

Kansas Dental Board  
Minutes of August 20, 2010

The Kansas Dental Board met on August 20, 2010, 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 9:00 a.m. Ms. Maus welcomes our new board member, Susan Rodgers, RDH.

**2. MEMBERS PRESENT:** Ms. Denise Maus, RDH, President; Dr. Glenn Hemberger, DDS, Vice President; Dr. Michael Milford, DDS, Secretary; Richard Darnall, DDS; Jim Showalter, Public Member; Ms. Susan Rodgers, RDH; Dr. Karen Callanan, DDS; Dr. Roger Stevens, DDS.

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

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

**3. Approval of the Agenda - It was moved (M) and seconded (S) to approve an amended agenda, with addition of new business: AEGD program, Continuing Education report ,Regulatory Review report, and anesthesia permit added. The motion passed.**

**4. Approval of minutes - It was (M) and (S) to approve the amended minutes of the April 23, 2010 adding the word "judged" to the public forum. The motion passed.**

**5. Hearing on Summary Denial of Ms. Kelley Shepard - Mr. Randy Forbes presented the agency's exhibits:**

- Exhibit 1- Summary Order of Denial
- Exhibit 2 - Application for Reinstatement
- Exhibit 3 - Initial Order of Revocation
- Exhibit 4 – Ms. Shepard's request for a hearing on the denial.

Ms. Shepard was represented by counsel, Jennifer Bazin. Respondent requested a closed hearing regarding confidential matters. The hearing was closed at 9:15a.m. At 9:55 am the meeting was opened, then closed for deliberations.

Deliberations were completed at 10:20 a.m. and the meeting was reconvened.

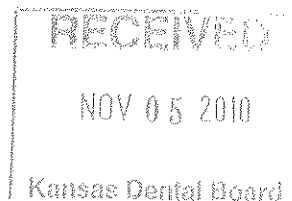
**It was (M) and (S) to grant reinstatement of her hygiene license upon completion the following:**

1. **must enroll in and successfully complete the HAPN program.**
  2. **she may not practice until HAPN reports she is "safe to practice"**
  3. **she must successfully pass a board approved refresher course**
  4. **she must work under the direct supervision of a dentist until further order of the board.**
- The motion passed.**

10:25 a.m. – 10:35 a.m. Break

**6. Hearing on the denial of CE credit to applicant Dr. Kincaid, presenter Dr. Hefferren. Dr. Hefferren described his course as pertaining to fluoride research through the ADA. The purpose was to educate the staff of a dental office. The board discussed that a qualified professional may hold CE courses in a dental office as long as he/she is not affiliated with the office. It was (M) and (S) to approve the CE courses offered by Dr. Hefferren. The motion passed.**

**7. Report of the President - President Maus announced the new appointment of Susan Rodgers, RDH and congratulated Jim Showalter, public member and Richard Darnall, DDS on their reappointments by the governor.**



8. WREB and NERB Report – Dr. Stevens is on the WREB Board of Directors, Dental Exam Review Committee, and the Operative Committee, and Denise Maus RDH is on the WREB Hygiene Exam Review Committee. Dr Stevens reported that there is no change in the WREB testing process for dental hygiene. He also presented information from the WREB Steering Committee concerning the decision to not include a crown preparation on a simulated tooth in the WREB dental examination. He told the board that WREB will be restructuring their organization and it may require that to be an active member the boards would need to have one dental and one hygiene member as examiners. There would also need to be one former board member as examiner. Currently, the only dental examiner on the board is Dr. Stevens, Ms. Rodgers and Ms. Maus. All three are examiners for WREB and CRDTS.

Dr. Stevens reported on the NERB examiner meeting and public advocacy conference in Washington D.C. He described that there was discussion about the Canadian Boards, in which there is no clinical exam. Additionally, NERB described the future may hold a virtual patient for clinical testing. He also attended the Western Conference of Dental examiners and educators in Seattle. Their emphasis is assuring that schools are within CODA requirements; it was an informative conference.

**9. Inspection and Investigative report** – Denise Maus reported she has been to one investigative meeting so far. Dr. Darnall described that most of the complaints were due to poor communication and ethical questions. Most involve the older dentists, rather than new graduates.

Ms. Wright presented the **Initial Order suspending dental license # 6722 of Dr. John Kennedy**. Case 10-27 that began as an Emergency Order of Suspension May 5, 2010. Dr. Kennedy had a court injunction in Missouri to cease and desist practicing dentistry due to an issue of impairment. The Kansas Order is based upon the Missouri action. A hearing was held at the Office of Administrative Hearings on August 12, 2010, however Dr. Kennedy failed to appear, resulting in a suspension of his dental license in Kansas.

There was general discussion about corporate ownership of dental practices. It was suggested that the newsletter be used to education licensees about the Dental Practice Act requirements for practice ownership. The newsletter article is to stress that the dentist licensee is responsible for treatment recommendations and this is not affected by practice ownership. The newsletter article will remind licensees of the Dental Practice Act requirement for dentist ownership of dental practices and about what is commonly called the "majority presence rule".

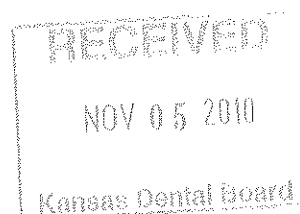
**10. Public Forum** – No speakers.

**It was (M) and (S) to adjourn at 12:20 p.m. and reconvene at 12:30 pm for lunch. The motion passed.**

Meeting was reconvened at 12:30pm

**11. Executive Report** – Ms. Wright reported that sedation permit applications have been arriving. There are other options for BLS and ACLS being submitted. Dr. Callanan reported on the implementation of the new anesthesia permits. Board Staff has sent letters and new permit applications to each holder of current, expiring permit, to assist them in the transition to the new system. Articles will appear in both the Board newsletter and in the KDA journal. An application review protocol has been established, tested, and implemented successfully by Board Staff. A process for review of Courses for initial training and continuing education in sedation and anesthesia has been developed. As courses are approved, they are posted on the Board web site. After Board discussion, it was determined that the American Heart Association and American Red Cross are accepted providers for basic life support for healthcare workers and advanced cardiac life support training requirements.

Ms. Wright presented the budget for FY11, FY12 and FY13. There are some increases, due to mandated market adjustment salary increases for 2 office staff.



The board requested bids on laptops in order to reduce mailing costs and board book preparation. Ms. Wright will have that for the next meeting. She recommends not having internet option due to extra cost and lack of need at board meetings.

Dr. Johnson's next contract may need to be reviewed and updated to detail/clarify duties and responsibilities.

Ms. Wright described the possibility of revising the requirements of the application by exam statute KSA 65-1428 to include successful completion of the national board examination and a clinical exam within the previous 5 years; a requirement for dentist to have CPR; and 74-1404 could be updated by deleting section (d) describing outdated board composition.

Dr. Callanan presented the report of the Regulatory Review Committee. The Board had requested that the committee review options for requiring cardiopulmonary resuscitation (CPR) for dental licenses. This could be done through statute, through continuing education requirements, or through regulations.

Sample language was presented for each option. Information about other state board's requirements was presented. The recommendation is that, if pursued, basic life support for healthcare workers or board approved equivalent or higher level training be required for dentist and dental hygienist licensees through either regulation or continuing education requirements. After discussion, the board agreed that CPR courses must be in person with performance based testing.

Ms. Wright described confusion surrounding anxiolysis and administering or prescribing agents for anxiolysis within the new sedation regulations. She asked the board if they wanted to distinguish between prescribing before the patient comes to the office and/or administering in the office? It was a consensus that there is not a distinction, and if the patient is not sedated, but only medicated for anxiety control, there is no need for a sedation permit.

The board discussed the regulation requiring scaling assistants to report their practice locations. Since they are not regulated by the board, this duty would fall upon the dentists. There was a consensus to take no action.

**12. New Business** - Dr. Callanan presented permit and license information, issues and alternatives concerning postgraduate residents. Her presentation included possible language for regulation or statute.


The board discussed the status of teeth bleaching cases. Randy Forbes described there is a hearing between North Carolina and the FTC in Washington D.C in February 2011. The board advised Randy to file an injunction on the teeth bleaching businesses that did not respond to our Cease and Desist Letters..

They discussed ownerships of dental practices. Those practices who appear to be owned by nondentists should be sent letters about their ownership status.

**Next meeting dates:** Nov 5, 9:00 a.m.; Feb. 11, May 6, Aug 12, 2011.

**It was (M) and (S) to adjourn at 2:30 p.m. The motion passed. The meeting was adjourned.**

The following guests were present for the board meeting: Greg Hill, KDA, Reenie Olson, RDH, KDHA; Daniel Lassley, Bureau of Oral Health, John Hefferren, KU; Karen Norris, Kelley Shepard, Jennifer Bazin

  
Michael Milford, DDS Secretary date

