



STATE OF IOWA

IOWA DENTAL BOARD

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

MELANIE JOHNSON, J.D.
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD
MINUTES
October 27, 2011
Conference Room
400 S.W. 8th St., Suite D
Des Moines, Iowa

Board Members

	October 27
Gary D. Roth, D.D.S., Chairperson	Present
Michael J. Rovner, D.D.S., Vice Chairperson	Present
Marijo A. Beasler, D.H., Secretary	Present
Steve P. Bradley, D.D.S.	Present
Lynn D. Curry, D.D.S.	Present
Steven C. Fuller, D.D.S.	Present
Mary C. Kelly-Grief, D.H.	Present
Diane Meier, Public Member	Present
Kimberlee Spillers, Public Member	Present

Staff Members

Melanie Johnson, Christel Braness, Phil McCollum, Brian Sedars, Dee Ann Argo, Janet Arjes.

Attorney General's Office

Theresa O'Connell Weeg, Assistant Attorney General

Other Attendees

Larry Carl, Executive Director, Iowa Dental Association
Carol Van Aernam, Iowa Dental Hygiene Association
Tom Cope, Iowa Dental Hygiene Association
Tracy Rodgers, R.D.H., Iowa Department of Public Health
Jeannene Veenstra, R.D.A., Iowa Dental Assistant Association
Lori Pelke, Midwest Dental
Stephen Thies, D.D.S., Iowa Academy of General Dentistry

CALL TO ORDER FOR OCTOBER 27, 2011

Chairman Roth called the open session meeting of the Iowa Dental Board to order at 10:35 a.m. on Thursday, October 27, 2011. A quorum was established with all members present.

Roll Call:

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Meier</u>	<u>Kelly</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x	x	x	x	x
Absent									

PUBLIC COMMENT

Chairman Roth allowed time for public comment.

APPROVAL OF MINUTES

- *June 21, 2011 Minutes*
- ❖ MOVED by BRADLEY, SECONDED by CURRY, to approve the minutes of June 21, 2011 telephonic meeting. Motion APPROVED unanimously.
- *July 21, 2011 Minutes*
- ❖ MOVED by SPILLERS, SECONDED by MEIER, to approve the minutes of July 21, 2011 meeting. Motion APPROVED unanimously.
- *September 27, 2011 Minutes*
- ❖ MOVED by BRADLEY, SECONDED by BEASLER, to approve the minutes of September 27, 2011 telephonic meeting. Motion APPROVED unanimously.

REPORTS

EXECUTIVE DIRECTOR'S REPORT

Ms. Johnson indicated that she would hold off giving a report currently as some of these matters will be addressed later in the meeting.

LEGAL REPORT

Ms. Weeg reported that the Board received the District Court's ruling in the matter of Peter Vidal, D.D.S. The District Court agreed with a number of the arguments made on behalf of Dr. Vidal. Ms. Weeg expressed her dismay at the ruling. Ms. Weeg indicated that the Board would continue to discuss the matter further in closed session.

Ms. Weeg reported that she will be leaving the country at the end of the year for three months while she serves at the Hague. Ms. Weeg will return in May. In the interim, Ms. Sara Scott will serve as the primary assistant attorney general to the board.

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Dr. Roth reported that the committee is recommending approval of moderate sedation permits for Dr. Avila-Ortiz and Dr. Borgwardt. Dr. Borgwardt has also requested the qualification to

provide moderate sedation to pediatric patients.

- ❖ MOVED by BRADLEY, SECONDED by CURRY, to approve the application for moderate sedation permit for Dr. Avila-Ortiz as recommended. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by BRADLEY, to approve the application for moderate sedation permit for Dr. Borgwardt as recommended. Motion APPROVED unanimously.

CONTINUING EDUCATION ADVISORY COMMITTEE

Ms. Beasler reported that the Board had been provided a list of courses and an application for sponsor status, which were recommended for approval since the last meeting.

- ❖ MOVED by BEASLER, SECONDED by BRADLEY, to approve the continuing education courses as submitted. Motion APPROVED unanimously.
- *Dynamic Dental Educators – Sponsor Application*

Ms. Braness reported that the Board reviewed this application previously and had requested additional information about the speakers and course developers. The additional information was forwarded to the Continuing Education Advisory Committee for recommendation. Those on the committee, who responded, recommended approval.

- ❖ MOVED by BEASLER, SECONDED by SPILLERS, to approve the continuing education sponsor status of Dynamic Dental Educators. Motion APPROVED unanimously.

EXECUTIVE COMMITTEE REPORT

Dr. Roth reported that the Executive Committee met earlier in the morning to address some of the staffing concerns. There was also some discussion regarding the budget. The committee started to review the proposed rule changes; however, there was not sufficient time to fully address those.

LICENSURE/REGISTRATION COMMITTEE REPORT

Dr. Rovner indicated that there was no information to report.

DENTAL HYGIENE COMMITTEE REPORT

Ms. Beasler reported that the Dental Hygiene Committee met earlier in the morning. The Dental Hygiene Committee has recommended approval of the Combined Notice of Hearing, Settlement Agreement and Final Order for Ms. DeVries.

- ❖ MOVED by MEIER, SECONDED by BRADLEY, to approve the order as recommended.
Motion APPROVED unanimously.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

Dr. Rovner stated that there was no information to report. However, Dr. Rovner indicated that he would like to schedule a meeting in the future to discuss the proposed rule changes, which pertain to dental assistants.

AD-HOC EXAMINATION COMMITTEE

Dr. Roth stated that there has been no further meeting of this committee.

- ❖ MOVED by BEASLER, SECONDED by KELLY, to dissolve the Ad-hoc Examination Committee. Motion APPROVED unanimously.

EXAMINATION REPORTS

CRDTS STEERING COMMITTEE

Dr. Roth reported that the CRDTS Steering Committee discussed setting up an exchange with the Council of Interstate Testing Agency (CITA) to have examiners from each organization attend the other's examination(s). There was no discussion about merging with CITA; however, there may be some future discussion about granting reciprocity for the examinations. This would allow CRDTS to have a greater footprint in the southeast portion of the country.

Dr. Roth stated that CRDTS is doing well financially.

Dr. Roth reported that, in the next year, the Steering Committee indicated that there will be a shift to tablets from PDA-type handhelds for scoring by examiners.

CRDTS DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Ms. Beasler reported that dental hygiene examinations will run through the end of the year. Ms. Beasler stated that she did not have anything else to report at this time.

CRDTS DENTAL EXAMINATION REVIEW COMMITTEE

Dr. Roth reported that Dr. Grimes attended this meeting in August on behalf of the Board.

Dr. Roth stated that there have been some minor changes made to the dental examination.

IOWA PRACTITIONER REVIEW COMMITTEE REPORT

Mr. Sedars provided the Board with updated statistics for the IPRC. Mr. Sedars indicated that there was one self-report since the last meeting and no discharges.

ADMINISTRATIVE RULES/ RULES WAIVERS

- *Draft Rules/Amendments for Discussion*

Ms. Johnson reported that the rewrite of the rules, which was distributed prior to the meeting, was a very preliminary draft. Over the last year, Ms. Johnson worked with some of the Board's committees, staff and other interested parties to gather recommendations for potential rule changes. Ms. Johnson indicated that this draft of rules was not been previously reviewed by the Board members or staff.

Ms. Johnson reported that the change in Iowa law regarding licensing by credentials went into effect in July 2011. The change in the Iowa law opens licensing by credentials to a greater number of practitioners by easing the requirements. Iowa Administrative Code 650 needs to be updated to address the change in the Iowa law.

Ms. Johnson reported that renewals will become available online when the new database is implemented. There are a number of items in Iowa Administrative Code 650, which need to be updated prior to database going to live to address administrative changes, which will be implemented with the new database. For example, the Board will be charged credit card fees every time a licensee would pay by credit or debit card. The Board must be able to recoup these fees so as to have sufficient revenue to meet all of the Board's operating costs as required by law.

Ms. Johnson has proposed a rule-making timeline for consideration by the Board. A copy of the proposed timeline was provided to the Board members and the public.

Ms. Kelly indicated that the proposed timeline is rather ambitious given the need to meet with various committees and other interested parties to discuss the proposed changes. Ms. Johnson responded that the Board could break out the more important sections and address those areas first.

Dr. Curry also questioned the timeline especially as it related to the December telephonic meeting to discuss the proposed changes. Given the limited time over the lunch hour to meet telephonically, Dr. Curry did not feel that the Board could fully address all of these items in a teleconference.

Dr. Roth stated that the Board would need to prioritize the rules, which addressed the issues of fees, licensing, and other items, which would need to be changed to address the new licensing

database. Dr. Roth indicated that these issues would need to be addressed now so as to be implemented prior to the database going live and the new graduates making application this spring. Dr. Roth stated that the other sections, including the redefinition of the scopes of practice for dental assistants and dental hygienists, would require much more time to sufficiently review and address all of the concerns of the interested parties.

Ms. Beasler agreed that the Board needs to prioritize certain sections, especially as it relates to fees.

Dr. Roth stated that if the discussion were to be limited to fees, licensing and the areas pertaining to changes with the new database, the changes could likely be addressed via teleconference.

There was some discussion as to how to address the issue of expanded functions for dental hygienists and if this should be prioritized. The recommendation from the Dental Hygiene Committee, which was also approved by the Board, was to use the same wording as is currently used for dental assistants; however, to allow dental hygienists the opportunity to perform the expanded functions currently granted to dental assistants.

Dr. Roth stated that the issue of expanded functions could move forward now if the intent is to mirror the current rules for dental assistants.

Ms. Johnson indicated that she could put together some draft materials that would address the items, which the Board has asked be prioritized. These items include rules related to fees, licensing, the database changes and expanded functions for dental hygienists.

Dr. Roth expressed some concern about moving forward with any other items that would potentially change the scope of practice for dental assistants and dental hygienists. Dr. Roth recommended waiting to address these other items to allow more time to more fully review the potential impact of the proposed changes.

❖ MOVED by KELLY, SECONDED by SPILLERS, to move forward on proposing rule changes, which would address fees, licensing, expanded functions and rules necessary for the operation of the new (online) database. Motion APPROVED unanimously.

LEGISLATIVE UPDATE

LEGISLATIVE INITIATIVES FOR 2012 SESSION

Ms. Johnson reported this is the time of year when the Board would need to file legislative changes as appropriate. Ms. Johnson asked the Board if they wanted to revisit the issue of the felony practice of dentistry. Ms. Johnson reported that part of the problem with previous filings

on this issue appears to deal with tooth whitening. Some legislators and other members of the public don't understand the potential complications of tooth whitening procedures and don't feel like it should warrant a felony charge. Ms. Johnson informed the Board that they may need to help educate legislators on the potential complications of tooth whitening so that they have a better understanding of the procedure. Dr. Roth also clarified that someone with a lapsed license would not be charged under this statute since licenses are deemed to be permanent.

Ms. Johnson indicated that she was not aware of any other issues, which may require pre-filing for the legislative session apart from the issue of corporate dentistry. Ms. Johnson stated that she was holding off on this issue of corporate dentistry until she could discuss the matter further with the assistant attorney generals.

OTHER BUSINESS

FY2012 and FY2013 BUDGETS

Ms. Johnson reported that the Executive Committee discussed the financial status and some of the potential concerns related to the fiscal year 2013 budget this morning. The Board has been provided a copy of a financial status report provided by the Iowa Department of Public Health (IDPH). Ms. Johnson reported that there was more money from last fiscal year that carried forward than originally projected. The detailed information regarding the budget was provided to the Executive Committee.

Ms. Johnson reported that the Board is on track financially for FY2012. However, in FY2013, there are some concerns about increased costs related to the operation and maintenance of the new database. Some of these costs are related to the purchase and maintenance of the servers required to house the new database. Ms. Johnson also indicated that the Board still had a vacant position, which has not yet been filled to date. There is also some concern about current staffing levels so as to better meet the needs of licensees and the public.

Dr. Roth reported that the Board needs to raise approximately \$200,000 just to meet the Board's minimum operating costs in FY2013. A large portion of the increase relates to the new costs associated with the implementation and maintenance of the new database. If the Board were to fill the vacant position and add one additional staff member, the Board would need to raise approximately \$350,000 to cover all of the projected costs.

Dr. Roth provided some information about current renewal fees and how the fees might compare if the Board were to raise \$350,000 in revenue for the Board's operations. The dental renewal fees have not been raised since 2005. Dr. Roth indicated that staff will have to look more closely at some of these numbers to get a better sense of where fees ought to be raised to cover the

increased need for revenue. Dr. Roth indicated that the highest proportion would most likely be covered by the dentists, approximately 60-65%.

Dr. Roth stated that the Board would need to increase its revenue so as to sufficiently address the responsibilities and services of the Board. Current staffing levels have made it difficult to meet the needs of the licensees and public in an efficient manner.

Dr. Roth also indicated that the Board should consider more regularly-scheduled, smaller increases in the future rather than wait until finances require such a large increase.

Dr. Fuller asked if the new database efficiencies would offset some of the other staff costs and time. There was some discussion about how the new database would affect workloads. Unfortunately, it is hard to know at this time how much work loads will change in response to the new database.

❖ MOVED by BRADLEY, SECONDED by KELLY, to approve the Executive Committee's recommendation to raise fees so as to increase annual revenue by approximately \$350,000. Motion APPROVED unanimously.

ANNUAL FEE REVIEW

This portion was addressed above.

REPORT AADA/AADB MEETING – OCTOBER 2011

Dr. Bradley reported that there was some discussion about a new Dental Professional Review and Evaluation Program (DPREP) examination. Approximately three schools will sponsor the program as a pilot project. The DPREP examination is a six stage evaluation process. The first three steps would be performed by DPREP, which will be comprised of licensing boards, to evaluate the impaired practitioner. The last three steps would be performed by the three schools, who have agreed to participate. The schools have worked together to standardize the process. As a note of interest, if an impaired practitioner were a former student of one of the schools involved in the evaluation process, that practitioner could not participate in the DPREP examination at his/her alma mater.

The program is working in conjunction of the AADB. The Board members, in general, support this program.

Ms. Johnson reported that she attended the AADA and the Board Attorneys Roundtable meetings. Ms. Johnson indicated that there was discussion about online filing, tele-dentistry, as well as corporate dentistry. Ms. Johnson also reported that Ohio has sued Allcare Dental regarding the abrupt closure earlier this year.

One of the biggest topics focused on the lawsuit against the North Carolina Board of Dental Examiners. The lawsuit is focused on anti-trust issues. The lawsuit is ongoing.

APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS

RATIFICATION OF ACTIONS TAKEN BY EXECUTIVE DIRECTOR SINCE LAST MEETING ON APPLICATIONS

Ms. Johnson reported that the Board was provided a list of licenses, registrations, and permits issued since the last meeting.

- ❖ MOVED by BRADLEY, SECONDED by BEASLER, to ratify the actions taken on licenses, registrations and permits. Motion APPROVED unanimously.

PUBLIC COMMENT

Chairman Roth allowed time for public comment.

- ❖ MOVED by CURRY, SECONDED by SPILLERS, to adjourn the open session. Motion APPROVED unanimously.

➤ The Board recessed open session at 11:47 a.m.

➤ The Board reconvened at 11:55 a.m.

CLOSED SESSION

- ❖ MOVED by CURRY, SECONDED by BRADLEY to go into closed session pursuant to Iowa Code Section 21.5(1)(d) to discuss and review complaints and investigative reports which are required by state law to be kept confidential.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Aye	x	x	x	x	x	x	x	x	x
Nay									

Motion APPROVED by ROLL CALL

- The Board went into closed session at 12:01 p.m.

❖ MOVED by SPILLERS, SECONDED by MEIER to return to open session. Motion APPROVED unanimously.

➤ The Board reconvened in open session at 4:18 p.m.

OPEN SESSION

OPEN SESSION ACTION ON CLOSED SESSION AGENDA ITEMS

Statement of Charges

- 11-130 *In the matter of Bruce C. Krook, D.D.S.*
- ❖ MOVED by MEIER, SECONDED by BRADLEY, to accept the proposed Combined Notice of Hearing, Settlement Agreement and Final Order concerning this matter. Motion APPROVED unanimously.
- 11-109 *In the matter of Craig D. Stater, D.D.S.*
- ❖ MOVED by MEIER, SECONDED by BRADLEY, to accept the proposed Combined Notice of Hearing, Settlement Agreement and Final Order concerning this matter. Motion APPROVED unanimously.
- 08-104 *In the matter of Jay J. Jensen, D.D.S.*
- ❖ MOVED by MEIER, SECONDED by BRADLEY, to accept the proposed Stipulation and Consent Order concerning this matter. Motion APPROVED unanimously.
- 11-038 *In the matter of Sara A. Anderson, D.D.S.*
- ❖ MOVED by MEIER, SECONDED by KELLY, to accept the proposed Combined Notice of Hearing, Settlement Agreement and Final Order concerning this matter. Motion APPROVED unanimously.
- 93-052 *In the matter of Calvin A. Weber, D.D.S.*
- ❖ MOVED by MEIER, SECONDED by BRADLEY, to approve this licensee's request to terminate his probation. Motion APPROVED unanimously.
- 08-120 *In the matter of Gary L. Jacobsen, D.D.S.*

❖ MOVED by MEIER, SECONDED by CURRY, to deny this licensee's request for termination of his probation due to the serious nature of his discipline and that the Board will reconsider his request in another year. Motion APPROVED unanimously.

▪ 08-119 *In the matter of Ron M. Harshman, D.D.S.*

❖ MOVED by MEIER, SECONDED by BEASLER, to approve this licensee's request to remove the requirement in his Order that states he shall be under the care of an addictionologist. Motion APPROVED unanimously.

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for January 31-February 1, 2012, in Des Moines, Iowa.

ADJOURNMENT

Chairman Roth adjourned the meeting at 4:18 p.m. on October 27, 2011.

Respectfully submitted,



Melanie Johnson, J.D.
Executive Director

MJ/cb