

## **IOWA DENTAL BOARD**

### **APRIL 15, 2009 MEETING MINUTES DES MOINES, IOWA**

The open session meeting of the Iowa Dental Board was called to order at 1:05 p.m. on Wednesday, April 15, 2009, 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  
Gary D. Roth, D.D.S., Vice Chairperson  
Eileen A. Cacioppo, D.H., Secretary  
Michael J. Rovner, D.D.S.  
Lynn D. Curry, D.D.S.  
Perry T. Grimes, D.D.S.  
VaLinda J. Parsons, D.H.  
Elizabeth Brennan, Public Member  
Diane Meier, Public Member

Also present: Constance L. Price, Executive Director  
Christel Braness, Administrative Assistant  
Phil T. McCollum, Investigator  
Brian Sedars, 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. Cacioppo, seconded Dr. Roth, to approve the minutes of the January 15-16, 2009, meeting of the board, the January 15, 2009, meeting of the Dental Hygiene Committee, and the February 23, 2009, teleconference meeting of the board.

Vote: Unanimous.

Motion carried.

**EXECUTIVE DIRECTOR REPORT**

**BUDGET UPDATE**

Ms. Price reported that the board members were provided with an updated financial report. Ms. Price noted that the state was continuing to address revenue shortfall and related issues surrounding the budget for fiscal year 2010. Ms. Price reported that the legislature is still in session and specific budget cuts to this agency are not known at this time.

**IOWA DENTAL ASSOCIATION (IDA) TRUSTEE MEETING**

Ms. Price reported that she was pleased to accept an invitation to attend a recent meeting of the Iowa Dental Association and meet with the trustees. Ms. Price noted that the meeting included some discussion about matters important to the Iowa Dental Association that they hoped the board would address in the future.

**TOOTH WHITENING**

Ms. Price reported that the state legislature recently approved and the Governor has signed the bill amending the definition of the practice of dentistry, which defines tooth whitening as the practice of dentistry. The bill also included the removal of the prohibition against a faculty member serving on the board. Ms. Price thanked all of the professional organizations who assisted with the passage of this legislation.

**DATABASE PROJECT**

Ms. Price reported on the status of the new licensing database. Ms. Price indicated that the boards were continuing to move forward with the project.

**LEGAL UPDATE**

Ms. Weeg reported that the matter concerning Dr. Andre Q. Bell is still pending.

**AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE)  
APRIL 2009 MEETING REPORT**

Dr. Kuempel reported that she attended the AADE in Chicago, Illinois. Dr. Kuempel indicated that the main point of the meeting was that dental board examinations should be approached as a group with all interested parties participating in the process. This will provide better assurance that only qualified dentists are licensed.

Dr. Kuempel noted that economic and budget impacts during this time period were discussed. There was also discussion about dental colleges providing public health care services. This would allow colleges of dentistry to provide a needed public service as well as providing valuable practice experience to the students.

Dr. Kuempel reported that board disciplinary cases were also discussed. Every state handles these cases a little differently. There was some discussion about the Maryland model. In some cases, licensees are required to provide pro-bono work as part of a disciplinary order.

Dr. Kuempel also indicated that there was also discussion about managing cheating during examinations. There is an organization that works with testing agencies to minimize the cheating that may occur during examinations. Boards need to remain aware of these possibilities as individuals who cheat or who are reprimanded as a student tend to be disciplined later as a licensee.

## **COMMITTEE REPORTS**

### **ANESTHESIA CREDENTIALS COMMITTEE (ACC)** **MARCH 2009 MEETING REPORT**

Dr. Roth reported that the committee met on March 13, 2009, in Cedar Rapids. The committee reviewed some recent inspection reports. In the past, conscious sedation permit holders' facilities were only inspected once, when application for a conscious sedation permit was submitted, or when a new location where sedation would be provided has been opened. This is different from the general anesthesia permit holders, who are peer-reviewed at least once every five years.

Based on results of some recent inspections, the ACC feels strongly that there is a need to have facilities and conscious sedation permit holders reevaluated periodically to determine their continued competency in the area of sedation and their ability to handle emergencies.

Motion by Dr. Roth, seconded Ms. Cacioppo, to put conscious sedation permit holders on a five-year rotation for office and peer review inspections to ensure safety to the public.

Vote: Unanimous.  
Motion carried.

JULIE STATZ, D.D.S.  
THOMAS STATZ, D.D.S.  
CONSCIOUS SEDATION PERMIT APPLICATIONS

The members of the board considered two applications for issuance of a conscious sedation permit.

Motion by Dr. Curry, seconded Ms. Cacioppo, to approve the conscious sedation permits for Julie Statz, D.D.S. and Thomas Statz, D.D.S.

Vote: Unanimous.  
Motion carried.

### **WAIVER REQUEST**

Dr. Roth also reported that Gregory Ceraso, D.M.D., had requested a waiver of Iowa Administrative Code 650 subrule 29.5(1), which requires that, "No dentist shall use or permit the use of deep sedation/general anesthesia or conscious sedation in a dental office for dental patients, unless the dentist possesses a current permit issued by the Iowa Dental Board. A dentist

holding a permit shall be subject to review and facility inspection as deemed appropriate by the board.” Dr. Ceraso is requesting that the board allow him to provide conscious sedation at his dental facility when sedation services are administered by a physician (anesthesiologist) licensed by the Iowa Board of Medicine. Dr. Ceraso would comply with all of the other requirements for providing sedation at the dental facility.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the waiver request with the condition that the facility meet all other requirements for the use of sedation in a dental facility, including inspection of the facility, record keeping requirements, ensuring auxiliary personnel are trained, and reporting of adverse occurrences. In addition, the board would like to ensure that the physician providing sedation services is in good standing with the Iowa Board of Medicine.

Vote: Unanimous.  
Motion carried.

### **CONTINUING EDUCATION ADVISORY COMMITTEE**

Ms. Cacioppo reported that the board members have been provided with a list of continuing education courses that have been reviewed since the last meeting.

Motion by Ms. Cacioppo, seconded Ms. Parsons, to approve the list of courses as recommended.

Vote: Unanimous.  
Motion carried.

Ms. Cacioppo reported that the Continuing Education Advisory Committee received a request for credit for a course on sleep apnea. The course pertained in part to the business of providing the service. Ms. Cacioppo indicated that credit was initially denied. However, the course sponsor appealed the decision by providing additional information about the course.

After board discussion on the matter, the board recommended approving this specific course for five hours of credit, which is one hour less than requested as a portion of the course pertains to business aspects.

### **DENTAL HYGIENE COMMITTEE**

Ms. Cacioppo had no report at this time.

### **CONSIDERATION OF RULES**

650 IAC 10.5(3)“a”(3)  
Public health supervision – interval required for dental examination  
Public hearing held  
Eligible for adoption

The proposed amendment modifies licensee responsibilities under public health supervision by

Iowa Dental Board  
Minutes April 15, 2009

eliminating the provision that a public health supervision agreement must specify a period of time, no more than 12 months, in which an examination by a dentist must occur prior to provision of further hygiene services by the hygienist. The amendment allows the dentist and hygienist to determine the appropriate interval for a dental examination based on the needs of the patients in a public health setting. Notice of Intended Action was published in the Iowa Administrative Bulletin on February 11, 2009, as ARC 7555B. A public hearing on the amendments was held on March 3, 2009. Ms. Hart reported that numerous written and oral comments were received and copied for board members.

Motion by Ms. Cacioppo, seconded Ms. Parsons, to adopt and file the proposed amendment.

After some discussion, Dr. Kuempel called for a vote as to whether the board should accept the proposed rule change as drafted.

Vote: Ms. Cacioppo, aye; Ms. Brennan, aye; Dr. Curry, aye; Dr. Roth, aye; Dr. Rovner, aye; Ms. Parsons, aye; Ms. Meier, no; Dr. Grimes, nay.

Motion carried 7-1

650 Iowa Administrative Code  
Chapter 11, "Licensure to Practice Dentistry or Dental Hygiene"  
Procedures for denial of licensure  
Public hearing held  
Eligible for adoption

These amendments specify the appeal procedure for denial of licensure or registration. Notice of Intended Action was published in the Iowa Administrative Bulletin on February 11, 2009, as ARC 7575B. A public hearing on the amendments was held on March 3, 2009. Ms. Hart reported that there were no comments received.

Motion by Ms. Cacioppo, seconded Ms. Meier, to adopt the amendments as drafted.

Vote: Unanimous.

Motion carried.

650 Iowa Administrative Code  
Chapter 12, Dental and Dental Hygiene Examinations  
Removal of ADEX from list of dental hygiene exams administered/accepted  
Public hearing held  
Eligible for adoption

The purpose of the proposed amendments is to remove the examination administered by the ADEX from the list of examinations that dental hygiene applicants may complete to qualify for licensure by examination. The ADEX examination is no longer administered by the CRDTS, of which Iowa is a member. Applicants for dental hygiene licensure by examination may take either the CRDTS examination or the Western Regional Examining Board, Inc. (WREB) to qualify for licensure.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 11, 2009, as ARC 7567B. A public hearing on the amendments was held on March 3, 2009. No oral or written comments were received. One change to the Noticed rules has been made. In item 3, subrules 12.4(1) to 12.4(3) have been amended to clarify procedures for retaking a failed exam. Previously, the CRDTS dental hygiene exam consisted of two separate parts; however, beginning in April 2009, the CRDTS exam has only one part.

Motion by Cacioppo, seconded Dr. Roth, to adopt and file the amendments as submitted to the board.

Vote: Unanimous.  
Motion carried.

650 Iowa Administrative Code  
Chapter 10 General Requirements  
Placement of provisional appliances by dental hygienist  
Public hearing held  
Eligible for adoption

The amendments specify that a dental hygienist may place provisional appliances under the direct supervision of a dentist. Notice of Intended Action was published in the Iowa Administrative Bulletin on February 11, 2009. Numerous written comments were received on the proposed amendments. It appears from the comments that there is a lot of confusion about what would be allowed under the proposed amendment and specifically, what is considered a provisional appliance. Ms. Hart reported that while the amendments are eligible for adoption, it would be prudent to terminate rulemaking at this time and if the board decides to proceed in the future, re-notice the rules with additional details.

Motion by Dr. Roth, seconded Ms. Cacioppo, to terminate the rulemaking process.

Vote: Unanimous.  
Motion carried.

### **LEGISLATION – 2008 SESSION**

UPDATE ON LEGISLATION AMENDING IOWA CODE 147.14 and 153  
PROHIBITION OF FACULTY MEMBERS  
TOOTH WHITENING

Ms. Price reported that the state legislature had recently approved these amendments and that Governor Culver had signed them into law. The amendment concerning tooth whitening went into effect immediately.

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

PETITION FOR WAIVER

Ms. Hart reported that Bobbie Lopez, a dental assistant trainee submitted a request for waiver of Iowa Administrative Code 650-20.6(1)"b"(2). This administrative rule requires all dental assistant trainees to provide evidence of high school graduation. Ms. Lopez is asking the Board to allow her to register as a dental assistant trainee while completing her GED.

Motion by Dr. Roth, seconded Dr. Curry, to approve the waiver on condition that the applicant obtain her GED by the end of dental assistant trainee status.

Vote: Unanimous.  
Motion carried.

#### 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 15, 2009, and April 13, 2009, the board licensed 11 dentists and 5 dental hygienists; issued 1 resident dental license, 1 conscious sedation permit, and 4 local anesthesia permits. The board registered 74 dental assistants with the additional qualification in dental radiography, 3 dental assistants registered without a qualification in dental radiography, 2 qualifications in dental radiography without registration; and trainee status to 51 dental assistants.

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

Vote: Unanimous.  
Motion carried.

#### EXAMINATIONS

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

#### CRDTS DENTAL STEERING COMMITTEE REPORT

Dr. Kuempel reported that CRDTS is moving forward with computer registration for examinations. CRDTS is also trying to update their computer system so that results can be forwarded more quickly to candidates.

#### CRDTS DENTAL EXAMINATION REVIEW COMMITTEE

Dr. Roth had nothing to report.

#### CRDTS DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Ms. Cacioppo reported that the next Dental Hygiene Examination Review Committee is scheduled for July 2009.

#### CRDTS PRESENTATION

DR. TOM CAVEL AND DR. MARV DVORAK, PAST PRESIDENT OF CRDTS

Dr. Dvorak and Dr. Cavel presented information to the members of the Board concerning the CRDTS organization and the CRDTS examination.

**OPPORTUNITY FOR PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

**CLOSED SESSION**

Motion by Dr. Curry, second Ms. Parsons, 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: Ms. Cacioppo, aye; Ms. Parsons, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Rovner, aye; Dr. Curry, aye; Dr. Grimes, aye; Ms. Brennan, aye; Ms. Meier, aye.  
Motion carried.

**OPEN SESSION**

Motion by Ms. Cacioppo, seconded Dr. Curry, for the board to return to open session.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
JAY R. BUCKLEY, D.D.S.

The board considered a proposed Stipulation and Consent Order regarding this matter.

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

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
CHAD B. HOECKER, D.D.S.

Ms. Brennan did not participate in the discussion of this matter.

The board considered a Motion to Dismiss the Notice of Hearing and Statement of Charges from Theresa Weeg, Assistant Attorney General, regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Motion to Dismiss.

Vote: Dr. Roth, aye; Ms. Cacioppo, aye; Dr. Grimes, aye; Dr. Curry, aye; Ms. Parsons, aye; Ms. Meier, aye. Ms. Brennan abstained.

Motion carried.

DISCIPLINARY ORDERS PENDING

IN THE MATTER OF  
JOEL J. WRIGHT, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
RICHARD M. SQUIERS, D.D.S.

The board considered a proposed Notice of Hearing and Statement of Charges regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Notice of Hearing and Statement of Charges as proposed and schedule a hearing in this matter on July 16, 2009.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
CRYSTAL L. ANTELMAN, R.D.A.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
PHELAN R. THOMAS, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
CLINTON S. TIMMERMAN, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
TIMOTHY J. HAGARTY, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
BRADLEY T. HAGARTY, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

Iowa Dental Board  
Minutes April 15, 2009

IN THE MATTER OF  
SHEILA R. SPIVEY, R.D.A.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
BARBARA A. KNAPP, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
ALICIA A. ZEHR, R.D.A.

The board considered a proposed Stipulated Registration Agreement regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Stipulated Registration Agreement as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
STUART S. COBB, D.D.S.

The board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
DONNA D. PIPHO, D.D.S.

The board considered a request for termination of probation from the licensee in this matter.

Motion by Dr. Grimes, seconded Ms. Meier, to grant the request for termination of probation.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
MICHAEL P. MCCORMACK, D.D.S.

The board considered a request for termination of probation from the licensee's attorney in this matter.

Motion by Dr. Roth, seconded Ms. Meier, to grant the request for termination of probation.

Vote: Unanimous.  
Motion carried.

**NEXT MEETING OF THE BOARD**

The next meeting of the board is scheduled for July 15-16, 2009, in Des Moines, Iowa.

**ADJOURNMENT**

The board adjourned its meeting at 4:25 p.m. on April 15, 2009.

Respectfully submitted,



CONSTANCE L. PRICE  
Executive Director

CLP/cb