

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, JANUARY 20, 2017, 9:00 A.M.
LANDON STATE OFFICE BULIDING, 5TH FLOOR
900 SW JACKSON, ROOM 560
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; Susan Rodgers, R.D.H., Secretary; Jackie Leakey, R.D.H.; Mark Herzog, D.D.S.; Stephen Zeller, D.D.S.; and James Kilmartin, Public Member.

Members Arriving After Call to Order: None.

Members Absent: Donna Thomas, D.D.S.; and Jarrod Jones, D.D.S.

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

Attendees: Alexandra Blasi, J.D., Executive Secretary, Kansas State Board of Pharmacy; and David Hart, D.D.S. (telephone).

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

B. Minutes of November 18, 2016.

It was moved and seconded to approve the minutes of November 18, 2016. The motion passed.

C. LLC Name Request: David J. Hart, D.D.S.

The Board welcomed David J. Hart, D.D.S., who appeared by telephone, to discuss a name request for "Sleep Apnea Dental Therapy LLC." After extended discussion regarding the proposed name of the LLC, Dr. Hart withdrew the name request and indicated that he might submit another name request to the Board in the future.

D. K-TRACS Discussion: Alexandra Blasi, J.D., Executive Secretary, Board of Pharmacy.

The Board welcomed Alexandra Blasi, J.D., Executive Secretary of the Kansas State Board of Pharmacy. Ms. Blasi requested that the Board support the short-term funding of K-TRACS through the use of the Board's fee fund. In particular, the Pharmacy Board requested the transfer of up to \$37,000 from the Dental Board fee fund to the Pharmacy Board fee fund. The transfer is intended to occur, in whole or in part, throughout the course of FY 18 and FY 19. The transfer approval from the Dental Board fee fund would be subject to the following limitations: (1) Legislative authority; (2) oversight from the Division of the Budget; (3) the Dental Board's current operating budget for FY 17 remains unaffected by the proposed transfer; (4) the Dental Board's requested operating budgets for FY 18 and FY 19 remain unaffected by the proposed transfer; and (5) there is no legislative sweep from the Dental Board fee fund for FY 17, FY 18, or FY 19 that will substantially impair the ability of the Dental Board to fulfill its statutory obligations or cause the Dental Board to raise licensing fees or other associated fees. After extended discussion, it was moved and seconded to approve Ms. Blasi's funding request for K-TRACS. The motion passed unanimously.

E. Medical Waste Regulations Discussion: KDHE Bureau of Waste Management.

The Board received a written request from the Kansas Department of Health and Environment Bureau of Waste Management to review proposed regulations intended to replace existing, out-of-date medical waste regulations. The intent of the proposed regulations is to allow handlers of medical waste some degree of flexibility based on site-specific needs and available resources while also ensuring that the public health is adequately protected. After discussion, the Board recommended that the Bureau of Medical Waste promulgate regulations that permit the mixing of pharmaceuticals with medical waste.

F. ADA Sedation Guidelines Discussion: Dr. Squire.

The Board reviewed the American Dental Association's *Guidelines for the Use of Sedation and General Anesthesia by Dentists*, which were adopted by the ADA House of Delegates in October 2016. Dr. Zeller subsequently agreed to evaluate the Board's sedation regulations (K.A.R. 71-5-9 *et seq.*) and determine whether the Board should consider any proposed changes to the regulations.

G. ADA Code of Conduct Amendment Regarding Specialties Discussion: Dr. Squire.

The Board reviewed amendments to Section 5.H. of the American Dental Association's *Principles of Ethics and Code of Professional Conduct* regarding the announcement of dental specialties and practice limitations. The amendments were adopted by the ADA House of Delegates in October 2016. After review, the Board affirmed its continued reliance on the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*, for its treatment and issuance of dental specialties.

H. Notice of EPA Final Rule Requiring Installation of Amalgam Separators.

The Board reviewed the final rule dated December 15, 2016, from the U.S. Environmental Protection Agency (EPA) requiring dental practices nationwide to install amalgam separators. The EPA concluded that requiring dental offices to remove mercury through relatively low-cost and readily available amalgam separators is appropriate. The Kansas Department of Health and Environment Water Pretreatment Program will be notifying dental offices of the EPA requirements and updating associated regulations as needed.

I. Public Forum.

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

J. President's Report: Dr. Hemberger.

Due to his second and final Board term expiring in April 2017, Dr. Hemberger made his last address to the Board as its long-standing President. Having served in the President's role for six (6) years, Dr. Hemberger expressed his gratitude to the Board for its continued emphasis on strengthening the investigative committee procedures, involvement in the legislative process, and advancement of efforts to expand dental care into nursing homes and long-term care facilities. Dr. Hemberger also thanked the Board for allowing him to serve as President. The Board, likewise, expressed its gratitude for Dr. Hemberger's years of statewide leadership.

**K. 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 October 13, 2016, to December 29, 2016.

L. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget for FY 2017 (July 1, 2016 – June 30, 2017) and the pending budget approval process for FY 2018 (July 1, 2017 – June 30, 2018) and FY 2019 (July 1, 2018 – June 30, 2019).

2. Licensee and Specialty Licensee Report. License and specialty license reports from October 1, 2016, to December 31, 2016, were presented to the Board.

M. Election of Officers (K.S.A. 74-1405).

1. President. It was moved and seconded to nominate Donna Thomas, D.D.S. The motion passed unanimously.

2. Vice-President. It was moved and seconded to nominate Jackie Leakey, R.D.H. The motion passed unanimously.

3. **Secretary.** It was moved and seconded to nominate Susan Rodgers, R.D.H. The motion passed unanimously.


N. New Business / Adjournment.

1. **Jay Morris, D.D.S. (Case No. 15-56).** Attorney Brenda Head 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.

2. **Executive Session.** At 11:40 a.m., pursuant to K.S.A. 75-4319, it was moved and seconded to recess into Executive Session for the purpose of discussing personnel matters of nonelccted personnel. The Executive Session was scheduled for twenty (20) minutes and the open meeting would reconvene at 12:00 p.m. The motion passed unanimously and, after completion of the Executive Session under K.S.A. 75-4319, the Board reconvened the open meeting at 12:00 p.m. After the Board reconvened the open meeting, it was moved and seconded to authorize the Board to request a ten percent (10%) annual salary increase for the Board's Executive Director as permitted under K.S.A. 74-1405(d). The motion passed unanimously.

Adjournment: It was moved and seconded to adjourn at 12:03 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:

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

4-21-17

Date