

## **IOWA BOARD OF DENTAL EXAMINERS**

### **APRIL 17-18, 2007, MEETING MINUTES DES MOINES, IOWA**

The open session meeting of the Iowa Board of Dental Examiners was called to order at 8:30 a.m. on Wednesday, April 18, 2007, in the conference room, 400 S.W. 8<sup>th</sup> St., Suite D, Des Moines, Iowa, by the Chairperson of the Board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson  
Richard M. Reay, D.D.S., Vice-Chairperson  
Debra L. Yossi, R.D.H., Secretary  
Gary D. Roth, D.D.S.  
Peter L. Vidal, D.D.S.  
Alan D. Hathaway, D.D.S.  
Eileen A. Cacioppo, R.D.H.  
Elizabeth Brennan, Public Member  
Suzan Stewart, Public Member

Also present: Constance L. Price, Executive Director  
Christel Braness, Administrative Assistant  
Phil T. McCollum, Investigator  
Dee Ann Argo, Administrative Assistant  
Theresa O'Connell Weeg, Assistant Attorney General  
Jennifer Hart, Executive Officer  
Janet Arjes, Executive Officer

#### **PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

#### **MINUTES**

Motion by Ms. Yossi, seconded Ms. Cacioppo, to approve the minutes of the January 18, 2007, meeting of the board and February 1, 2007, teleconference, as written.

Vote: Unanimous.  
Motion carried.

#### **EXECUTIVE DIRECTOR REPORT**

Ms. Price reported that Dr. Kuempel was reappointed by Governor Culver to serve another term on the Iowa Board of Dental Examiners. Drs. Richard Reay and Peter Vidal were not

reappointed. Dr. Lynn Curry, Carroll, Iowa and Dr. Michael Rovner, Des Moines, Iowa has been appointed by the Governor and confirmed by the Senate to replace Dr. Reay and Dr. Vidal.

The board members thanked Dr. Reay and Dr. Vidal for their service on the board.

Ms. Price reported that at the time of the board meeting, Governor Culver had not appointed a permanent director of the Iowa Department of Public Health.

#### FISCAL YEAR 07

Ms. Price reported that the Iowa Board of Dental Examiners should finish the fiscal year on target.

#### RENEWAL REMINDER

Ms. Price reminded those in attendance that the Iowa Board of Dental Examiners would be renewing later than usual this year and subsequent years due to recent rule changes that extended the expiration dates for all licenses, registrations and permits to August 31.

Ms. Price reported that the Iowa Board of Dental Examiners would mail postcards to all dental hygiene licensees and dental assistant registrants this year explaining the change in expiration date. The information would also be posted to the board's website.

#### MEETING IDA TRUSTEES

In January 2007, Dr. Kuempel, Dr. Roth, and Ms. Price met with the trustees of the Iowa Dental Association (IDA). The trustees of the IDA encouraged the Iowa Board of Dental Examiners to actively work with peer review of the IDA. The board discussed exploring ways to increase the use of peer review. In particular, the board will look into which districts would be willing to participate in the type of reviews needed.

The trustees of the IDA also encouraged the board to reconsider the cost of the temporary permit for volunteer services and to reconsider supervision required for dental assistants taking radiographs. The board members discussed this and agreed to place these issues on a future agenda for consideration.

#### VISITS WITH DENTAL STUDENTS

Ms. Price reported that Phil McCollum and Dr. Kuempel met with the junior dental students at the University of Iowa College of Dentistry. Ms. Price also reported the Jennifer Hart, Ms. Yossi, and Ms. Cacioppo met with the senior dental students in March.

#### NATIONAL PRACTITIONER DATABANK

Ms. Price reported that the National Practitioner Databank has launched the PDS service. This is a subscription service that would charge a fee to track reports to the database on each board licensee. Should any actions be filed against a licensee, the National Practitioner Databank would notify the licensing board if it had subscribed to the service. The board did not feel that it was necessary to subscribe to this service at this time.

#### AADA/AADE MEETINGS

Mrs. Price reported that she attended the national meetings of the American Association of Dental Examiners and the American Association of Dental Administrators in Chicago, Illinois in March 2007.

The meeting included presentations and extensive reviews of various access to care workforce models. The purpose of this discussion was to provide greater access to dental care. The American Dental Hygiene Association advocated the advance dental hygiene practitioner as a cost effective way to address the access to care shortage. There was also information regarding Canada and New Zealand who recognize dental hygiene therapists. Canada and New Zealand utilize dental hygiene therapists to fill a similar need. Fifty-two countries currently have dental hygiene therapists. In light of recent pediatric deaths resulting from lack of dental care, there is pressure to do something and it is expected that other models will emerge.

In terms of how some of these changes have affected licensing boards, it was noted that Virginia now has a dental assistant who serves on its board. Other boards have dental health educators who serve on the boards as well. In New York, the board has removed the clinical examination requirement for licensure and now requires a residency. Vermont is currently accepting residency programs in lieu of examinations. California, Connecticut, Minnesota and Washington also accept residency programs in lieu of examinations as an option.

Dr. Roth also attended the meetings and participated in a forum to facilitate discussion about the dental access problem. The forum included representatives from dental hygiene and dental assistant organizations. At the forum it was brought up that some research shows that expanded functions dental assistants can work well in performing certain basic dental functions in limited circumstances. The consensus was noted that dentists cannot stop the disease and more focus must be made on prevention. Board members discussed inviting the oral health director of the Iowa Department of Public Health to speak at a future meeting to update the board on current initiatives like I-SMILE.

#### **CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (CRDTS)**

##### DENTAL STEERING COMMITTEE REPORT

Dr. Vidal reported that ADEX, CRDTS, and NERB are trying to get together with written contracts. NERB is still administering the NERB dental hygiene clinical examination and not ADEX. It is likely that they will administer the dental hygiene ADEX examination next year. Dr. Vidal also reported that Minnesota will allow junior dental students to complete the manikin part of the clinical examination.

Dr. Vidal reported that he submitted several written questions and concerns to CRDTS prior to the meeting. CRDTS provided a response to the board. On one issue, CRDTS does not want to provide examinees information concerning the remedial education requirements of member states following examination failures.

Dr. Kuempel thanked Dr. Vidal and Dr. Reay for their work on the steering committee. As Dr. Vidal and Dr. Reay's terms on the board expire at the end of the month, Dr. Kuempel will take

over as the representative for the Iowa Board of Dental Examiners with the CRDTS Steering Committee.

**DENTAL EXAMINATION REVIEW COMMITTEE**

No report.

**DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE**

No report.

**ADEX CONSTITUTION/BYLAWS**

Ms. Price reported that Dr. North has agreed to attend as the representative from Iowa.

**ANESTHESIA CREDENTIALS COMMITTEE**

Dr. Roth reported that the Anesthesia Credentials Committee sent a letter to the American Dental Association (ADA) expressing some of their concerns with the draft guidelines on training for sedation. The committee will monitor the proposed guidelines.

**CONTINUING EDUCATION ADVISORY COMMITTEE**

Ms. Cacioppo provided an overview of the continuing education courses submitted to the committee for approval and committee recommendations concerning courses that were eligible for credit according to board rules.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to accept the committee's recommendations for board approval of continuing education courses.

Vote: Unanimous.

Motion carried.

Ms. Cacioppo reported that risk management has been a difficult issue that sometimes seems to discuss business aspects of practice. Ms. Cacioppo suggested that the committee consider risk management to be the application of the law to the practice of dentistry. Ms. Cacioppo would like to use that as a guideline for the committee.

Jurisprudence courses are now eligible to be submitted to the board for prior approval. These courses must be prior approved by the board. The board discussed having staff explore various alternatives to provide jurisprudence courses, such as videotapes, a Web-based course, staff presentations to districts, etc.

GSC Homestudy Courses has applied for sponsor status with the Iowa Board of Dental Examiners. Ms. Cacioppo reported that she had reviewed the application.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to approve GSC Homestudy Courses as a sponsor.

Vote: Unanimous.  
Motion carried.

Ms. Branss reminded the board that applications for renewal would be mailed prior to the next board meeting. The members of the board discussed the audit process.

Motion by Dr. Roth, seconded Ms. Cacioppo, to proceed with auditing the continuing education requirements for renewal.

Vote: Unanimous.  
Motion carried.

### **DENTAL HYGIENE COMMITTEE**

No report.

### **CONSIDERATION OF RULES**

#### **IOWA ADMINISTRATIVE CODE 650 CHAPTER 25, CONTINUING EDUCATION**

Ms. Hart reported that the amendment allows licensees or registrants to obtain continuing education credit for courses in Iowa jurisprudence. The amendments became effective on April 4, 2007.

#### **IOWA ADMINISTRATIVE CODE 650 CHAPTER 29, DEEP SEDATION/GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE INHALATION ANALGESIA**

These amendments clarify training, facility, and equipment requirements for applicants for deep sedation/general anesthesia and conscious sedation permits. The amendments also increase the amount that the board may recoup for the cost of an on-site evaluation of the facility where sedation services are provided. The amendments became effective on April 4, 2007.

**IOWA ADMINISTRATIVE CODE 650  
CHAPTER 1, ADMINISTRATION  
CHAPTER 11, DENTAL & DENTAL HYGIENE LICENSURE  
CHAPTER 13, SPECIAL LICENSES  
CHAPTER 14, RENEWAL  
CHAPTER 15, FEES  
CHAPTER 20, DENTAL ASSISTANTS  
CHAPTER 22, DENTAL ASSISTANT RADIOGRAPHY QUALIFICATION  
CHAPTER 25, CONTINUING EDUCATION  
CHAPTER 27, STANDARDS OF PRACTICE & PRINCIPLES OF PROFESSIONAL ETHICS  
CHAPTER 28, DESIGNATION OF SPECIALTY  
CHAPTER 29, SEDATION AND NITROUS OXIDE INHALATION ANALGESIA**

## CHAPTER 35, IOWA PRACTITIONER REVIEW COMMITTEE

These amendments made various changes to board rules. The bulk of the amendments concerned the renewal term of licenses, registrations, and permits. Previously, licenses, permits, and registrations expired at the end of June. Licenses, permits, or registrations will now expire on August 31. All licenses, permits, and registrations will be granted an automatic two-month extension. The late renewal period and continuing education compliance period have also been changed accordingly. These amendments became effective on April 4, 2007.

### 650 IOWA ADMINISTRATIVE CODE CHAPTER 10, GENERAL REQUIREMENTS

The amendment adds nursing facilities to the list of public health settings where public health supervision of a dental hygienist may take place. Notice of Intended Action was published in the Iowa Administrative Bulletin on February 28, 2007, as **ARC 5726B**. A public hearing on the amendment was held on March 20, 2007. The board received many written and oral comments in support of the proposed amendment.

The board discussed that the amendment confers a benefit to nursing home residents by allowing dental hygienists to provide services in nursing facilities under the public health supervision of a dentist. Pursuant to Iowa Code subparagraph 17A.5(2)"b"(2), the normal effective date of the amendment may be waived to make it effective upon filing.

Motion by Dr. Roth, seconded Ms. Cacioppo to adopt and file the proposed amendments as drafted and make them effective immediately upon filing.

Vote: Unanimous.  
Motion carried.

### 650 IOWA ADMINISTRATIVE CODE CHAPTER 12, DENTAL AND DENTAL HYGIENE EXAMINATIONS

These proposed amendments clarify how examination failures will be counted for dental and dental hygiene examinees. The amendments also specify the requirements for dental and dental hygiene examinees to obtain remedial education following examination failures. For the purposes of counting examination failures, the amendments state that the board shall utilize the policies adopted by CRDTS. Examinees only need to retake the parts of the examination in which they did not pass. However, examinees must also complete the examination within the time frame specified by CRDTS or they will be required to retake the entire examination.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 28, 2007, as **ARC 5730B**. A public hearing on the amendment was held on March 20, 2007. No written or oral comments were received. The amendments are identical to those published under Notice.

Motion by Ms. Yossi, seconded Ms. Cacioppo to adopt and file the proposed amendments as drafted.

Vote: Unanimous.  
Motion carried.

#### 650 IOWA ADMINISTRATIVE CODE 30.4(14)

The board discussed a proposed revision to 650 IAC 30.4, paragraph 14. The current rule applies to a dental hygienist using a patient recall list. The current rule is very narrow and appears to be aimed at protecting a dentist's business interests. The board reviewed several redrafts of the subrule that would expand it to include any person licensed or registered by the board and apply more broadly to preserving confidential patient information.

The board directed staff to redraft the rule to include language that specified that the following is grounds for discipline: failure to preserve the confidentiality of patient information by using or attempting to use any patient records from the office of a current or prior employer unless those records are on the recall list of another employer.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to direct staff to draft a Notice of Intended Action on the proposed subrule for review at the next meeting.

Vote: Unanimous.  
Motion carried.

### **LEGISLATIVE UPDATE**

Ms. Price reported that the bill that changed the name of the Iowa Board of Dental Examiners to Iowa Dental Board was signed into law by Governor Culver. The change will be effective July 1, 2007.

### **APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION**

#### APPROVAL OF APPLICATIONS

The board was provided with a list of the applications for licensure, permit, and registration that have been processed since the last meeting.

Between January 18, 2007, and April 16, 2007, the board licensed 5 dentists and 7 dental hygienists; the board issued 2 faculty permits, 2 deep sedation/general anesthesia permits, and 4 local anesthesia permits. The board registered 59 dental assistants with the additional qualification in dental radiography and 8 registered without qualification; the board issued 7 qualifications in dental radiography without registration, and trainee status to 60 dental assistants.

Motion by Ms. Cacioppo, seconded Ms. Yossi, to approve issuance of licensure, permits, and registrations to those persons listed.

Vote: Unanimous  
Motion carried.

### **LEGAL UPDATE**

Ms. Weeg took the opportunity to update the board on some recent court decisions.

#### **SMITH VS. IOWA BOARD OF MEDICAL EXAMINERS**

Ms. Weeg reported that the Iowa Board of Medical Examiners (IBME) issued a license to Dr. Smith with restrictions. Dr. Smith later asked the IBME to redact the Notice of Denial previously issued to him. The IBME stated that they were unable to do so. The case was about whether a license denial was public information. The court could not decide based upon a lack of information. This resulted in upholding the decision issued by the District Court that the information was confidential.

As a result of this, the IBME has revised its denial process. The IBME now issues a preliminary denial of license. The preliminary order becomes final if the decision is not appealed within 30 days. A hearing is scheduled in the event of an appeal.

#### **REVIZ VS. IOWA BOARD OF MEDICAL EXAMINERS**

Ms. Weeg reported that a final decision is still pending in this case, which concerns whether a Statement of Charges should contain information about the circumstances leading to the charges.

### **OPPORTUNITY FOR PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

### **RECESS**

The board recessed the open session portion of its meeting at 10:45 a.m., April 18, 2007, and noted that they would resume the open session portion of the meeting when the representatives from the University of Iowa College of Dentistry arrive.

### **CONTINUATION OF OPEN SESSION**

The Iowa Board of Dental Examiners resumed the open session portion of the board meeting at 12:15 p.m., on April 18, 2007.

### **UNIVERSITY OF IOWA** **COLLEGE OF DENTISTRY** **DEAN DAVID JOHNSEN, DDS**

Dr. David Johnsen, Dean, University of Iowa College of Dentistry and Dr. David C. Holmes, Head, Department of Family Dentistry visited with the members of the board and provided information about the College of Dentistry, faculty, and the dental students currently enrolled.

Dr. Johnsen discussed surveys of the dental students concerning regional clinical licensing board examinations and initiatives for the dental graduates to stay in Iowa. The consensus was that the examination issue is very complex and there are no current trends to learn from. The board has appointed an ad hoc committee designed to address the clinical licensing examination issues. Dr. Johnsen reported that more and more graduates are selecting military or public health options due to loan forgiveness possibilities.

Dr. Holmes took the opportunity to express an interest in Iowa becoming a member state of the Western Regional Examining Board (WREB). The university is exploring whether to administer the WREB examination next year in lieu of CRDTS. The board would not need to drop the CRDTS exam to become a member state, as many other states are members of more than one regional examining board. Since the board accepts the results of the WREB examination, it may be worthwhile to explore membership with the organization. This would allow the board more opportunity for direct input with the exam and a way to directly address any issues or concern that could arise with the exam. The consensus was to explore becoming a member of the WREB organization.

The need for better representation with the ADEX organization was also discussed. Dr. Kuempel stated that a former member of the board, Dr. George North was appointed to represent the board at the ADEX meeting scheduled for this summer.

### **CLOSED SESSION**

Motion by Ms. Brennan, seconded Dr. Roth, for the board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and also to discuss decisions to be rendered in contested cases.

Vote: Mrs. Yossi, aye; Mrs. Cacioppo, aye; Dr. Reay, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Hathaway, aye; Mrs. Stewart, aye; Mrs. Brennan, aye.  
Motion carried.

Motion by Ms. Yossi, seconded Dr. Roth, for the board to return to open session.

Vote: Unanimous.  
Motion carried.

### **IN THE MATTER OF CHANTEL N. LENNINGER, D.A.**

Board considered a proposed Registration Stipulation and Consent Order in this matter.

Motion by Mrs. Yossi, seconded Mrs. Stewart, to approve the Registration Stipulation and Consent Order as proposed.

Vote: Unanimous.

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Motion carried.

IN THE MATTER OF  
MICHAEL J. LOW, D.D.S.

Board considered a proposed Stipulation and Consent Order in this matter.

Motion by Dr. Roth, seconded Mrs. Brennan, to approve the Stipulation and Consent Order as proposed.

Vote: Unanimous.

Motion carried.

**NEXT MEETING OF THE BOARD**

The next meeting of the board is scheduled for July 10-11, 2007, in Des Moines, Iowa.

**ADJOURNMENT**

The board adjourned its open-session meeting at 1:10 p.m. on April 18, 2007.

Respectfully submitted,



CONSTANCE L. PRICE  
Executive Director

CLP/cb