

KANSAS DENTAL BOARD

July 2008

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...Our mission is to protect the public

Richard Darnall, DDS, Pres. At large Robert Henson, DDS 1st. District Richelle Roy, DDS, 2nd District
Jane Criser, RDH, Vice President Roger Stevens, DDS, at large Karen Callanan, DDS, 4th District
Denise Maus, RDH, Secretary Brad Higgerson, DMD, 3rd District Korey Hensley, Public Designee

Betty Wright, Exec. Dir., Melissa Graham, Admin. Officer, Vanda Collins, Senior Admin. Assistant

Board meetings: 9:00 am July 25, Rm 108 LSOB; Nov. 7, 2008 at UMKC Dental School, Rm 212C Kansas City, MO.

		Statistics 7/1/08					
Total Dentists	2069	Total Hygienists	2177	Level I Sedation Permits	24	Extended Care I Permits	33
Active	1847	Active	2017	Level II Sedation Permits	56	Extended Care II Permits	51
Practicing in KS	1442	Practicing in KS	1553				

GOVERNOR SEBELIUS APPOINTMENTS

Denise Maus, RDH and Dr. Richelle Roy, DDS of the 2nd District have been reappointed to the Board.

RENEWALS IN OCTOBER FOR 2008

The staggered renewal process is continuing. In October the following licensees will receive their paper renewal forms. Dentists with **even** license numbers will renew for **two** years to 2010, need evidence of 60 hrs of Continuing Education (CE) - 12/1/06 to 12/1/08 – Fee \$300.

Dentists with **odd** license numbers will renew for **one** year to 2009, need evidence of 60 hrs of CE - 12/1/06 to 12/1/08 - Fee \$150.

Hygienists with **even** license numbers will renew for **two** years to 2010, need evidence of 15 hrs of CE - 12/1/07 to 12/1/08 – Fee \$150.

HOW TO DO ONLINE RENEWALS

You will be able to renew online by a link on our website: www.kansas.gov/kdb/ or directly from www.kansas.gov/kdb/renewal. You will enter your license number and last four digits of your social security number to begin. Renewing online is quick and easy. You may pay by credit card (Mastercard, Visa, Discover, or American Express) or have a check handy so you can create an electronic check payment. IF YOU ARE BEING AUDITED, your paper form will instruct you to send in your Continuing Education certificates and malpractice carrier and you can not renew online. All renewals begin on October 1, 2008.

May 9, 2008 BOARD MEETING DISCIPLINARY ACTIONS

Board Orders are posted on the website, select "Board Actions" under the "What's New" heading. Below are the latest summaries:

Donald Pfuetze, DDS- Case 06-150 Stipulation and Agency Order assesses a \$1000 fine and is to complete 16 CE hours on the topic of crown and bridge and 8 CE hours on periodontics. As a result of a settlement, patient records showed a poor result on a crown and bridge treatment. Additionally there was failure to maintain adequate records, and failure to maintain adequate records regarding periodontal charting. In reviewing other patient records, there were a few cases in which the dentist noted periodontal problems, but the patient records do not contain follow-up information regarding the periodontal problems for several years following the initial notation of periodontal problems. In one case the dentist referred the patient to a periodontist for severe periodontal disease; the patient returned after choosing not to pursue treatment with a periodontist. At subsequent visits the records had no evidence of the disease process, periodontal charting, or the prognosis of the disease.

S. Meigs Jones, Jr. DDS- Case 07-41 Stipulation and Agency Order assesses a \$500 fine and is to complete 8 CE hours on the topic of diagnosis and treatment planning and 8 CE hours on the topic of periodontal diagnosis and treatment planning. As a result of a settlement, records showed that the dentist failed to diagnose a chronic, worsening periodontal condition. Other patient records reviewed showed an absence of any listed or charted diagnosed dental problems. There were no full mouth x-ray series found other than one or two panoramic films taken by an oral surgeon before wisdom teeth were extracted. Bitewings were taken ever 18-24 months even in cases where a patient had full mouth restorations and/or high incidence of dental disease. The failure to maintain adequate records and utilize appropriate diagnostic tools were deviations from the applicable standard of care.

Ryan Loudon, DMD. Case 07-119 Stipulation and Agency Order allows a limited license to no prescribing or dispensing any controlled substance until further order of the Board, \$500 fine, enter the Impaired Provider Program, until further order. This order is replaces the Emergency Agency Order suspending Loudon's license of 9/20/2007.

INTERPRETATIONS

The Board rescinded the 75% or higher passing requirement for each section of regional dental clinical examinations. After reviewing the scoring process and realizing that this standard would disqualify many of the new UMKC dental graduates, who otherwise had passed the WREB exam, the Board reversed its position and accepts the passing scores of all regional dental examinations.

JURISPRUDENCE EXAM QUESTION

True or False? Each dentist shall maintain for each patient an adequate dental record for 7 years after the date any professional service was provided. ANSWER: False. See KAR 71-1-15. Each licensee shall maintain for each patient an adequate dental record for 10 years after the date any professional service was provided.

INVESTIGATIONS COMMITTEE FORMED

Dr. Richard Darnall, Board President has assigned himself, Jane Criser, RDH Board Vice President, and Dr. Brad Higgerson, Board member to the Investigations Committee. Dr. Higgerson is the Chair of the committee. With three members, the committee is now an open meeting. We have had one meeting so far, and things went smoothly. Having three members allows the members to consult with one another on decisions. In the past, one member of the Board has been fulfilling this vital role for the Board. Three members review all investigated cases and weigh in on the outcomes of the cases.

DENTAL PRACTICE ACT REVISIONS

The following sections of the Dental Practices Act were revised by the legislature in 2008.

K.S.A. 65-1423 was revised in order to allow hygienists licensed in other states or countries to practice dental hygiene in approved teaching situations while in Kansas.

K.S.A 65-1434. This statute requires that those applying for licenses from out of state must have a minimum of twenty four months (two years) of continuing education, rather than the twelve months (one year) currently in the statute. This will increase the educational requirements for those licensees applying by credentials from other states.

KSA 65-1435 was revised in order to allow any dentist the opportunity to own two additional offices. The secondary dental offices must be located within a 125 mile radius of the licensee's primary office and the secondary offices must be located in a county with a population of less than 10,000 people.

The revised Dental Practice Act can be downloaded from the website, www.kansas.gov/kdb.

PROPOSED STUDENT EXTERNSHIP REGULATIONS SET FOR PUBLIC HEARING

There is a public hearing for proposed regulations at the July 25, 2008 Board meeting. New regulations regarding dental and dental hygiene students practicing while students in clinical settings are being proposed. The regulations can be

found at www.kansas.gov/kdb. If you wish to provide comments in writing prior to the hearing, please send them to the board office, or you may voice your comment at the meeting.

ATTORNEY GENERAL OPINION ON TEETH BLEACHING

The Attorney General issued opinion 2008-13 on June 4, 2008 can be found on our website. The attorney general was asked if the application of teeth whitening or bleaching product to the teeth by a non-licensed person, not under the direct supervision of a dentist is the practice of dentistry or dental hygiene under the Dental Practice Act?"

The following is the synopsis of the opinion, by the Attorney General:
Application of teeth whitening or bleaching products *could* be included in the statutory phrases "dental service of any kind," and treatment of a "physical condition of the human teeth" as used in the definition of the practice of dentistry, and "removal of...stains" as used in the definition of the practice of dental hygiene. The Kansas Dental Board has authority to adopt a regulation stating that teeth whitening is a "dental service" to treat a "physical condition of the human teeth" and/or a dental hygiene service to remove stains. However, in the absence of such regulatory specificity, an attempt to initiate either a criminal prosecution or an injunction for unlawful practice may be subject to a due process challenge for vagueness. Cited herein: K.S.A. 65-1421; 65-1422; 65-1423; 65-1451; K.S.A. 2007 Supp. 65-1456; K.S.A. 74-140.

In summary the Attorney General recommends that the Board draft a regulation defining teeth bleaching as the practice of dentistry or dental hygiene if it wishes to stop the practice by unlicensed persons. This issue is on the July 25, 2008 Board meeting agenda.

We have an impaired provider program if you or another licensee needs help with an addiction. You can refer yourself or another licensee without notifying the Board about the problem. If you enter the program, the Board is not notified unless you are unsuccessful in completing the program. In this way, as a health professional, you can help yourself recover and assure that your patients are in safe hands. Call Heart of America Professional Network (HAPN) 913-236-7575 for more information.

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