

Kansas Dental Board  
Minutes of February 11, 2011

The Kansas Dental Board met on February 11, 2011, at 9:00 a.m. in Rm 108 of Landon State Office Bldg, Topeka, Kansas.

**1. MEETING CALLED TO ORDER:** Ms. Denise Maus, RDH, President, called the meeting to order at 9:10 a.m.

**2. MEMBERS PRESENT:** Ms. Denise Maus, RDH, President; Dr. Glenn Hemberger, DDS, Vice President; Dr. Michael Milford, DDS, Secretary; Dr. Richard Darnall, DDS (by conference phone); Ms. Susan Rodgers, RDH; Dr. Karen Callanan, DDS; Dr. Roger Stevens, DDS; and Jim Showalter, public member.

**STAFF PRESENT:** Betty Wright, Executive Director; Melissa Graham, Admin. Officer; Mr. Randall Forbes, Dr. Steve Johnson, DDS

**ABSENT.** Dr. Richelle Roy, DDS

**3. APPROVAL OF AGENDA:** It was moved (M) and seconded (S) to approve the agenda. The motion passed.

**4. Approval of minutes.** It was (M) and (S) to approve the minutes of the November 5, 2011 meeting. The motion passed.

**5. Report of the President.** Ms. Maus discussed the upcoming bills in the legislature. HB 2241 will remove the prohibition against dental franchises, and will have franchises register with the board. The board decided to take a neutral position on this bill. Kevin Robertson said that the KDA has been working with Comfort Dental on this bill. Mr. Forbes raised concern about removing the dental board's role in corporate approving names; the names can not misrepresent the dentist to the public. He described that franchise agreements vary. Liability between the dentist and the franchise were discussed. Mr. Forbes described that the board retains authority of the practice of the dentists, but would need injunctions regarding a franchise. Mr. Robertson of the KDA described that the purpose of franchises registering with the Board was to allow the Board to track the franchises. There were concerns that if the dentist is not the owner, the board would have less jurisdiction. **It was (M) and (S) for Mr. Forbes to testify that the board is neutral on the bill. The board has concerns for the public safety. It is not clear if the board will have jurisdiction to take action to ensure the patient is protected by actions made by the proprietor. The motion passed.**

11:13 a.m. Board took a break.

11:24 a.m. reconvened.

Ms. Maus described SB 132. The bill creates an ECP III who can perform more dental procedures. Kevin Robertson testified that the KDA and KDHA sponsored this bill. The ECP III could pull "hanging" teeth, would have a limited prescriptive authority, could perform local anesthesia in a clinic. The bill would increase the care given, to the same locations as allowed for ECP I and II levels. There would be an additional 18 hours of training to be approved by the Board. **It was (M) and (S) for the Board to support this bill. The motion passed.**

Ms. Maus described HB 2280 as being similar to the Minnesota mid-level provider. The bill was sponsored by 3 organizations (the Kellogg Foundation, KAMU, and Kansas Action for Children) who are proposing a midlevel provider, registered dental practitioner. The board discussed having concerns with the unpredictable nature of extractions and pulpotomies. Because the new licensee would not be able to section the tooth if needed, and would not be able to perform a pulpectomy or root canal if needed when performing a pulpotomy. The board found these 2 procedures out of the 28 proposed to be objectionable. **It was (M) and (S) for the Board to oppose the bill due to the following reasons:**

1. the Board is concerned for patients due to the unpredictability of the treatment under general supervision;
2. the Board is concerned that the educational program is not clear as to content;
3. the supervision is not defined adequately regarding surgery to hard and soft tissue;
4. the number of additional Board seats proposed is disproportionate to the number to be licensed. The motion passed.

It was (M) and (S) for the Board have Public Forum before lunch. The motion passed.

**6. Public Forum – No comments.**

12:28 pm. Board took lunch break

12:50pm Board back in session.

President Maus stated that the KDHA will be bringing a bill. Ms. Maus noted that the KDHA is planning on bringing a bill forward in the legislature this session that would not allow any new scaling assistants to be accepted by the dental board. The bill would not have any affect on the scaling assistants who are currently listed with the board. Since no bill was on hand to review, it was determined that when necessary the board would have the opportunity to discuss this by telephone conference. The board can confer once the bill comes out.

Ms. Maus thanked Dr. Karen Callanan for her service on the board since 2003. The Board presented her with a plaque. Ms. Maus also thanked Dr. Roger Gausman and Dr. Tom Barth for their service to the board as members of the Pediatric Dentistry Specialty Committee.

**7. Investigations and Inspections Report** Dr. Johnson described there is confusion about the sanitation regulation's meaning "immediately before use" below:

- (E) When sterilizing the heat-stable instruments or devices listed in paragraphs (b)(3)(D)(i) through (ix), each instrument or device shall be placed in a closed bag or container for sterilization and thereafter maintained in that bag or container until immediately before use.

The board discussed it and agreed that "immediately before use" means in a sanitized room when the patient has arrived at the practice. You may prefer, for good patient relations, to open the sealed bags in the patient's presence. This will be published on the website and in the newsletter.

Dr. Johnson asked if we would add the topic of spore testing to our next agenda. The issue is that some offices do their own testing, while others send it out to be done by a third party. If the board wanted clarity to the proper way to accomplish spore testing, a new regulation may be required.

**8. Executive Report – Betty Wright** described that the budget is level for this year and next. We are delaying the purchase of more iPads until it is determined there is money in the budget. The board discussed that it is valuable to attend the AADB conferences in order to learn about the national issues.

**9. BOARD ACTIONS:** The following Stipulation Orders were presented by Randy Forbes, attorney:

**Stipulation and Final Agency Order – Ronald E. Gier, DDS – Case 10-46, 08-143, 08-157, 09-135** Fine \$4000 and license is restricted in that he shall not perform endodontic treatment on any tooth with multiple canals until further order of the Board. All four of the cases involved problems with root canals. In the latest case the treatment resulted in multiple incomplete and under filled canals. The Licensee failed to advise the patient of the inadequate treatment or the potential complications. When the patient continued to complain of discomfort, the Licensee failed to appropriately investigate and take corrective action. It was (M) and (S) to approve the stipulation. The motion passed.

**Stipulation and Final Agency Order – Jane Grove, DDS – Case 08-118** This order is a five year probation that mirrors the Missouri Dental Board Order for "violation of a professional trust or confidence in that Licensee billed a third party and collected reimbursement for services not provided" for Missouri patients. It was (M) and (S) to approve the stipulation. The motion passed.

10. Board policy on Botox and dermal filler injections was reviewed. At the 10/20/01 meeting the board held "the use of Botox is limited to the practice of dentistry and the practice of dentistry is defined in the Kansas Dental Practices Act." It was (M) and (S) to keep the policy on Botox the same as described in the 10/30/09 Board meeting. The motion passed.

11. The board discussed the approach to requiring a cpr course with a minimum BLS for the health care provider for all licensees as part of the renewal process. This language will be added to the Continuing Education Regulation KAR 71-4-1. The hours for cpr training would be considered as dental continuing education and would not be in addition to the number of hours required for renewal.

12. Elections -

It was (M) and (S) to nominate Dr. Glenn Hemberger as President. The motion passed.

It was (M) and (S) to nominate Dr. Richard Darnall as Vice-President. The motion passed.

It was (M) and (S) to nominate Ms. Susan Rodgers, RDH as Secretary. The motion passed.

Next meeting dates: May 6, August 5, November 4, 2011

It was (M) and (S) to adjourn at 2:19 p.m. The motion passed. The meeting was adjourned.

The following guests were present for the board meeting: Maureen Olson, RDH; Daniel Lassley, and Kathy Weno, DDS, KDHE; Kevin Robertson, KDA

  
Susan Rodgers, RDH Secretary date