



STATE OF IOWA

IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD

TELECONFERENCE

OPEN SESSION

March 28, 2013

Conference Room

400 S.W. 8th St., Suite D

Des Moines, Iowa

Board Members

March 28, 2013

Michael J. Rovner, D.D.S., Chairperson	Present
Lynn D. Curry, D.D.S., Vice Chairperson	Present
Steven P. Bradley, R.D.H., Secretary	Present
Steven C. Fuller, D.D.S.	Present
Matthew J. McCullough, D.D.S.	Present
Mary C. Kelly, R.D.H.	Present
Nancy A. Slach, R.D.H.	Present
Diane Meier, Public Member	Absent
Lori Elmitt, Public Member	Present

Staff Members

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

Attorney General's Office

Theresa Weeg, Assistant Attorney General

Other Attendees

Larry Carl, Iowa Dental Association
Eileen Cacioppo, R.D.H.
Briana Boswell, R.D.H.
Jackie Zwack, R.D.H.
Gayla Moore, R.D.H.
Sheila Temple, R.D.H.
Kim Howard, R.D.H.
Rachel Patterson-Rahn, R.D.H.
Denise Janssen, R.D.H.
Katie McBurney, R.D.H.
Sara Schlievert, R.D.H.

Lori Brown, R.D.H.
 Tom Cope, Iowa Dental Hygienists' Association
 Nancy Adriense, R.D.H.

CALL TO ORDER FOR MARCH 28, 2013

Chairman Rovner called the open session meeting of the Iowa Dental Board to order at 12:23 p.m. on Thursday, March 28, 2013. A quorum was established with 8 members present.

Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Rovner</u>
Present	x	x	x	x	x	x		x	x
Absent							x		

PUBLIC COMMENT

Dr. Rovner allowed the opportunity for public comment.

No comments were received.

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Dr. Curry reported on the updated recommendations from the Committee.

Ms. Kelly had a question regarding the recommendations concerning ketamine, medically-compromised patients and pediatric patients. Ms. Braness explained the ketamine is a general anesthetic. The Anesthesia Credentials Committee determined that ketamine is not appropriate for the purposes of moderate sedation. Ms. Braness clarified that in order to sedate medically-compromised and/or pediatric patients, applicants must receive specific training in sedating medically-compromised and/or pediatric patients during an accredited residency program.

- ❖ MOVED by BRADLEY, SECONDED by KELLY, to approve the updated recommendations from the Anesthesia Credentials Committee.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x	x	x	x	x	x		x	x
No									
Absent							x		

Motion APPROVED by ROLL CALL.

CONTINUING EDUCATION ADVISORY COMMITTEE REPORT

- *Recommendations RE: Continuing Education Course Applications*
- *Recommendations RE: Continuing Education Sponsor Applications*

Dr. Curry reported that the Board members were provided with an updated list of Committee recommendations. Dr. Curry indicated that the Committee is recommending approval of all but three (3) requests. In those instances where the Continuing Education Advisory Committee recommended denying credit, the courses addressed practice management and did not directly relate to patient care as required by IAC 650—Chapter 25.

Ms. Slach questioned the denial of the posture/ergonomics courses since it seemed to her that posture and ergonomics could have an impact on the treatment provided to patients.

Dr. Curry reported that Committee members received quite a number of calls about the posture/ergonomics courses. Dr. Curry indicated that there was not enough time at this Board meeting to discuss these courses in detail. The Committee recommended denial of these courses. The Board will need to review and discuss the posture/ergonomics courses at a later meeting.

- ❖ **MOVED** by BRADLEY, **SECONDED** by ROVNER, to approve the Continuing Education Advisory Committee’s recommendation concerning the course and sponsor requests as submitted.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x	x	x	x	x	x		x	x
No									
Abstain									
Absent							x		

Motion APPROVED by ROLL CALL.

FOR DISCUSSION

- *Review of Public Health Supervision, Discussion of Proposal*

Dr. Rovner stated that in order to stay on track that discussion of this agenda item may need to be limited.

Ms. Kelly indicated that the Dental Hygiene Committee has approved a motion to solicit further information from interested parties on this matter prior to moving forward.

Dr. Rovner indicated that Dr. Fuller submitted a proposal with eight (8) proposed changes to the current public health supervision regulations.

Ms. Kelly stated that she would prefer to table a final discussion on this matter until more information can be collected and more fully reviewed. A motion of the Board at a prior meeting had asked staff to solicit information from interested parties.

Dr. Fuller disagreed with the interpretation of the motion and feels that this item could be addressed at this time. Dr. Fuller referred to the rough draft of the motion previously made available to the Board members.

Ms. Johnson stated that an updated version of the motion had been provided to the Board after there was a question about the motion. Following the question regarding the motion, Ms. Braness reviewed the audio again to provide a more specific wording of the motion from the previous meeting.

Dr. Rovner asked if staff had an opportunity to solicit the information as requested. Ms. Johnson indicated that staff had not. Dr. Rovner directed Board staff to solicit information based on the later clarification of the final motion.

Several board members expressed concerns about how much time was available today to discuss each of these items in depth.

Ms. Slach did not have any problem with the proposal that public health supervision agreements be resubmitted annually; however, she still had reservations about action on this without further review.

Dr. Fuller indicated that this annual renewal proposal was based, in part, due to the alternating renewal years for dentists and dental hygienists.

Dr. Rovner recommended that Board staff move forward collecting input from interested parties.

❖ MOVED by MCCULLOUGH, SECONDED by SLACH, to table this discussion to the May meeting and solicit further information.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x	x	x	x	x	x		x	x
No									
Absent							x		

Motion APPROVED by ROLL CALL.

- *Proposed FAQs for IDB Website*

Dr. Rovner stated that the Board members would need additional time to review the proposed FAQs more closely, and recommended that this be discussed further at the May meeting.

Ms. Johnson indicated that this would not be a problem. However, she asked if Board members felt comfortable with some of the FAQs that those be approved and posted to the website at this time. Specifically, Ms. Johnson referenced the FAQs concerning Medicaid and administrative matters.

Dr. Rovner stated that the responses to FAQs 1-4 seemed acceptable.

❖ MOVED by KELLY, SECONDED by MCCULLOUGH, to approve FAQs 1-4 for posting.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x	x	x	x	x	x		x	
No									x
Absent							x		

Motion APPROVED, 7-1, by ROLL CALL.

Ms. Johnson indicated that the responses could be changed or updated at a later date.

Ms. Slach had some questions about the clarity of the questions and the answers. Ms. Slach would recommend simplifying and adding the link to the Iowa Medicaid Enterprise in the response to the question(s) concerning Medicaid.

Board staff indicated that the responses can be updated.

Dr. Curry and Ms. Elmitt indicated that the FAQs should be reviewed and updated regularly, or as needed.

- *Review of Consultant Contracts*

Ms. Johnson reported that this was for informational purposes due to the expiration date of the contracts nearing. Ms. Johnson provided an overview of the consultants and stated that the Board is always open to having new consultants added. Anyone interested in acting as a consultant should contact the Board office.

Dr. Rovner indicated that the current orthodontic consultants are good practitioners, and Dr. Rovner stated that he would be willing to volunteer his services. Board legal counsel, Ms. Weeg, clarified that former Board members cannot be reimbursed or paid for services for two (2) years following the end of the term as Board member.

- *CRDTS – Opportunity to Observe Clinical Examinations*

Ms. Johnson reported that this was an issue Dr. Bradley brought up following a CRDTS Steering Committee. Ms. Johnson indicated that public members of the Board have the opportunity to observe an examination if they wish to do so.

Dr. Rovner thinks that this is a good opportunity especially as the Board continues to look at alternative examination options.

Dr. McCullough indicated that he observed an examination the previous week. Dr. McCullough thought that it was a great opportunity.

Dr. Curry agreed and stated that the time is well spent in consideration of the Board reviewing alternatives to the currently accepted clinical examinations.

Dr. Bradley stated that the University of Iowa College of Dentistry may consider returning to the WREB examination. Dr. Rovner asked if Dr. Bradley knew the schedule examination dates for 2014. Dr. Bradley indicated that he did not know.

- *CRDTS – State Travel Policies & Prior Approval Process*

Ms. Johnson reminded the Board members of the state's requirement for prior approval of travel for Board members on Board business; this includes travel to serve as a CRDTS examiner.

Ms. Slach asked about filing these requests with University of Iowa College of Dentistry and the Board. Ms. Braness stated that she would look into whether separate requests and approval would be required.

ADMINISTRATIVE RULES

NOTICE OF INTENDED ACTION

- *Proposed Amendments to Chpt. 13, “Special Licenses,” and Chpt. 15, “Fees”*

Ms. Johnson reported that the proposed rule amendments for IAC 650—Chapters 13 and 15 would implement the proposal for rulemaking by the Iowa Dental Association (IDA) regarding temporary permits for volunteers. The proposed changes would eliminate the fee and amend several application requirements. This would start the rulemaking process. Ms. Johnson provided an overview of the proposed changes.

Dr. Curry has some concerns about what the Board needs to verify prior to issuance since the Board would carry some responsibility in issuing a permit to a practitioner. Ms. Braness, Ms. Weeg and Ms. Johnson clarified what the current requirements are for a temporary permit for volunteer purposes.

Dr. Curry thinks that the proposal would streamline the application process.

Ms. Slach has concerns about the removal of the ability to ask applicants about a number of important items, including whether restrictions have been placed on a license in another state. Ms. Slach also stated her preference to ask for proof of current certification in CPR.

Ms. Kelly indicated that she had reviewed the requirements of the immediate surrounding states concerning volunteer permits. Ms. Kelly stated that CPR requirements varied. Ms. Kelly reported that every state asked about disciplinary action in other states, and asked about states in which the applicant is licensed. Iowa would be the only state in the region to not ask for discipline and licensing information if all of the proposed changes are accepted. Ms. Kelly feels like those items should be added back in.

Dr. Fuller asked about dentists who would perform triage services. Ms. Slach indicated that non-licensed, non-permitted individuals could still volunteer services in non-clinical areas. Dr. Fuller expressed some concerns about denying permits to those who do not hold a current license. Dr.

Fuller thinks that a retired dentist can still recognize what work needs to be completed if performing a cursory examination for the purposes of triage.

Ms. Weeg stated that there would be some concern about the possibility of someone practicing dentistry without a license. For those purposes, if the practice of dentistry or dental hygiene is required to perform certain services, a license or permit would be required to protect the practitioner from the illegal practice of dentistry.

Dr. Fuller inquired about the application fees for a license or permit. Ms. Johnson noted that these amendments would rescind the application fee for a temporary permit to provide voluntary services. Ms. Braness indicated that Dr. Fuller's concerns may relate, more specifically, to individuals who would like to volunteer, but who do not hold a current license in another state prior to application of the permit.

Dr. Curry referenced the Iowa Mission of Mercy (IMOM). Dr. Curry indicated that IMOM is always in need of volunteers. Every year, there are a number of retired dentists, who would like to be involved. IMOM requires a large number of examiners. In Dr. Curry's experience, these retired practitioners do not wish to practice clinically. This is a way for people to give back to the community.

Ms. Weeg responded by saying that this is a slightly different issue than the one currently before the Board of consideration. This specific issue could be addressed by the Board in a separate request for rulemaking, rather than hold this up for more substantial changes.

Dr. Curry agreed with Ms. Weeg's comments.

Ms. Johnson recommended that Board refer the issue of a possible new license category for retired licensees who want to volunteer but do not want to maintain an active dental license to the Budget Review Committee for review and recommendation.

Dr. Curry asked that the Budget Review Committee meeting be held in April 2013, while he was serving on the Board so that he could weigh in on this issue.

Ms. Johnson said she would look into the possibility of scheduling a committee meeting prior to the end of April. Due to time constraints, Ms. Johnson could not guarantee that this would be a possibility.

Dr. Curry stated that he was comfortable with continuing to require CPR certification for application. Dr. Curry was also comfortable continuing to ask about other licenses.

- ❖ **MOVED** by SLACH, **SECONDED** by KELLY, to approve filing a Notice of Intended Action , as drafted, with the following changes: keep the existing rules regarding including a statement concerning CPR and a statement regarding disciplinary action taken in other states.

Ms. Weeg stated that some of the questions could be streamlined to focus on items related to matters that result in action or past actions that resulted in action, and exclude investigations or complaints that did not result in formal action.

Board Meeting – OPEN SESSION – FINAL
March 28, 2013 (Approved 8/1/13)

Ms. Johnson asked for clarification on how to word that section of the proposed amendments. Ms. Weeg recommended that the question be worded to ask for “a statement disclosing any pending disciplinary action or criminal charges.”

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes		x	x	x	x	x		x	x
No	x								
Absent							x		

Motion APPROVED by ROLL CALL.

- *Proposed Amendments to Chpt. 20, “Dental Assistants”*

Ms. Johnson reported that these proposed amendments address the requirements for training in expanded functions for those dental assistants who come into Iowa from states that do not require registration as a requirement to practice. These proposed amendments resulted from waiver requests from two dental assistants who practiced in other states, which did not require registration, prior to working in Iowa.

Dr. Fuller asked if this proposal would require continuous practice. Ms. Johnson stated that the rule could be amended to require two (2) years of clinical practice immediately preceding application. Ms. Weeg stated that this could create problems, potentially, for individuals who have medical issues, pregnancy, etc. during that time frame.

Dr. Curry recommended that the requirement be amended to require a minimum of two (2) years of clinical practice as a dental assistant within the previous five (5) years for all dental assistants. Dr. Rovner agreed. Ms. Johnson and Ms. Weeg clarified that this amendment would apply to all dental assistants, not just those coming from out of state, as the current rule does not address this.

Ms. Kelly thinks that this may be difficult for some people to meet, and feels that the requirement should remain at two (2) years. Dr. Curry stated that it could be left at two (2) years and no exception made.

- ❖ MOVED by ROVNER, SECONDED by KELLY, to file a Notice of Intended Action as drafted.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x	x	x	x	x	x		x	x
No									
Abstain									
Absent							x		

Motion APPROVED by ROLL CALL.

POSSIBLE ACTION

Board Meeting – OPEN SESSION – FINAL
 March 28, 2013 (Approved 8/1/13)

- *Proposed Amendments to Public Health Supervision rules*

Ms. Johnson reported that there was no action needed at this time based on prior Board discussions.

- *Proposed Amendments RE: Registered Dental Hygienists with Expanded Functions Training*

Ms. Johnson indicated that there was a recommendation from the Dental Hygiene Committee.

Ms. Kelly reported that the Dental Hygiene Committee recommended filing a Notice of Intended Action to authorize dental hygienists to perform expanded functions duties.

Ms. Kelly indicated that the Committee is recommending authorizing dental hygienists to do expanded functions. The recommendation is to amend rule 10.3 to add new paragraph "f". It would have similar language to the dental assistant expanded language regarding training, supervision and maintaining documentation of board-approved training. It would just be putting the same language under the dental hygiene rules.

❖ MOVED by KELLY, (no second), to move that to Notice of Intended Action.

Ms. Johnson asked for clarification as to what the motion was. She asked if it was to file a Notice of Intended Action now, or to draft amendments and back them back to the Board at the May meeting. Ms. Kelly stated that she wanted to file a Notice of Intended Action now.

Dr. Curry stated that he was not ready to approve filing now because the changes were just now being brought to the Board. Dr. Curry recommended that this matter be discussed at a later meeting when the newly-appointed Board members are actively serving on the Board. Dr. Curry indicated that he was not prepared to vote on this.

Ms. Slach asked Dr. Curry what he was concerned about.

Dr. Curry stated that he was being asked to vote on something that he is not familiar with. He indicated that he had joined the call late and had not heard what is being proposed. He informed the Board members that he had several patients waiting and did not have much time. He reiterated that he was not prepared to vote on this at this time.

❖ Ms. Johnson asked Ms. Braness if there was a second on the motion. Ms. Braness indicated that there was no second. Ms. Braness clarified that it was a motion to file a Notice of Intended Action. Ms. Slach seconded the motion. MOVED by KELLY, SECONDED by SLACH, to file a Notice of Intended Action as discussed.

Ms. Kelly asked if there was any discussion.

Ms. Slach stated that this just allows dental hygienists who were previously trained as expanded functions dental assistants to be able to practice as a dental hygienist or do dental assistant expanded functions. Ms. Braness clarified that it was not limited just dental hygienists with prior

training. It would allow any dental hygienist who completes Board-approved training is eligible to perform expanded functions.

Ms. Kelly indicated that following discussions with Ms. Weeg it was determined that it would be easier to this now rather than wait until after expanded functions task force committee report. It would mean that the same rule would not need to be amended again later.

Dr. Curry asked if this rule was just talking about going back to take care of those dental hygienists who had previously received expanded functions training as dental assistants. Ms. Weeg clarified that the amendment also addressed dental hygienists who receive expanded functions training in the future. Dr. Curry expressed the concern that the Board would need to define what courses would be acceptable training in the future. Ms. Kelly reported that the expanded functions rules already define the required training.

Ms. Johnson indicated that the rule amendment would require dental hygienists to meet the same training requirements that dental assistants must complete.

Dr. Curry stated that he understood taking care of previously trained dental hygienists, but with so much going on with expanded functions this may amendment may change things. The original concern was with dental hygienists with prior expanded functions training. Dr. Curry stated that he looked at this as two separate issues.

Ms. Weeg indicated that it would be difficult to draw a distinction between those who previously received training and those that would take the same training in the future. She stated that if the Board allows previously trained people to perform expanded functions it would be hard to explain why the Board would not allow others who receive the same training to perform these functions.

Dr. Fuller asked if this change would require dental hygienists to complete OSHA and radiography requirements.

Mr. McCollum provided clarification regarding current expanded functions rules and the proposed changes. These are functions that you are already allowing dental assistants to do, he stated. Mr. McCollum stated that this change would only make changes to allow dental hygienists to do the same functions if they receive the same training as dental assistants. It does not change the type of expanded functions currently allowed.

Dr. Curry asked if this just starts the rulemaking process, and that comments and input would be collected prior to a final vote. Board staff confirmed that approving this Notice just starts the rulemaking process and that the amendments would need to come back to the Board for final approval after the comment period

Mr. McCollum indicated that this affects a lot of new dental hygienists every year. He reported that when talking to dental hygiene classes each year he is made aware of a number of students who are already dental assistants. Mr. McCollum noted that as soon as they get their dental hygiene license they have to stop doing expanded functions.

Dr. Fuller asked if this change had been put out for public input and comment yet, similar to what has been done with the topic of public health supervision. Ms. Johnson indicated that public comment about these proposed changes had not yet been solicited.

- Dr. Curry had to leave the meeting at 1:25 p.m.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x		x		x	x		x	x
No				x					
Absent		x					x		

Motion APPROVED 6-1, with two members absent, by ROLL CALL.

CLOSED SESSION

The following motion to go into closed session was made and voted on in open session:

- ❖ MOVED by KELLY, 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>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes	x		x	x	x	x		x	x
No									
Absent		x					x		

Motion APPROVED by ROLL CALL.

- The Board convened in closed session at 1:30 p.m.

After the motion to go into closed session passed and before the Board began the closed session agenda, the Board members became aware that some members of the public who had been connected by phone to participate in the open session meeting were still on the call. Ms. Cacioppo made some comments after the Board went into closed session. Mr. Carl asked if he could offer comments as well. Ms. Weeg and Board staff advised Ms. Cacioppo and Mr. Carl that the Board was in closed session and that they would need to disconnect from the call.

OPEN SESSION

- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH, to go back into open session. Motion APPROVED unanimously.
- The Board reconvened in open session at 1:39 p.m.

ACTION ON CLOSED SESSION ITEMS

Board Meeting – OPEN SESSION – FINAL
 March 28, 2013 (Approved 8/1/13)

- ❖ MOVED by BRADLEY, SECONDED by ELMITT, to approve the orders listed below.
Motion APPROVED.

Licensure/Registration Applications

- Application for Dental Assistant Registration and Radiography Qualification – April
Strong: Stipulated Registration

Statement of Charges

- In the Matter of Angel J. King, RDA (#12-181)

Combined Statement of Charges, Settlement Agreement and Final Order

- In the Matter of Michael A. Rensch, DDS (#12-052)
- In the Matter of Peter L. Vidal, DDS (#12-140)

Settlement Agreements

- In the Matter of Gene V. Mueller, DDS (#10-115, 11-114)
- In the Matter of Irene M. Broyles, DDS (#11-106)

Final Hearing Decisions

- None

Final Action on Non-Public Cases Left Open

- None

Final Action on Non-Public Cases Closed

- None

Other Closed Session Items

- None

Ms. Elmitt thanked Dr. Rovner for his time having served on the Board.

Chairman Rovner adjourned the meeting of the Board at 1:41 p.m. on March 28, 2013.

NEXT MEETING OF THE BOARD

The next meeting of the Iowa Dental Board is scheduled for May 9, 2013, in Des Moines, Iowa.

These minutes are respectfully submitted by Christel Braness, Program Planner 2, Iowa Dental Board.