

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, MAY 3, 2013, 9:00 A.M.
LANDON STATE OFFICE BUILDING, 5th FLOOR
900 SW JACKSON, ROOM 509
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 9:03 a.m.

Members Present At Call To Order: Glenn Hemberger, D.D.S., President; Charles Squire, D.D.S., Vice-President; Susan Rodgers, R.D.H., Secretary; Jeff Stasch, D.D.S.; Donna Thomas, D.D.S.; Jackie Leakey, R.D.H.; and James Showalter, Public Member.

Members Arriving After Call To Order: None.

Members Absent: Scott Hamilton, D.D.S.; and Jarrod Jones, D.D.S.

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: David Hamel, D.D.S.; David May, D.D.S., M.S.; Tim Brewer, D.D.S.; Russell Coad, D.D.S.; Suzanne Wikle; Wanda Droge; Reenie Olson, R.D.H.; William Leeds, M.D.; Kathy Weno, D.D.S.; and Greg Hill, J.D.

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

B. Minutes of January 18, 2013.

It was moved and seconded to approve the minutes of January 18, 2013. The motion passed.

C. Minutes of February 15, 2013.

It was moved and seconded to approve the minutes of February 15, 2013. The motion passed.

D. Minutes of March 8, 2013.

It was moved and seconded to approve the minutes of March 8, 2013. The motion passed.

E. Public Hearing on Proposed Amendment to Extended Care Permit Regulation (K.A.R. 71-3-9).

Consistent with the Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.*, the Board held a public hearing to consider the adoption of a proposed permanent amendment to its extended care permit regulation, K.A.R. 71-3-9. The amendment adds the extended care permit III to the existing regulation for extended care permits. There were no verbal comments from the public. There was only one written letter from the Kansas Legislative Research Department, which indicated that the Joint Committee on Administrative Rules and Regulations had no comment on the regulation. After discussion, the Board held a roll call vote and approved the regulation.

F. Discussion on Sleep Apnea (9:30 a.m.).

The Board welcomed William Leeds, D.O., D-ABSM, Medical Director of Pulmonary & Sleep Associates in Topeka. Dr. Leeds provided a detailed history of how obstructive sleep apnea affects the public health and answered a number of questions from the Board about whether a dentist could safely and effectively diagnose sleep apnea. The Board also reviewed the American Academy of Dental Sleep Medicine (AADSM) and American Academy of Sleep Medicine (AASM) Joint Policy Statement on the Diagnosis and Treatment of Sleep Apnea dated November 21, 2012. Additionally, the Board welcomed David Hamel, D.D.S., who submitted written materials on "Dentistry and Treatment of Sleep Disorder Breathing." The Board further reviewed written materials regarding sleep apnea from Eric S. Farmer, D.D.S.

After extended discussion, it was moved and seconded to adopt the following policy statement: "It is the policy of the Kansas Dental Board that patients presenting with symptoms of obstructive sleep apnea require an evaluation conducted by a qualified physician trained in sleep medicine. A qualified physician trained in sleep medicine is one who is licensed by a state to practice medicine and maintains certification from the American Board of Sleep Medicine or one of the sponsoring sleep medicine boards of the American Board of Medical Specialties." The motion passed.

G. Manhattan Area Technical College: Proposed Dental Hygiene Refresher Course (K.A.R. 71-3-8).

The Board welcomed Kylie J. Austin, R.D.H., Director of Dental Hygiene at Manhattan Area Technical College (MATC). Ms. Austin appeared by telephone to discuss MATC's proposed dental hygiene refresher course (DHT090) and request approval from the Board under K.A.R. 71-3-8. After discussion, it was moved and seconded to approve the dental hygiene refresher course (DHT090). The motion passed.

H. Future Procedure for Review of Petition for Reconsideration (K.S.A. 77-529).

The Board discussed its current procedure for reviewing a Petition for Reconsideration under K.S.A. 77-529. After discussion, it was moved and seconded to permit the Board's current Executive Director, Lane Hemsley, to review all Petitions for Reconsideration and sign a written order on behalf of the Board after consultation with the President of the Board. The motion passed. Mr. Hemsley indicated that a report will be provided to the Board for each Petition for Reconsideration that could be submitted to the Board in the future.

I. Public Forum.

1. Wichita State University AEGD Program. The Board welcomed David May, D.D.S. Dr. May works with the Wichita State University (WSU) Advanced Education in General Dentistry (AEGD) Program. WSU's AEGD Program believes that requiring AEGD candidates to obtain a Kansas license to practice dentistry prior to starting the AEGD Program is an obstacle to recruiting candidates. Dr. May requests that the Board reevaluate the current wording of K.S.A. 65-1459, a statute, to permit AEGD candidates to start the AEGD Program without obtaining a Kansas license to practice dentistry prior to starting the Program. After extensive discussion, the Board directed Attorney Randy Forbes and Executive Director Lane Hemsley to review the Board's regulations to determine what course of action, if any, the Board could take to consider WSU's proposal.

2. Supragingival Scaling Assistants. The Board welcomed Tim Brewer, D.D.S. Dr. Brewer inquired into whether supragingival scaling assistants are allowed to probe. After discussion, it was determined that supragingival scaling assistants are limited to working above the gum line and, therefore, cannot probe.

J. President's Report: Dr. Hemberger (K.A.R. 71-4-1 and K.A.R. 71-4-2).

1. Continuing Education: 1 hour of CE in ethics during each renewal cycle? After discussion, it was moved and seconded to require the following: (1) A minimum of 1 hour of CE in ethics for every 30 hours of each hygienist's license renewal cycle; and (2) A minimum of 2 hours of CE in ethics for every 60 hours of each dentist's license renewal cycle. The motion passed.

2. Continuing Education: Limitation on the number of hours for online CE courses? After discussion, the Board decided not to place a limitation on the number of hours for online CE courses.

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

In light of the recent public health scare with an Oklahoma dentist, Steve Johnson, D.D.S., provided the Board with an overview of his inspection process. The Board also received a report on the status of the investigative committee cases from January 1, 2013 to May 31, 2013.

L. Executive Report: Lane Hemsley.

1. **Budget.** An update was provided on the budget for FY 2013 (July 1, 2012 – June 30, 2013). Additional information regarding the various expenditures for the budget category, “General Expenditures,” was also provided to the Board.

2. **Licensee and Specialty Licensee Report.** License and specialty license reports from January 1, 2013, to April 15, 2013, were presented to the Board.

M. New Business / Adjournment.

1. **Appointment of New Board Members.**

a. **Donna Thomas, D.D.S.** The Board officially welcomed Donna Thomas, D.D.S., as the newest member of the Board. Dr. Thomas replaces Richard Darnall, D.D.S., as an at-large member. Dr. Thomas is looking forward to her term on the Board.

b. **Jarrold Jones, D.D.S.** Lane Hemsley reported that Jarrod Jones, D.D.S., was appointed to the Board on Thursday, May 2, 2013. The Board’s staff has already contacted Dr. Jones and will work to complete his appointment documentation and arrange for his attendance at the Board’s next regularly scheduled meeting on Friday, August 9, 2013.

2. **Stipulation and Final Agency Order.**

a. **Richard T. Darnall, D.D.S., Case No. 11-51.** Attorney Randy Forbes presented the Stipulation and Final Agency Order. It was moved and seconded to approve the Stipulation and Final Agency Order, a copy of which will be posted to the Board’s website. The motion passed.

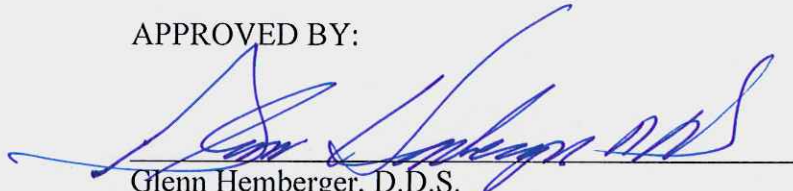
3. **AADB Mid-Year Meeting.** Charles Squire, D.D.S., reported on his attendance at the AADB Mid-Year Meeting. The Board now has the option to consider using the Dental Professional Review & Evaluation Program (DPREP). DPREP is an optional tool for state Boards that have determined all or a part of a licensee’s clinical skill set deficient. By requiring a licensee to participate in DPREP, the Board can obtain an evidence-based review of the licensee’s clinical skill set and a remediation recommendation and training at a DPREP site, such as Marquette University, Louisiana State University, or the University of Maryland. Continued competency and student loan debt loads were also issues presented at the meeting.

4. **Nitrous Oxide Course.** Susan Rodgers, R.D.H., and Glenn Hemberger, D.D.S., evaluated a nitrous oxide education course for Manhattan Area Technical College (MATC). Previously, the course proposed would use compressed air for instructional purposes and a dentist would not provide direct supervision during the administration of nitrous oxide competency. The Board denied approval of the course because nitrous oxide and the direct supervision of a dentist would be required for course approval. After continued consultation with MATC, the course was restructured to require the use of nitrous oxide and the direct supervision of a dentist. The course was subsequently approved.

5. **Future Board Meetings.** 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 12:25 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:



Glenn Hemberger, D.D.S.
President, Kansas Dental Board

8/23/13
Date