

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, AUGUST 19, 2016, 9:00 A.M.
LANDON STATE OFFICE BUILDING, 5TH FLOOR
900 SW JACKSON, ROOM 509
TOPEKA, KANSAS 66612**

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; Charles Squire, D.D.S., Vice-President (telephone); Susan Rodgers, R.D.H., Secretary; Jackie Leakey, R.D.H.; Jarrod Jones, D.D.S.; Donna Thomas, D.D.S.; Mark Herzog, D.D.S.; and James Kilmartin, Public Member.

Members Arriving After Call to Order: None.

Members Absent: Stephen Zeller, D.D.S.

Staff Present: Randy Forbes, Attorney for the Board; Lane Hemsley, Executive Director; Charity Carlat, Senior Administrative Specialist; and Vanda Collins, Senior Administrative Assistant.

Attendees: Leanna Clark, R.D.H.; Reenie Olson, R.D.H.; Tim Brewer, D.D.S.; Wanda Droge; Kevin Robertson; Lori Perke.

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

B. Welcome New Board Member: Mark Herzog, D.D.S.

The Board officially welcomed Mark Herzog, D.D.S., as a new member of the Board. Dr. Herzog replaces Jeff Stasch, D.D.S., as the member of the First Congressional District.

C. Welcome New Board Member: Stephen Zeller, D.D.S.

The Board recognized the official appointment of Stephen Zeller, D.D.S., as a new member of the Board. Dr. Zeller replaces Scott Hamilton, D.D.S., as the member of the Second Congressional District.

D. Minutes of April 8, 2016.

It was moved and seconded to approve the minutes of April 8, 2016. The motion passed.

E. Stipulation and Consent Orders.

1. **Anthony J. Pleviak, D.D.S. (Case Nos. 12-117 & 12-134).** Attorney Randy Forbes presented the Stipulation and Consent Order. Jarrod Jones, D.D.S., recused himself from voting. It was moved and seconded to approve the Stipulation and Consent Order, a copy of which will be posted to the Board's website. The motion passed unanimously.

F. Records Disposal Update: CRDTS.

CRDTS provided the Board with the following written update, which is a matter of public record regarding CRDTS' records disposal on March 20, 2014:

1. **Media Statement Issued:**

"An employee of Central Regional Dental Testing Service, Inc. (CRDTS) improperly disposed of files containing sensitive and private personal information. Maintaining the confidentiality of the information we collect is extremely important to us. CRDTS has a policy for disposing of this type of information in a manner which protects individual privacy; unfortunately, that policy was not followed in this instance. We are investigating this matter internally and taking every measure to ensure that this does not happen in the future. CRDTS plans to cooperate fully with any Kansas Attorney General investigation."

2. CRDTS cooperated fully with the Attorney General's office and a Satisfaction of Judgment has been filed therein.

3. Since 2006, CRDTS has and continues to maintain records disposal protocols/policies that are on file federally and within the office.

The Board accepted the written update from CRDTS. The Board further directed the Board's attorney and administrative staff to research whether the matter should also be reported to the United States Office of the Inspector General (OIG) and provide advice at the November 2016 meeting.

G. ECP III Denture Impressions Inquiry: Scott Guest.

Prior to discussing the denture impressions inquiry, Attorney Randy Forbes provided information to the Board regarding what constitutes a statute, regulation, and Board policy. Statutes are laws passed through the Kansas Legislature. Through authorizing statutes, the Board can also promulgate regulations, which are laws, in accordance with the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.* The Board can also adopt policies to give guidance to the public, but policies do not create legal rights or duties.

Following receipt of this information, the Board then welcomed Scott Guest. Mr. Guest inquired into whether a dental hygienist with an extended care permit III (ECP III) can enter a nursing home and make an impression of a denture or a partial denture for a patient who has not been examined by the supervising dentist. During the ensuing discussion, particularly with respect to whether the ECP III would be making an initial or final impression, the Board reviewed the tasks and procedures that an ECP III is authorized to perform under K.S.A. 65-1456(h)(4). The Board subsequently tabled the discussion to the November 2016 meeting and invited Mr. Guest to return with additional information regarding initial and final impressions.

H. Preventive Care Submissions Inquiry: Delta Dental and Junetta Everett, R.D.H.

Delta Dental submitted an inquiry to the Board regarding the receipt of claims for procedures performed by a dental hygienist working under general supervision. After discussion, the Board recommended that Delta Dental ensure that claims are reviewed in accordance with the 12-month rule outlined in K.S.A. 65-1456(d).

I. Nitrous Oxide Certification Course: Dental Careers Institute.

The Board received a written request for approval of a nitrous oxide certification course from Tija Hunter, Director of Dental Careers Institute (DCI). DCI has partnered with Labette Community College, a CODA-approved school. CODA has approved the partnership. After discussion, it was moved and seconded to approve the course request consistent with K.S.A. 65-1444(b). The motion passed unanimously.

J. Expansion of Community Health Aide Program: Indian Health Service.

The Board received a report regarding a plan from the Indian Health Service (IHS) to expand Alaska's Community Health Aide Program (CHAP), which includes the use of dental therapists, to tribal communities throughout the United States. The Board will continue to review and monitor the future development of IHS' expansion of Alaska's CHAP.

K. PerioLase (LANAP/LAPIP) Discussion: Dr. Squire.

Dr. Squire led a discussion and provided the Board with extensive research regarding a dental hygienist's possible use of any laser instrument for therapeutic treatment of inflammatory periodontal diseases. After extended discussion of PerioLase (LANAP/LAPIP) relative to current evidence-based dentistry (EBD), the Board authorized its staff to provide Dr. Squire's EBD research to each dentist or dental hygienist who inquires and advise each dentist to determine the most appropriate course of action for the dental hygienists working under the dentist's supervision.

L. Introduction of the Integrated National Board Dental Examination: JCNDE.

The Board received a written report from the Joint Commission on National Dental Examinations (JCNDE) regarding the development of the Integrated National Board Dental Examination (INBDE). The INBDE is currently slated for administration on August 1, 2020,

with full replacement of the National Board Dental Examination (NBDE) scheduled to occur by August 1, 2022. The Board will continue to review and monitor the future development and deployment of the INBDE.

M. License Portability and Human Subjects for Clinical Examinations: ADEA and ADEX.

The Board received written reports from the American Dental Education Association (ADEA) and the American Board of Dental Examiners, Inc. (ADEX) regarding license portability throughout the United States and the use of human subject, patient-based components of clinical licensure exams. The Board will continue to evaluate the future development of these licensing and exam components.

N. Patient Centered Curriculum Integrated Format: ADEX.

The Board received a written report from the American Board of Dental Examiners, Inc. (ADEX) regarding its newly developed patient centered curriculum integrated format (PC-CIF), which focuses the clinical exam on taking care of the patient's needs. The Board will continue to evaluate the future deployment of the PC-CIF exam.

O. Examiners for a National Dental or Dental Hygiene Testing Agency: Dr. Squire.

Dr. Squire reported on the professional experience that he acquired over five years serving as a dental examiner for WREB. Dr. Squire encouraged more Board members, past and present, to serve as dental or dental hygiene examiners. Further, Dr. Squire advised that the Board will be better represented if there are more active dental members serving WREB or any of the other testing agencies.

P. Level I Sedation Permit Course Approval Request: Rocky Mountain Sedation.

The Board received a written request for approval of a Level I sedation permit course from Cory Pickens, MD-BCA, CEO of Rocky Mountain Sedation (www.RMSedation.com). After discussion, it was moved and seconded to approve the course request consistent with K.A.R. 71-5-10 (Level I permit: enteral conscious sedation or combination inhalation-conscious sedation). The motion passed unanimously.

Q. Public Forum.

The Board welcomed members of the public to speak to the Board. There were no public comments.

R. President's Report: Dr. Hemberger.

1. Discussion of Investigative Process. The Board discussed its investigative process and various legal provisions that are applicable to disciplinary procedures, including the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.*

2. **Discussion of ECP and RDH Work in Nursing Homes.** The Board discussed the successes and challenges that dental hygienists, including those with extended care permits, encounter when providing services in nursing homes. The Board also discussed how the work of dental hygienists compares to certified nursing assistants (CNAs).

3. **Recognition of Jeff Stasch, D.D.S.** Glenn Hemberger, D.D.S., thanked Jeff Stasch, D.D.S., for his 4 years of hard work and dedicated service to the Board. The Board presented Dr. Stasch with a plaque.

S. **Investigations Report: Dr. Hemberger / Lane Hemsley.**
Inspections Report: Dr. Johnson.

Glenn Hemberger, D.D.S., and Lane Hemsley presented the status of the Investigative Committee cases from March 23, 2016, to July 15, 2016.

T. **Executive Report: Lane Hemsley.**

1. **Budget.** An update was provided on the budget for FY 2016 (July 1, 2015 – June 30, 2016) and FY 2017 (July 1, 2016 – June 30, 2017).

2. **Licensee and Specialty Licensee Report.** License and specialty license reports from March 16, 2016, to July 15, 2016, were presented to the Board.


U. **New Business / Adjournment.**

1. **Designation of Board Meeting Dates for 2017.**

- a. Friday, January 20, 2017.
- b. Friday, April 21, 2017.
- c. Friday, August 11, 2017.
- d. Friday, November 17, 2017.

Adjournment: It was moved and seconded to adjourn at 12:20 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:


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

11/18/16
Date