

STATE OF KANSAS



KANSAS DENTAL BOARD
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GOVERNOR JEFF COLYER, M.D.
B. LANE HEMSLEY, EXECUTIVE DIRECTOR

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, AUGUST 10, 2018, 9:00 A.M.
LONDON STATE OFFICE BUILDING, 5TH FLOOR
900 SW JACKSON, ROOM 509
TOPEKA, KANSAS 66612**

A. Call to Order / Approval of the Agenda.

Call to Order: Charles Squire, D.D.S., President, called the Board meeting to order at 9:00 a.m.

Members Present at Call to Order: Charles Squire, D.D.S., President; Mark Herzog, D.D.S., Vice-President; Jackie Leakey, R.D.H., Secretary; Stephen Zeller, D.D.S.; Jarrod Jones, D.D.S.; Stanley Wint, D.D.S.; Susan Rodgers, R.D.H. (telephone); and James Kilmartin, Public Member (telephone).

Members Arriving After Call to Order: None.

Members Absent: Daniel Thomas, D.D.S.

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

Attendees: Wanda Droge, Delta Dental; Jill Nuzzi (KDHA); Marsha Pyle, D.D.S. (Dean, UMKC); Roger Stevens, D.D.S.; and Ken Dillehay, D.D.S.

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

B. Minutes of April 13, 2018.

It was moved and seconded to approve the minutes of April 13, 2018. The motion passed unanimously.

C. Welcome New Board Member: Daniel Thomas, D.D.S.

The Board officially welcomed Daniel Thomas, D.D.S., as a new member of the Board. Dr. Daniel Thomas replaces Donnas Thomas, D.D.S., as a Member-At-Large. Dr. Daniel Thomas' first term will run until April 30, 2022. Dr. Daniel Thomas was not present at the meeting due to a previously scheduled meeting with the Kansas Board of Regents.

D. Clinical Examination Discussion: Marsha Pyle, D.D.S., Dean, UMKC School of Dentistry.

The Board welcomed Marsha Pyle, D.D.S., Dean, UMKC School of Dentistry. Due to UMKC's continual focus on providing dental students with a competency-based education as per the Commission on Dental Accreditation (CODA), Dr. Pyle provided the Board with CODA's competency assessment overview and discussed UMKC's compliance with CODA's standards. Dental students are required to independently demonstrate problem-solving in comprehensive patient care, biomedical science knowledge, and ethical decision making. Dental students are, likewise, required to perform a complete patient assessment, diagnosis, comprehensive treatment plan, prognosis, and informed consent. Each dental student is evaluated for compliance with CODA standards prior to achieving competency certification and seeking licensure from the Board.

Dr. Pyle also discussed the traditional pathway to licensure, which includes a dental student's successful completion of a regional clinical exam or state-specific clinical exam, relative to alternative pathways to licensure, including PGY-1, portfolio, and objective structured clinical exams (OSCE). The Board currently accepts all regional clinical examinations and state-specific clinical exams, but it does not accept alternative pathways to licensure.

Finally, Dr. Pyle discussed the possibility of dentists providing flu shots and other standard vaccinations. Mr. Kilmartin, Public Member, strongly supported any future action the Board or the KDA could take, through the legislature or otherwise, to allow dentists to perform this function.

E. PA Name Request: Marq Sams, D.M.D.

Dr. Sams personally appeared to discuss the proposed selection of a practice name, "Implant and Perio Specialists of Kansas, P.A." Charles Squire, D.D.S., President, recused himself from the discussion, subsequent motions, or resulting votes and exited the conference room. After discussion, it was moved and seconded to table the agenda item until the Board meeting on Friday, November 16, 2018. The motion passed and the agenda item was tabled. Dr. Sams was asked to contact the Board's Executive Director to seek a place on the Board's meeting agenda for Friday, November 16, 2018.

F. Anesthesia Inspection Discussion: Stephen Zeller, D.D.S.

After consultation with the Board's Inspector, Steven Johnson, D.D.S., Dr. Zeller recommended that the Board perform anesthesia equipment inspections during sanitation inspections. Dr. Zeller reviewed the regulatory requirements for Levels I, II, and III sedation permits and created sedation inspection checklists that the inspectors could use for sedation inspections. Dr. Zeller also advised that the Board continues to work on adding capnographs as a regulatory requirement for Levels II and III sedation permit holders. The Board's attorneys continue to work with the Attorney General's Office on the regulatory amendments. After discussion, it was moved and seconded to add sedation inspections and checklists for Levels I, II, and III sedation permit holders. The motion passed unanimously.

G. Stipulation and Consent Orders.

1. **Barry Burgess, D.D.S. (Case No. 17-82).** Attorney Kevin Fowler presented the Stipulation and Consent Order. It was moved and seconded to approve the Stipulation and Consent Order, a copy of which will be posted on the Board's website. The motion passed 5 – 3 with Jackie Leakey, R.D.H., Susan Rodgers, R.D.H., and Jim Kilmartin, Public Member, dissenting.

2. **Steven Lieurance, D.D.S. (Case No. 18-32).** Attorney Kevin Fowler presented the Stipulation and Consent Order. It was moved and seconded to approve the Stipulation and Consent Order, a copy of which will be posted on the Board's website. The motion passed unanimously.

H. Remote Orthodontic Inquiry: Wanda Droge, Delta Dental.

Wanda Droge, Delta Dental, discussed ADA Resolution 50H with the Board. Resolution 50H relates to Do-It-Yourself Teeth Straightening. The ADA strongly discourages the practice of do-it-yourself orthodontics (DIY Orthodontics) and believes that supervision by a licensed dentist is necessary for all phases of orthodontic treatment, including oral examination, periodontal examination, radiographic examination, study models or scans of the mouth, treatment planning and prescriptions, periodic progress assessment, and final assessment with stabilizing measures.

Currently, the third-party payor has a contractual requirement that a dentist perform hand-in-mouth services to acquire reimbursement. As a result, it is proposed that DIY Orthodontics results in the denial of payment. Ken Dillehay, D.D.S., also advised that the ADA is working on a new CDT Code that might ban DIY Orthodontics payments. The Board thanked Ms. Droge and Dr. Dillehay for the information on the DIY Orthodontics payment issue and took no action.

I. Executive Order 18-13: Transparency Regarding Licensing and Certification.

Pursuant to Executive Order 18-13 and 2018 Senate Substitute for Senate Substitute for House Bill 2386, the Board is required to list the specific civil and criminal records that could disqualify dental hygiene applicants from licensure in the future. After discussion, it was moved and seconded that the Board adopt the list of prohibited offenses for Adult Care Homes (K.S.A. 39-970), Home Health Agencies (K.S.A. 65-5117), and HCBS (K.S.A. 39-2009), effective July 1, 2018. The motion passed unanimously.

J. Public Forum.

The Board welcomed members of the public to speak to the Board. Ken Dillehay, D.D.S., was recognized. Dr. Dillehay is a Trustee of the American Academy of Orthodontics (AAO). Dr. Dillehay inquired into the status of the Board's potential investigation of a complaint he previously filed. While the Board certainly appreciated Dr. Dillehay's inquiry, he was advised that K.S.A. 65-1467 prevents the Board from discussing the Board's investigations or complaints with the general public.

K. President's Report: Dr. Squire.

1. Investigative Process Discussion. The Board's Executive Director, Lane Hemsley, provided an overview of the Board's investigative process as it relates to the Kansas Dental Practices Act, K.S.A. 65-1436 *et seq.*, and the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*

2. Consistency of Stipulation and Consent Order Discussion. Dr. Squire advised that the Board should strive to maintain as much consistency as possible with Stipulation and Consent Orders. Dr. Squire asked Drs. Herzog and Zeller to review the last three years of Stipulations and isolate commonalities or differences, if any, in the Board's Stipulation and Consent Orders.

**L. Investigations Report: Dr. Squire / Lane Hemsley.
Inspections Report: Dr. Johnson.**

Charles Squire, D.D.S., and Lane Hemsley presented the status of the Investigative Committee cases from January 1, 2018, to July 10, 2018.

M. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget assembly process for FY 2019 (July 1, 2018 – June 30, 2019) and FY 2020 (July 1, 2019 – June 2020).

2. Licensee and Specialty Licensee Report. License and specialty license reports were provided for April 1, 2018, to June 30, 2018.

N. New Business / Adjournment.

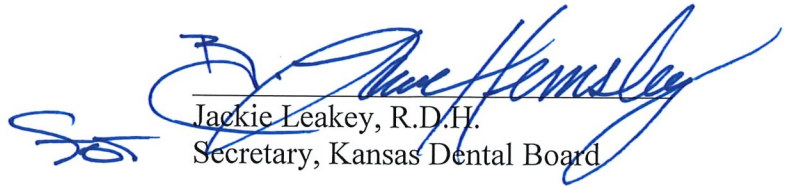
1. Selection of Board Meeting Dates for 2019.

- a. Friday, January 11, 2019.
- b. Friday, April 12, 2019.
- c. Friday, August 16, 2019.
- d. Friday, November 8, 2019.

2. Roger Stevens, D.D.S. The Board thanked Dr. Stevens for his continued service and named him as its representative for WREB's DERB meeting in October 2018.

Adjournment: It was moved and seconded to adjourn at 12:22 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:



Jackie Leakey, R.D.H.
Secretary, Kansas Dental Board



Date