

**KANSAS DENTAL BOARD MEETING MINUTES  
FRIDAY, AUGUST 10, 2012, 9:00 A.M.  
LANDON STATE OFFICE BUILDING  
900 SW JACKSON, ROOM 106  
TOPEKA, KANSAS**

**A. Call To Order / Approval of the Agenda.**

**Call To Order:** Glenn Hemberger, D.D.S., President, called the Board meeting to order at 9:00 a.m.

**Members Present At Call To Order:** Glenn Hemberger, D.D.S., President; Richard Darnall, D.D.S., Vice-President; Susan Rodgers, R.D.H., Secretary; Scott Hamilton, D.D.S.; Jackie Leakey, R.D.H.; Michael Milford, D.D.S.; and Roger Stevens, D.D.S.

**Members Arriving After Call To Order:** None.

**Members Absent:** Charles Squire, D.D.S.; and James Showalter, Public Member.

**Staff Present:** Randy Forbes, Attorney for the Board; Steve Johnson, D.D.S., Board Investigator; Lane Hemsley, Executive Director; Melissa Graham, Administrative Officer; and Vanda Collins, Senior Administrative Assistant.

**Attendees:** Wanda Droge; Junetta Everett; Jill Gottschamer; Kevin Robertson (telephone); and Bonnie Branson (telephone).

**Approval Of The Agenda:** It was moved and seconded to approve the agenda. The motion passed.

**B. Welcome New Board Member: Jacqueline Leakey, R.D.H.**

The Board officially welcomed Jacqueline "Jackie" Leakey, R.D.H., as the new dental hygiene member. Ms. Leakey was appointed on July 13, 2012, and succeeds Denise Maus, R.D.H. Ms. Leakey is looking forward to her term on the Board.

**C. Minutes of May 25, 2012, and August 3, 2012.**

**1. Minutes of May 25, 2012.** It was moved and seconded to approve the minutes of May 25, 2012, after the following modifications: (1) Paragraph I.1. (Board Recognition of Betty Wright) to clearly reflect that no public monies were used for the gift certificate on Southwest airlines; and (2) Paragraph Q.1. (2012 Western Conference) to show that Dr. Roger Stevens attended the 2012 Western Conference meeting, not the WREB meeting. The motion passed.

2. **Minutes of August 3, 2012.** It was moved and seconded to approve the minutes of August 3, 2012. The motion passed.

**D. Dental Hygiene Refresher Course Inquiry: K.A.R. 71-3-8.**

The Board received an inquiry regarding whether the American Dental Hygiene Association (ADHA) Board Review Course can be used in lieu of the 16 hours of self-study required for the dental hygiene refresher course under K.A.R. 71-3-8. After discussion and review of K.A.R. 71-3-8(c), it was moved and seconded to hold that the ADHA Board Review Course does not meet the minimum criteria for a refresher course to be approved by the Board. Therefore, the ADHA Board Review Course cannot be used in lieu of the 16 hours of self-study required for the refresher course. The motion passed.

**E. Extended Care Permit III Inquiry: L. 2012, ch. 109, § 2.**

1. **Local Anesthetic.** The Board received an inquiry regarding whether the new Extended Care Permit III (ECP III) law, L. 2012, ch. 109, § 2(h), permits dental hygienists who hold an ECP III permit to give local anesthetic in a dental office under the general supervision of a dentist. After discussion and review of the law, it was moved and seconded to interpret the ECP III law as prohibiting dental hygienists who hold an ECP III permit from giving local anesthetic in a dental office under the general supervision of a dentist.

2. **18 Seat Hours Approved by the Board.** The Board welcomed Bonnie Branson from UMKC, which acquired a grant from the Kansas Department of Health and Environment to develop an ECP III course. The new ECP III law, L. 2012, ch. 109, § 2(h)(1)(B), specifies that a dental hygienist must complete “a course of study of 18 seat hours approved by the Board which includes, but is not limited to, emergency dental care techniques, the preparation and placement of temporary restorations, the adjustment of dental prostheses and appropriate pharmacology.” UMKC indicates that it will prepare a course outline of its proposed ECP III course to present at the Board meeting on Friday, November 2, 2012.

**F. Extended Care Permit Billing Inquiry: Steve Johnson, D.D.S.**

Steve Johnson, D.D.S., inquired into whether a dental hygienist who holds an Extended Care Permit (ECP) can bill an entity directly, thereby permitting the entity to pay the hygienist directly. The dentist, however, would still be required to review the patient’s record. After discussion, it was determined that the ECP laws do not permit this type of payment structure.

**G. Level II Permit – Parenteral Conscious Sedation Course Application: K.A.R. 71-5-11.**

Randy Pigg of Conscious Sedation Consulting ([www.sedationconsulting.com](http://www.sedationconsulting.com)) submitted an application for approval of a course that will meet the initial requirements for parenteral conscious sedation under K.A.R. 71-5-11. After review and discussion, it was moved and seconded to approve the application. The motion passed.

**H. Kansas Dental Board v. One Hour Smile Update: Randy Forbes.**

Attorney Randy Forbes provided the Board with an update on the progress of *Kansas Dental Board v. One Hour Smile*, Shawnee County District Court Case 10-C-1835.

**I. Oral Health Task Force Findings and Recommendations of June 2012.**

The Board was provided a copy of the Kansas Board of Regents Oral Health Task Force Findings and Recommendations of June 2012. The Board welcomed Kevin Robertson of the Kansas Dental Association to provide an overview of the findings and the potential outcomes of the recommendations. After discussion, no Board action was required.

The Board took a break at 10:28 a.m.

The Board reconvened at 10:38 a.m.

**J. CRDTS Examiner Request: DeAun E. Warfield, R.D.H.**

The Board received a request from DeAun E. Warfield, R.D.H., to submit her name for a dental hygiene position with the Central Regional Dental Testing Service (CRDTS). After review, it was determined that Ms. Warfield has strong credentials and that Ms. Warfield should submit her application to CRDTS for consideration. At the direction of the Board, Lane Hemsley shall send Ms. Warfield a letter encouraging her to contact CRDTS directly based on her qualifications.

**K. Stipulation and Consent Orders.**

1. **Don Nguyen, D.M.D., Case 12-4.** Attorney Randy Forbes presented the Stipulation and Consent Order. Dr. Nguyen entered into an agreed settlement order in California. Dr. Nguyen is required to maintain compliance with the California Order. It was moved and seconded to approve the Stipulation. The motion passed.

2. **Heshun Chen, D.D.S., Case 12-53.** Attorney Randy Forbes presented the Stipulation and Final Agency Order. Dr. Chen entered into an agreed settlement order in Washington. Dr. Chen is required to maintain compliance with the Washington Order. It was moved and seconded to approve the Stipulation. The motion passed.

**L. Public Forum.**

Jill Gottschamer, R.D.H., from the Kansas Dental Hygiene Association was recognized. Ms. Gottschamer inquired into whether the Board will revisit its previous decision to interpret the ECP III law as prohibiting dental hygienists who hold an ECP III permit from giving local anesthetic in a dental office under the general supervision of a dentist. After discussion, the Board took no action and will revisit the issue as requested or necessary in the future.

**M. President's Report: Dr. Hemberger.**

1. **Posting of Disciplinary Decisions in the Newsletter.** The Board discussed the posting of names and disciplinary decisions in the Board's newsletter. After discussion, it was moved and seconded to exclude the licensees' names and license numbers. Instead, only the type of license disciplined (e.g., D.D.S. or R.D.H.) and the outcome will be reported. The motion passed.

2. **Posting of Disciplinary Decisions on the Website.** The Board discussed the posting of names and disciplinary decisions on the Board's website. After discussion, the Board decided to defer action on this topic until the Board's public member, James Showalter, was available to provide input.

**N. Investigations Report: Dr. Hemberger / Melissa Graham.  
Inspections Report: Dr. Johnson.**

Glenn Hemberger, D.D.S., and Melissa Graham presented the status of the Investigative Committee cases from May 1, 2012, to June 30, 2012. Steve Johnson, D.D.S., suggested putting topics of the letters of concern in the Board's newsletter.

**O. Executive Report: Lane Hemsley.**

1. **Budget.** An update was provided on the budget for FY 2013 (July 1, 2012 – June 30, 2013) and future planning for FY 2014 (July 1, 2013 – June 30, 2014).

2. **Licensee and Specialty Licensee Report.** License and specialty license reports from May 1, 2012, to July 15, 2012, were presented to the Board.

3. **Special Volunteer Dental License Application.** The Special Volunteer Dental License Application is now complete and posted to the Board's website.

4. **ECP I, ECP II, and ECP III Applications.** The ECP I, II, and III applications have been divided into separate applications and posted to the Board's website.

5. **License Renewal Postcard Notifications.** In an effort to continue seeking cost-efficiencies, the Board's administrative staff has been working with a [Kansas.gov](http://Kansas.gov), a third-party working in partnership with the State of Kansas. It is recommended that dentists and hygienists renew licenses online. All persons with licenses expiring in 2012 will only receive a postcard renewal notice. The postcard renewal notice will also be placed in the Board's newsletter and licensees still have the capability to renew by mail. The cost-efficient postcard replaces the pre-populated renewal form that was mailed in the past. After discussion, it was moved and seconded to pursue the license renewal postcard notifications and online renewals. The motion passed.

**P. Designation of Board Meeting Dates for 2013.**

1. Friday, January 18, 2013.
2. Friday, May 3, 2013.
3. Friday, August 9, 2013.
4. Friday, November 8, 2013.

All meetings are scheduled to be held in the Landon State Office Building, Topeka, Kansas. The Board's administrative staff shall secure meeting rooms to be announced at a later date.

**Q. New Business / Adjournment.**

1. **E-Mailing X-Rays.** Scott Hamilton, D.D.S., inquired into whether there are any potential HIPAA concerns when e-mailing x-rays. It is recommended that e-mail options be included as part of the initial agreement with the patient.

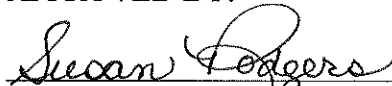
2. **AADB Annual Meeting, October 17 – 18, 2012.** Roger Stevens, D.D.S., recommends that, in addition to the attendance of Susan Rodgers, R.D.H., the Board should consider authorizing payment for a dentist to represent the Board. Various topics on the agenda may impact the Board, including the use of Botox and dermal fillers, which the Board is currently investigating. The Board's administrative staff indicated that authorizing payment for an additional representative from the Board would likely deplete all remaining funds for out-of-state travel in FY 2013 (July 1, 2012 – June 30, 2013). After discussion, it was moved and seconded to authorize Roger Stevens, D.D.S., to represent the Board with Susan Rodgers, R.D.H.

3. **CRDTS.** Roger Stevens, D.D.S., encouraged other Board members to become involved in the examination process. Jackie Leakey, R.D.H., intends to contact CRDTS to inquire about becoming a dental hygiene examiner.

4. **Future Board Meetings.** Friday, November 2, 2012; Friday, January 18, 2013; Friday, May 3, 2013; Friday, August 9, 2013; and Friday, November 8, 2013. All meetings are scheduled to be held in the Landon State Office Building, Topeka, Kansas.

**Adjournment:** It was moved and seconded to adjourn at 12:06 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:



Susan Rodgers, R.D.H.  
Secretary, Kansas Dental Board

1/18/13

Date