

**Kansas Dental Board
Minutes of February 1, 2008**

The Kansas Dental Board met on February 1, 2008, at the LSOB, Room 106, Topeka, Kansas.
The following committees met prior to the meeting: Regulatory Review, Licensing

1. Call to order and welcome.

Vice -President Ms. Jane Criser, RDH, called the meeting to order at 9:10 a.m. Other Board members present: Ms. Denise Maus, RDH, Secretary; Dr. Karen Callanan, DDS; Dr. Robert Henson, DDS; Dr. Roger Stevens, DDS; Dr. Brad Higgerson, DMD, Corey Hensley, public member. Also present were Mr. Randy Forbes, attorney for the Board; Dr. Steven Johnson, Board inspector, Betty Wright, Executive Director, and Melissa Graham, Admin. Officer. Absent: Richard Darnall, DDS (arrived later in meeting), and Dr. Richelle Roy, DDS.

2. It was moved and seconded to move the elections and report of the President until after new business so that Dr. Darnall could be present. The motion passed.

3. Approval of minutes of November 16, 2007.

It was moved and seconded to approve the minutes from November 16, 2007. The motion passed and the minutes were approved.

4. Hearing on Summary Denial of Robert Colt, DDS Case 07-102.

The Respondent appeared in person. A Summary Order of Denial had been issued, and the respondent requested a hearing. Testimony was provided by the respondent. **It was moved and seconded to adjourn into executive session for 15 minutes for deliberations until 9:55 am. The motion passed.** The meeting was adjourned into executive session at 9:40 a.m. The meeting was reconvened at 9:55 a.m. **It was moved and seconded to grant a probationary dental license with conditions. Dr. Colt will have a record review in regard to treatment planning in 6 months and before one year and will provide documentation of courses in risk management and treatment planning. The motion passed.**

5. Hearing on Summary Denial of Michael Gorsky, DDS Case 07-120.

The Respondent appeared in person and with counsel, Bruce Woner. Testimony was provided by respondent. **It was moved and seconded to adjourn into executive session for deliberations and to open the session at 10:20 am. The motion passed.** The meeting was adjourned into executive session at 10:07 a.m. The meeting was reconvened at 10:22 a.m. **It was moved and seconded to delay the hearing until later in the day. The motion passed.**

6. The Board reviewed a request from the UMKC School of Dentistry to reconsider its date of application of a policy change to only license those who pass all sections of regional clinical exams with a 75% or higher score. **It was moved and seconded to deny the request. The motion passed. The decision of the board stands.** Betty Wright was asked to send a letter to UMKC notifying them of the decision not to change the date of the application of the Board's policy on the WREB dental regional exams.

ADJOURN: The Board adjourned for a break at 10:30 a.m.

RECONVENE: The Board reconvened at 10:45 a.m.

7. Dr. Gorsky's hearing on Summary Denial continues. Exhibits were entered. **It was moved and seconded at 10:52 am to adjourn into executive session for deliberations for 15 minutes, to open the meeting at 11:10 am. The motion passed.** The meeting was adjourned into executive session at 10:55 a.m. The meeting was reconvened at 11:10 a.m. Testimony continued. **It was moved and seconded to adjourn into executive session for deliberations for 15 minutes, until 11:35 am. The motion passed.** The meeting was adjourned into closed session at 11:20 a.m. The meeting was reconvened at 11:38 a.m. **It was moved and seconded to grant a dental license with an agreed order. The licensee will perform 100 hours of community service for failure to correctly fill out a new licenses application. The motion passed.**

ADJOURN: The Board adjourned for a break at 11:45 a.m.
RECONVENE: The Board reconvened at 12:05 p.m.

8. **Investigation report** Dr. Henson gave his report and Ms. Criser thanked him for his work on the board and committees for the last 10 years.

9. **Inspections report** Dr. Johnson had no report.

10. **Executive Report:** The executive director discussed hygienist online renewals. Approximately one third of the total hygiene renewals were done online. It was very successful. Today is the first day of penalties for hygiene renewals. The website verification page is updated to show license types, ECP and sedation permit holders.

The January newsletters are printed and getting ready to be mailed out.

The budget was explained. The governor has added \$7000 to cover raises and increases in low market salaries. The cash balance in the fee fund should be sufficient to cover expenses, when in the past the agency has had to request GBA's (governor's budget amendments) in order to fund expenses. There are currently 10 licensees participating in the HAPN program.

Legislation: The board's revisions of KSA 65-1423 and 65-1434 have been put in bill form for introduction. HB 2618 is a new bill that may raise the standard for administrative license cases to clear and convincing evidence. It would give courts more leeway to look at the record as a whole, and consider both detracting and substantiating relevant evidence in the record of the agency's determination. This would give the courts more possibilities to reverse the agency decision.

11. Open forum – **Kevin Robertson** – KDA reports they have 3 bills for the legislature. First, they support UMKC dental students getting a loan program to locate their practice in Kansas rural areas. The dentist would need to practice 3 years there. The Kansas Office of rural health will help them locate. State and community would match the loan and then the dentist would "work it off." If they leave the area before 3 years, the loan must be paid back with 15% interest. Physicians currently have this option.

Second, the KDA is proposing a state tax credit (not grant) to allow dentists and physicians to get up to \$3000 in tax credits if they volunteer more than 40 hours a year in community health centers/FQHCs.

Third, In order to encourage dentists to move or expand to rural areas, the KDA introduced a bill to allow an exception to the majority presence rule for any dentist within 75 miles of their practice location to open a satellite office in counties with less than 10,000 people; there are 65 counties in Kansas with a population of 10,000 people or less. The dentist could own the second practice but not be subject to the majority presence rule. They would be limited to one satellite office.

Dr. Weno said that as a result of the State Oral Health Plan, there is a pilot program next year to screen 30,000 children.

12. Dr. Darnall arrived and began to preside. He thanked vice president Criser for presiding in his absence this morning.

13. Randy Forbes presented the proposed Stipulation of Julie Kohler, RDH. The licensee had failed to provide CEs to Missouri resulting in probation in Missouri. **It was moved and seconded to approve the stipulation. The motion passed.**

14. **COMMITTEE REPORTS:**

REGULATORY REVIEW - Dr. Callanan reported the extem regulations are being returned to the Dept. of Administration with minor revisions. The sedation regulations are being returned to the Dept. of

Administration with minor revisions regarding children under 13 and patients with medical conditions, and Advanced Cardiac Life Support, ACLS, will be required for Levels II and III sedation permit holders.

CONTINUING EDUCATION – Ms. Maus reported no new issues.

FINANCE - Ms. Hensley reported that an FY09 budget will be prepared by Ms. Wright for the next board meeting's approval.

LICENSING- Ms. Maus reported that UMKC does not have a refresher course to offer dentists who have been out of practice. If a dentist with a cancelled license wishes to return to practice after a period of 5 years or more, the applicant must pass a regional clinical examination and retake the jurisprudence exam as a requirement for relicensure.

15. **New business** – Exception to majority presence rule discussed. Dr. Kurt Martin an oral surgeon from Hays asked the board to reconsider the statute on the majority presence rule. He described that his practice wishes to open a satellite office in Garden City. The board is bound by the statute, and exceptions to the majority presence rule are not a part of the statute. His request for an exception was denied.

Dr. Callanan raised the issue of board approval of scaling assistant courses. If there are applications for approval of a course, they must submit a syllabus of the course to the board. They would be placed on the agenda for questions. The board would arrange for periodic site visits of the location. A new committee could be formed for this task.

Betty Wright asked if the investigative member can have some discretion to approve applicants with minor infractions, rather than issuing Summary Denial Orders. It was discussed that a committee may need to address the issue.

16. **ELECTIONS** It was moved and seconded to retain all officers in their current positions. The motion passed. The officers remain as follows: Dr. Richard Darnall, president; Ms. Jane Criser, RDH; vice-president; and Ms. Maus, RDH, Secretary.

17. The next board meetings will be May 2 (Room 106), July 25 (Room 108) (changed from the Aug 1 date previously) in Landon State Office Bldg. and November 7, 2008 may be held at UMKC dental school.

18. It was moved and seconded to adjourn at 2:40 p.m. The motion passed. The meeting was adjourned.

The following were guests of the Dental Board meeting: Ms. Reenie Olson, RDH, KDHA; Mr. Kevin Robertson, KDA; and Kathy Weno, DDS.

Denise Maus 5-9-08
Denise Maus, RDH Secretary date