modify his Final Order on Case No. 2014-14968. He is requesting that the Board defer his \$100 monthly payment of the fine and costs until 60 days after his license is reinstated.

Mr. Pellett withdrew the modification request related to Case No. 2018-13132.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve the petition for modification for Case No. 2014-14968.

Second: by Dr. Fatmi.

Vote: Unanimous

## **V. REVIEW OF APPLICATIONS**

### **A. Application for License Reactivation**

#### **i. Lidia Lyskanowski Lilly**

Dr. Lilly was present. She was not represented by Counsel. Dr. Lilly applied for reactivation of a retired dental license on March 16, 2020. Dr. Lilly changed her license status to retired on February 22, 2006. She has completed all required CE and paid the reactivation fee. Dr. Lilly has indicated that she has not been engaged in activities related to dentistry since her license was retired.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to grant a continuance to allow Dr. Lilly time to complete remedial coursework from an approved dental school. Dr. Lilly's application will be tabled to the August 2020 meeting.

Second: by Ms. Cabanzon

Vote: Unanimous

## **VI. REPORTS**

### **A. Board Counsel**

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

Mr. Flynn provided the rules reports to the Board for review and summarized some of the rules that are currently in process.

### **B. Executive Director**

#### **i. Legislation Update**

Ms. Sapp provided the following update:

1. HB1461

HB1461- This reenacts sections 466.0067, 466.00671 and 466.00672, F.S., that outline the requirements for applying, renewing and grounds for revocation of a health access dental license. This would allow the health access dental licensure pathway to be available to those dentists applying for licensure in Florida. This is effective once signed into law. Once signed, the board office will post a communication piece on our website and place the application back on our website. The Board did not repeal any rules relating to the Health Access Dental license, so rulemaking is not required by the Board.

2. HB713

HB713 – -This bill makes numerous changes to health care professions regulation under the Department of Health (DOH) and provides for an effective date of July 1, 2020. These changes include the following:

Section 466.006(3)(b), F.S., is amended to clarify that the two consecutive academic years at a full time supplemental general dentistry program accredited by CODA, required of applicants who have graduated from nonaccredited dental schools, does not include specialty or advanced education programs for the purposes of licensure.

Section 466.006(4)(b)1., F.S., is amended to eliminate the requirement that the American Dental Licensing Examination (ADEX) be graded by Florida licensed dentists.

Also covered in HB 1461--this reenacts sections 466.0067, 466.00671 and 466.00672, F.S., that outline the requirements for applying, renewing and grounds for revocation of a health access dental license. This would allow the health access dental licensure pathway to be available to those dentists applying for licensure in the state of Florida. These provisions are also reenacted with HB 1461 and are effective once signed into law. Once signed, the board office will post a communication piece on our website and place the application back on our website. The Board did not repeal any rules relating to the Health Access Dental license so rule making is not required by the Board.

Section 466.007, F.S., is amended to eliminate the requirement that the American Dental Hygiene Licensing Examination (ADEX) be graded by Florida licensed dentists and dental hygienists.

Section 466.017, F.S., is amended to conform the statute to the current adverse incident reporting requirements outlined in Rule 645-14.006, F.A.C. Currently, dentists and dental hygienists are required to report adverse incidents by Board rule. This reporting mechanism requires the reporting of deaths, or any incident that results in the temporary or permanent physical or mental injury that requires hospitalization or emergency room treatment of a dental patient that occurred during or because of the use of anesthesia and creates grounds for discipline for the failure to report an adverse incident.

The general licensing provision in s. 456.013, F.S. is amended to require an applicant's date of birth on all application forms to allow the department to more accurately confirm an applicant's identity. This requires the board to amend the Dental Teaching Permit application and the Administration of Local Anesthesia application.

3. HB115

HB115- The bill prohibits the Department from denying a license, refusing to renew a license, or suspending or revoking a license on the basis of a student loan default. This requires the Board to amend a question on the application forms to ask if they are listed on the US Department of Health and Human Services Office of the Inspector General's list of excluded individuals due to a student loan default.

#### Application Forms

The new standardized applications were presented to the Board for review. The substantive changes on the application forms were adding the question regarding the US Department of Health and Human Services Office of the Inspector General's list of excluded individuals due to a student loan default and adding the date of birth to certain application forms.

The Board opened the following application rules for development:

- Rule 64B5-2.014, F.A.C.
- Rule 64B5-2.0144, F.A.C.
- Rule 64B5-2.0142, F.A.C.
- Rule 64B5-2.0146, F.A.C.
- Rule 64B5-7.003, F.A.C.
- Rule 64B5-7.0035, F.A.C.
- Rule 64B5-7.005, F.A.C.
- Rule 64B5-7.006, F.A.C.
- Rule 64B5-9.011, F.A.C.
- Rule 64B5-14.003, F.A.C.

Motion: by Cabanzon to open the above listed application rules for development.

Second: by Dr. Fatmi.

Vote: Unanimous

#### ii. Financial Reports

Ms. Sapp provided the financial reports to the Board for informational purposes.

#### **C. Chair**

#### **D. Board Members**

### **VII. DISCUSSION**

#### **A. ADEX Non-Patient Based Exam**

##### i. CompeDont Technical Report

##### ii. Performance Details

Dr. Fatmi reiterated the Board's support of a one-time waiver of the live patient portion of the ADEX exam and that the ability to grant this waiver was outside the authority of the

Board. Dr. Guy Shampaine, former CEO of ADEX, informed the Board that the analysis for the Dental Hygiene assessment had been completed and the data was being analyzed. He expects that process to be complete by May 15, 2020.

The Board took public comments from dental and dental hygiene schools as well as students. Dr. Katie Dinh, Director of Curriculum and Assessment for LECOM, Dr. Paul Benjamin, Professor and Team Lead at University of Florida Dental School, Ms. Joan Tonner, RDH, Program Director at St. Petersburg College, and Ms. Danielle Driscoll, CRDH, MHS from Valencia College once again spoke in support of the non-patient based exam. Carly Bennett, a dental hygiene student from Daytona State College, Julie Davie, a D4 student from LECOM, Tommy Galecki, a resident at Nova, and Mitchell Amon, a dental student at LECOM thanked the Board for their support of the waiver for the non-patient based exam.

## **VIII. NEW BUSINESS**

### **A. Licensure Ratification Lists**

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve the licensure ratification list.

Second: by Dr. Miro.

Vote: Unanimous

### **B. Anesthesia Ratification List**

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to approve the anesthesia ratification list.

Second: by Dr. Miro.

Vote: Unanimous

## **IX. OLD BUSINESS**

### **A. Approval of Board Meeting Minutes – February 21, 2020**

Motion: by Ms. Cabanzon to approve Board Meeting Minutes – February 21, 2020 as written.

Second: by Dr. Tejera

Vote: Unanimous

## **X. ADJOURNMENT**

There being no further business, the meeting adjourned at 12:11 pm.