

**Kansas Dental Board
Minutes of June 16, 2006**

The Kansas Dental Board met on June 16, 2006, in the Azure Conference Room, Curtis State Office Building, Topeka, Kansas.

1. Call to order and welcome.

President Karen Callanan, DDS, called the meeting to order at 10:00 a.m. Other Board members present were, Ms. Jane Criser, RDH, Ms. Korey Hensley, public member, Dr. Brad Higgerson, DMD, Ms. Denise Maus, RDH, Dr. Roger Stevens, DDS, and Dr. Richard Darnall, DDS. Others participating were Mr. Randall Forbes, attorney for Board; Dr. Steve Johnson, investigator/inspector for the Board, and Betty Wright, Executive Director. Absent were Dr. Richelle Roy, DDS and Dr. Robert Henson, DDS.

2. Approval of minutes of April 21, 2006 meeting.

Ms. Hensley moved to approve the minutes, Ms. Criser seconded, the motion passed by a consensus.

3. Inspections report.

Dr. Johnson reported working with the board office on new issues such as mobile dentistry applications.

4. Investigations report.

Betty Wright reported 20 closed cases since last meeting, with 52 open cases.

5. New member appointed.

Dr. Richard Darnall, DDS was welcomed as the new appointee to the board.

6. Board membership responsibilities

Betty Wright stated the mission of the board is to protect the public. The board is fee funded and allowed to be a state agency, and pays the state general fund 20% of its fees for the privilege of being a state agency. The board meetings are public, which means the public is welcome to the meetings. Details of public meeting laws were described.

Mr. Forbes, board attorney, explained that whoever investigates complaints should not sit in judgment and that is why board members don't hear about investigations. He described investigative, disciplinary and emergency procedures.

7. Approval of specialty certificate

The Board received and considered the recommendation of the Endodontics specialty committee that Dr. Robert E. Blundell, Jr., D.D.S. be granted a specialty certificate in endodontics. Ms. Maus moved that the specialty certificate be approved. Dr. Darnall seconded the motion and the board approved the certificate unanimously.

8. Report of the President, Dr. Karen Callanan

The Northeast and Southeastern Regional Boards contacted the board for those interested in being examiners for them. Dr. Callanan has the address for any interested.

The ADA council on Dental Education and Licensure requested that the board accept more regional testing agencies results; the board already accepts all regional board test results and so meets this request.

We have been licensing many new graduates. The board licensed 12 hygienists and 11 dentists from January to April, from April to June we licensed 63 new hygienists and 27 dentists, for the year . The total so far this year is 75 hygienists and 38 dentists. There are an additional 37 hygienist and 24 dentist licenses remaining currently to be processed.

New Licensees: the complete list of those licensed since the last meeting is attached to the minutes.

9. The reinstatement application of Dr. Robert Pitts was considered. Mr. Forbes described the history of Dr. Pitts. A revocation order was issued in 1982. Since then he has requested reinstatement and was denied in 1988 and 2000 by the board. Those requests were for an unconditional license. Dr. Haught, the investigative member, helped to find a resolution in an agreement presented to the board today, that would allow Dr. Pitts to return to the practice of dentistry under limited circumstances to insure that he is safe to practice. This proposed Stipulation and Final Agency Order would provide on-site supervision provided by a mentor from 12-18 months. The board had many questions about the details of the agreement.

Ms. Hensley moved and Dr. Stevens seconded to enter into an executive session for quasi-judicial deliberations after a 5 minute break, the executive session would be from 11:35 to 11:50 am. The executive session was closed at 11:30 a.m. It was moved and seconded to extend the closed session for an additional 15 minutes for more deliberations. The executive session was extended to 12:10 pm.

The public meeting was brought to order at 12:10 pm and Mr. Forbes stated the decision of the board was to modify the stipulation agreement to the following terms:

As a prerequisite to entering the mentor agreement, Dr. Pitts must:

1. Successfully complete a formal clinical and didactic course at an accredited dental school;
2. Successfully complete a regional clinical exam that is used to establish clinical licensure.

Dr. Pitts said this was acceptable to him.

Dr. Darnall moved for Mr. Forbes to draft a new stipulation agreement with the above requirements, for signature of Dr. Callanan and Dr. Pitts. Ms. Maus seconded the motion, board voted unanimously in favor.

10. Dr. Ryan Louden had an Agency order in November 2003 denying the renewal of his Level I sedation permit. He completed the requirements of the order in July 2004 as described in a letter from Larry Williamson, Director. Dr. Louden stated he now has all items required for a sedation permit.

Dr. Darnall moved, to close the meeting for 15 minutes for quasi-judicial deliberations, Ms. Hensley seconded, the board voted by consensus to close the meeting at 12:35 pm for 15 minutes and re-open at 12:50 pm.

The meeting was called to order at 12:50 pm. Dr. Darnall moved to ask Dr. Louden to return to the next board meeting to provide evidence that he has corrected past mistakes, motion seconded by Ms. Hensley. The board voted by consensus to approve the motion.

11. Inquiry of Greeley-Wallace County Charitable HealthCare Foundation. They made an inquiry about creating a public-private agreement in which the foundation would lease office space to a dental private practice. They are represented by Shannon Haire a local contact person for the foundation. They wish to lease office space, and to provide money to a private dentist and the dentist would be allowed to own the equipment after working at the location for a period of time. They will not begin the clinic for several months, and are asking for the board's position on the description so they can be within the Dental Practice Act, the applicable law is KSA-1424 Proprietor defined. The Board held that if the structure of leasing and eventual ownership of the equipment is as described, the board has no problem with leasing space, or leasing equipment

since the payment option is what is considered. If the dentist eventually takes ownership of the equipment, then the board has no objection.

The organization may wish to have the board look at the final agreement.

Inquiry of Dr. Imil, Goodland dentist. He asked if he can incorporate his Goodland office, with Meagan Pearce, who would practice in the office in Sharon Springs; the Sharon Springs office may be open 2 days a week, and Pearce and Imil are in a professional corporation. Can she work in the Sharon Springs office without violating the 50% rule of KSA 65-1435? If both offices were owned by both dentists, then both would have to be in each office a majority of the time. Mr. Forbes explained that it is unlawful for dentists to associate in a PA or LLC unless the licensees are personally present during a majority of the time of operation of the office. The members discussed if the dentist for the Sharon Springs location had her own practice there, it would not be a violation. Board requests Ms. Wright send a letter to Dr. Imil that the practice as described would be a violation.

There was discussion to review the plusses and minuses of the majority presence in KSA 65-1435 (d). The consensus of the board is that if Dr. Imel and Pearce form a corporation, they would violate the 50% rule if both do not have a majority presence in both offices.

12. Committee Reports

Regulatory Review –Dr. Callanan reports that the sedation regulations are being reviewed once again since changes they thought they had made last year were somehow not included when they were sent to the AG's office for review. The regulations are being revisited by the committee. The morning committee meeting will be continued this afternoon in the board office after a refreshment break.

Continuing Education – Ms. Maus reported the committee is working on creating an easier and more constructive method to respond to requests from CE sponsors.

Licensure Committee – Dr. Higgerson reported they are reviewing the jurisprudence exam. They are revising the exam to remove the most often missed questions and add mobile dentistry and extended care permit questions.

Finance Committee – Ms. Hensley reported that monthly reports have been going out to all the board members. Betty and Melissa will be attending state budget training in July. Dr. Stevens reported that there may be a change to odd/even license numbers rather than renewal by profession, in order to even out the revenue stream for the agency.

Task force on grid – Ms. Hensley reported that she and Dr. Roy had not been able to meet, and Betty said she would send information to Ms. Hensley.

13. Executive Report

The newsletter draft was reviewed. Ms. Hensley stated that "head start" is two words. Ms. Hensley suggested adding the sanitation inspection reports to the newsletter for informing the dentists. Ms. Maus remarked that the discipline should be described verbatim from the stipulations; the infractions can be listed in order to inform others as a teaching tool. The agency is on budget, Ms. Wright will seek an increase for next year due to fee increases. The governor has given all employees raises so this will increase the budget in FY 2007.

Mobile dentistry applications are coming in, they were warned in a letter that corporate ownership will be denied.

14. Topics for consideration -Application for dental license by Robert Andrus. A dental application by credentials is being considered from Dr. Robert Andrus. He had a past conviction. Ms. Hensley moved, Ms. Maus seconded that the license be granted. The board voted unanimously to grant the license.

The state appropriations committee requested that the board revise the renewal process to avoid high revenue and low revenue years, because it is difficult to budget for the agency.

K.S.A. 65-1431 would need revisions. Ms. Criser moved to have board staff study this issue for a presentation for the next board meeting, Ms. Hensley seconded, the board voted by consensus to place that on the next agenda.

There is interest in doing a statute change to allow an inactive statute. Currently we have a retired status, but there is no fee for the retired status. An inactive license can generate a reduced fee, but could be easier to reactivate. Ms. Hensley moved to have the board staff research this issue and present a report at the next board meeting, Dr. Darnall seconded and the board voted by consensus in favor of the motion.

The issue of considering foreign trained dentists was raised. There are many graduates of non ADA accredited dental schools in this country. They have graduated from foreign dental schools. Due to **KSA 65-1426 (c)** the ADA website has listed Kansas as an opportunity for foreign trained dentists. The statute states the board shall consider an application if the applicant successfully completes a course of remedial or refresher instruction...approved by the board. Dr. Callanan said the ADA is considering doing approvals for foreign dental schools. Ms. Wright reported that a foreign trained dentist and her program director has approached the board to have a one year program GPR course approved for a refresher course by the board. The board must apply guidelines, or strike the portion of the statute on these programs. The board staff tells callers that there is a statute in place for approval of programs, but the board has not approved any programs yet.

Roger Stevens, DDS moved and Ms. Criser seconded, all agree to discuss **KSA 65-1426 (c)** to decide the issue of board approval of non ADA dental school graduates who attend refresher courses.

15. New business

Ms. Maus suggested that dentists be required to have CPR requirements.

Roger Stevens, DDS discussed that the name "First Choice Dental Care" was denied to an applicant. He noticed a local company with a name that implies superiority. Ms. Wright will determine if this was approved. If the name had been approved, even in error, the board would not prosecute the matter. But, the board will deny names like this in the future. Ms. Criser suggested that any name that is unusual would be brought before the board to decide, which is the current process.

Dr. Callanan described that it may be useful for some board members to review the license by credential applications. This would educate the board members involved and they may have suggestions or need more information in order to assure that all steps are followed. Two members volunteered to review these: Dr. Stevens, and Dr. Darnall.

16. Next Meeting Dates

The next meeting is **September 15, 2006** in Room 106 of the Landon State Office Bldg. We will also schedule a meeting April 20, 2007 in Manhattan to coincide with the KDA conference.

17. Adjournment.

Dr. Stevens moved to adjourn, Ms. Criser seconded, and the meeting was adjourned by consensus at 2:30 p.m.

The following signed as guests of the Dental Board meeting:

Kathy Weno, KDHE; Reenie Olson, RDH, KDHA; Kevin Robertson, KDA; Christina Gore, DMD, Delta Dental; Dawn McGlasson, RDH, KDHE; Shannon Haire, Ryan Loudon, DDS.

Jane Criser, RDH Secretary