



STATE OF IOWA

IOWA DENTAL BOARD

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

JILL STUECKER
EXECUTIVE DIRECTOR

DENTAL HYGIENE COMMITTEE

OPEN SESSION MINUTES

April 29, 2016
Conference Room
400 S.W. 8th St., Suite D
Des Moines, Iowa

Committee Members **April 29, 2016**
Mary C. Kelly, R.D.H. Present
Nancy A. Slach, R.D.H. Present
Thomas M. Jeneary, D.D.S. Present

Staff Members

Jill Stuecker, Phil McCollum, Christel Braness, David Schultz, Dee Ann Argo, Janet Arjes

Attorney General's Office

Sara Scott, Assistant Attorney General

I. CALL TO ORDER FOR APRIL 29, 2016

Ms. Kelly called the meeting of the Dental Hygiene Committee to order at 8:01 a.m. on Friday, April 29, 2016. A quorum was established with all members present.

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Jeneary</u>
Present	x	x	x
Absent			

II. 1st OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kelly allowed the opportunity for public comment.

No comments were received.

III. APPROVAL OF OPEN SESSION MINUTES

- *January 28, 2016 – Quarterly Meeting Minutes*

❖ MOVED by SLACH, SECONDED by JENEARY, to APPROVE the minutes as submitted. Motion APPROVED unanimously.

IV. EXECUTIVE DIRECTOR'S REPORT

Ms. Stuecker provided an overview of the number of dental hygiene licenses and local anesthesia permits issued in the last quarter. Ms. Stuecker indicated that the volume of new applications will increase over the next few weeks as programs begin to graduate. Ms. Stuecker encouraged applicants to apply online to assist with the processing of the volume of applications. Ms. Stuecker stated that staff was working on projecting some potential processing timelines. During this busy time, processing may be twice as long as normal. The goal is to issue within licenses within four (4) weeks when possible.

Ms. Stuecker reported that she attended the National Oral Health Conference. Ms. Stuecker stated that the meetings went well. Some of the sessions that Ms. Stuecker attended addressed teledentistry and silver diamine fluoride.

Mr. McCollum reported that he presented at all of the dental hygiene programs in Iowa. Mr. McCollum discussed a number of topics, including applications for license and expanded functions.

Ms. Kelly asked about licensing, and consideration of an increased fee for processing paper applications. Ms. Stuecker reported that this type of action would require rulemaking.

V. LEGAL REPORT

Ms. Scott reported that there was a recent case that came out of the Iowa Supreme Court that may be of interest to the Board. The case was Hutchison vs. the Warren County Court of Supervisors. The case demonstrated the importance of complying with open meetings laws, and how misapplication of open meetings requirements could lead to potential violations.

In this case, there was a reorganization plan in Warren County. The board was comprised of three (3) members; therefore, a meeting of two (2) members would constitute a quorum. That makes it difficult to discuss things without noticing an open meeting. Conversations occurred without a formal meeting in public. A board member would meet with a staff member about the issues at hand. The staff member would then meet individually with the other board members. Decisions were made without a public meeting or vote. This is an extreme case; however this decision has ripple effects. The court was concerned with the events, which occurred. If a member gives away deliberative authority for discussion, that would transfer board 'membership' for the purposes of a legal meeting. There were appearances they may have attempted to evade compliance with open meetings laws. This case was a good reminder of the need to comply with open meetings requirements. Members of a board or commission can discuss board-related items when there is a less than a quorum, and committees can make recommendations to the full board; however, public discussions and votes are important.

VI. ADMINISTRATIVE RULES/ADMINISTRATIVE RULE WAIVERS

- *Vote on Final and Adopted – Iowa Administrative Code 650—Chapter 10, Students Enrolled in Dental Hygiene Programs*

Mr. McCollum reported that draft copies of the proposed adopted and filed rule changes to Iowa Administrative Code 650—Chapter 10 were provided for review. The proposed rules address supervision requirements in dental hygiene programs. A public hearing was held on March 30, 2016. There were no attendees, and written comments were not received. The Board can vote on these rules for approval at the full meeting of the Board.

- ❖ **MOVED** by KELLY, **SECONDED** by SLACH, to **RECOMMEND APPROVAL** of the rules as drafted. Motion **APPROVED** unanimously.
- *Rulemaking Update – Iowa Administrative Code 650—Chapter 25, “Continuing Education”*
- *Rulemaking Update – Draft – Iowa Administrative Code 650—Chapter 14, “Renewal and Reinstatement”*

Ms. Stuecker reported that Ms. Braness prepared a draft of proposed changes to Iowa Administrative Code 650—Chapter 25 based on prior suggestions and comments submitted to the Board. The draft was a preliminary draft and will be subject to change as additional review is completed, and comments received.

Ms. Braness provided an overview of the changes, including the Continuing Education Advisory Committee’s recommendation to add an allowance for continuing education credit for courses related to practitioner wellness, more specifically, ergonomics. Ms. Slach was in favor of allowing credit for subjects such as ergonomics. Ms. Schlievert, Iowa Department of Public Health, stated that she had not attended the Continuing Education Advisory Committee meeting, but was in support of the draft.

Ms. Braness also noted that staff proposed that the section for reactivation of an inactive license be moved to Iowa Administrative Code 650—Chapter 14 where application and reinstatements are discussed.

Ms. Slach asked about whether a reference needed to be included related to continuing education credit for Level 1 and Level 2 expanded functions. Ms. Stuecker indicated that staff will consider this.

Ms. Kelly requested that the term “preventative” be replaced with the term “preventive.” Both terms are correct; however, a few Board members have expressed a preference for the use of the term preventive.

VII. OTHER BUSINESS

- *Legislative Update*

Ms. Stuecker reported that the examination bill was signed into law in March 2016. Ms. Stuecker stated that the bill potentially has effects on dental hygiene examinations; however, the language of the bill specifically addressed dental examinations. The bill instructs the Board and the University of Iowa College of Dentistry to work together to develop alternatives to current requirements.

Ms. Kelly discussed this issue with some of the faculty at the University of Iowa College of Dentistry. They seemed unconcerned with the effects that this may have on dental hygiene examinations. Ms. Van Aernam, Iowa Dental Hygienists' Association, stated that they were waiting to see how things progressed before weighing in on the issue. Ms. Van Aernam stated that it seemed as though the dental and dental hygiene examinations should be treated the same.

Ms. Stuecker clarified that the bill does not stipulate a specified outcome. The bill only dictated that the Board and the University of Iowa College of Dentistry work on finding a solution.

Mr. Cope reported that the Iowa Dental Hygienists' Association's bill was approved by committee, but was not approved on the floor. Therefore, the proposed legislation did not move forward this legislative session. The Iowa Dental Hygienists' Association intends to revisit this matter legislatively in the future. Mr. Cope stated that the intent would be to utilize the Board-proposed language.

- *Update on Retired Volunteer License*

Ms. Stuecker reported that the new rules went into effect April 6, 2016. The applications will be processed on paper only since the current database does not have an option for this license type. Board staff has received a few requests for the application. Interested parties should contact the Board for forms.

VIII. APPLICATIONS FOR LICENSURE & OTHER REQUESTS

- *Penny L. Chambers, R.D.H.*

Ms. Braness provided a brief overview of the application. Ms. Chambers reported a criminal history, along with a license denial in North Dakota.

Ms. Kelly inquired about any evaluations that may have been completed. Ms. Scott indicated that discussion of evaluations needed to occur in closed session.

The committee determined that the ongoing discussion related to this application would need to occur in closed session.

IX. 2nd OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kelly allowed the opportunity for public comment.

Mr. Cope wanted to discuss the issue of scheduling of Dental Hygiene Committee meetings. Mr. Cope encouraged the committee to continue scheduling meetings on the same day as the full Board meeting to make it easier for the public to attend.

X. CLOSED SESSION

- ❖ MOVED by JENEARY, SECONDED by SLACH, to go into CLOSED SESSION in compliance with the following requirements:

Section 21.5(1)(a) for closed session minutes “to review or discuss records which are required or authorized by state or federal law to be kept confidential...”, specifically to review or discuss information that is confidential under Iowa Code § 21.5(4).

Section 21.5(1)(d) for a complaint, to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Jeneary</u>
Yes	x	x	x
No			

Motion APPROVED by ROLL CALL.

- The Dental Hygiene Committee convened in closed session at 8:30 a.m.

RECONVENE IN OPEN SESSION

- ❖ MOVED by JENEARY, SECONDED by SLACH, to return to OPEN SESSION. Motion APPROVED unanimously.

- The Dental Hygiene Committee returned to open session at 8:44 a.m.

XI. ACTION ON CLOSED SESSION ITEMS

- ❖ MOVED by JENEARY, SECONDED by SLACH, to APPROVE the closed session minutes as submitted. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by JENEARY to APPROVE Ms. Chambers’ license application. Motion APPROVED unanimously.

XII. ADJOURN

❖ MOVED by SLACH, SECONDED by JENEARY, to ADJOURN. Motion APPROVED unanimously.

The meeting of the Dental Hygiene Committee adjourned at 8:45 a.m. on April 29, 2016.

NEXT MEETING OF THE COMMITTEE

The next meeting of the Dental Hygiene Committee is scheduled for July 21, 2016, in Des Moines, Iowa.

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