

IOWA DENTAL BOARD

JULY 15-16, 2009 MEETING MINUTES DES MOINES, IOWA

The open session meeting of the Iowa Dental Board was called to order at 10:30 a.m. on Wednesday, July 15, 2009, in the conference room, 400 S.W. 8th St., Suite D, Des Moines, Iowa, by the chairperson of the board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson
Gary D. Roth, D.D.S., Vice Chairperson
VaLinda J. Parsons, D.H., Secretary
Michael J. Rovner, D.D.S. *
Lynn D. Curry, D.D.S.
Perry T. Grimes, D.D.S.
Marijo Beasler, D.H.

Also present:

Constance L. Price, Executive Director
Christel Braness, Administrative Assistant
Phil T. McCollum, Investigator
Brian Sedars, Investigator
Dee Ann Argo, Administrative Assistant
Theresa O'Connell Weeg, Assistant Attorney General
Jennifer Hart, Executive Officer
Janet Arjes, Executive Officer

*Attended July 15, 2009 only.

PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

MINUTES

Motion by Dr. Curry, seconded Ms. Parsons, to approve the minutes of the April 15, 2009, meeting of the board, the April 14-15, 2009, hearing minutes of the board, the January 15, 2009, meeting of the Dental Hygiene Committee, and the April 29, 2009, June 4, 2009, and June 14, 2009, teleconference meetings of the board.

Vote: Unanimous.

Motion carried.

EXECUTIVE DIRECTOR REPORT

BOARD APPOINTMENTS

Ms. Price congratulated Dr. Roth, Fairfield, for his reappointment to the Board and congratulated Ms. Marijo A. Beasler, RDH, Iowa City, for her appointment to serve as the new dental hygiene member. Ms. Price thanked Dr. Roth and Ms. Beasler for agreeing to serve on the board. Ms. Price reported that a second public member has not yet been appointed. Ms. Price has contacted the Governor's office and to date there is no word from the Governor's office as to when this appointment will be made.

BUDGET UPDATE

Ms. Price reported that the impact of the budget crisis for the fee-based programs remains in the areas of in state and out of state travel, service contracting, attending conferences, use of overtime, equipment purchases, and staffing. Travel funded by other sources, not board funds, continues to be restricted. Ms. Price reported that the chairs of the four boards of Medicine, Pharmacy, Nursing and Dental are scheduled to meet to discuss the impact of these restrictions.

Ms. Price also reported that the board will shortly be closing out fiscal year 2009. The board members were provided a handout detailing projected expenditures for fiscal year 2010.

AADA/AADE MID-YEAR MEETING

Ms. Price reported the mid-year meetings of the AADA and the AADE were scheduled to be held this fall in Hawaii. Ms. Price indicated that, to date, the Iowa Department of Public Health and the Department of Management have not yet granted approval for travel to this meeting. The Board asked that the travel request to attend the AADE be submitted for consideration. Dr. Kuempel indicated that she would be available to attend if the travel is approved.

DATABASE PROJECT

Ms. Price reported on the status of the new licensing database. Portions of the software have been ordered. Ms. Price indicated that the boards were continuing to move forward with the project.

NATIONAL EXAMINATION

Ms. Price reported that the AADE has asked the board to respond with the state's position on a single national clinical exam for dentistry and dental hygiene. Ms. Price stated that the Dental Hygiene Committee has recommended approval, with comments.

Motion by Dr. Roth, seconded Dr. Rovner, to respond to the AADE that the Iowa Dental Board supports the idea of a national examination in principal.

Vote: Unanimous.

Motion carried.

AADE GUIDELINESS FOR RECORD KEEPING

Ms. Price reported that the AADE has circulated proposed guidelines for record keeping and has requested comments regarding the draft. The members of the board noted that the proposals are

similar to what Iowa already requires for record keeping. The AADE would like to become a state board resource for programs in this area.

Motion by Dr. Roth, seconded Dr. Curry, to award continuing education credit for attendance at AADE sponsored record keeping courses of study.

Vote: Unanimous.
Motion carried.

EXECUTIVE ORDER 13

Ms. Price reported that Governor Culver issued Executive Order 13. The order has been copied to the board members and relates to changes in reimbursement for travel costs.

IOWA DEPARTMENT OF PUBLIC HEALTH I-SMILE

Ms. Price reported that she has received the first comprehensive report on the activities and achievements from the I-Smile dental home project. Implementation of this project began in December of 2006 in an effort to meet the 2005 legislative mandate that all Medicaid enrolled children age twelve years or younger have a dental home. Ms. Price reported that she had a copy of the comprehensive report if anyone wished to review.

2010 BOARD MEETING DATES

Ms. Price reported that the meeting date for January 14-15, 2010, had already been scheduled. The dates for the remainder of 2010 are as follows: April 6-7, July 13-14, and October 14-15.

LEGAL UPDATE

Ms. Weeg reported that the matter concerning Dr. Andre Q. Bell is still pending.

Ms. Weeg also reported that the Court of Appeals has addressed an Iowa Board of Medicine case in which a licensee left the state and then was subject to board discipline. The court concluded that the board did have the authority to discipline notwithstanding the fact that his Iowa medical license had lapsed.

EXAMINATIONS

ADEX – AMERICAN BOARD OF DENTAL EXAMINERS, INC.

Dr. Kuempel reported that she attended the June 13, 2009 meeting of ADEX. Dr. Kuempel indicated that the meeting went well and that the states seemed to have a more equal voice. Only 27 states remain members of ADEX as opposed to 42 states at the start of ADEX. Dr. Kuempel also reported that Iowa is not allowed to appoint a dental hygiene board member to ADEX as Iowa no longer accepts the ADEX dental hygiene examination.

CRDTS – CENTRAL REGIONAL DENTAL TESTING SERVICE, INC.
DENTAL STEERING COMMITTEE REPORT

Dr. Kuempel reported that she attended a meeting of the CRDTS Steering Committee. Dr. Kuempel stated that CRDTS is moving towards the PALM scoring system so that candidates can receive their scores within days of testing, as opposed to weeks later. CRDTS is working for better computer and online access to information.

Dr. Kuempel also reported that CRDTS is working on the new examination, which will replace the ADEX examination after this year.

CRDTS – CENTRAL REGIONAL DENTAL TESTING SERVICE, INC.
DENTAL EXAMINATION REVIEW COMMITTEE REPORT

Dr. Roth indicated that a meeting of the committee was not scheduled until August.

CRDTS – CENTRAL REGIONAL DENTAL TESTING SERVICE, INC.
DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE REPORT

Ms. Cacioppo, former dental hygiene member of the board, attended the board meeting and reported on the Dental Hygiene Examination Review Committee. Ms. Cacioppo indicated the agenda was rather lengthy and that numerous items were discussed.

Ms. Cacioppo reported that CRDTS has indicated that money has been set aside for visits to state licensing boards. Ms. Cacioppo also reported that there was some discussion about having three examiners available at check-in during examinations. There would be a financial impact as it would require an additional examiner. However, it may allow for easier and faster on-site examination calibrations.

Dr. Kuempel reported that she had received a FAQ sheet for candidates. The FAQ sheet was useful in that it addressed numerous questions that examination candidates may have and it may help them better understand CRDTS' processes for examination.

BOARD MEMBERS ASSIGNED TO EXAMINATION COMMITTEES

Dr. Kuempel reported that it was necessary to appoint examination committee members. Dr. Kuempel stated that the ADEX position would be left open since the board decided to wait before making any changes regarding ADEX.

Dr. Kuempel requested that she remain on the CRDTS Steering Committee, that Dr. Roth remain on the CRDTS Dental Examination Review Committee, and that Ms. Beasler serve on the CRDTS Dental Hygiene Examination Review Committee as Ms. Beasler has served as a deputy examiner for the board for a number of years.

DEPUTY EXAMINER APPLICANT

Dr. Kuempel reported that Dr. Guy O. Bilek, a Periodontist in West Des Moines, Iowa, has expressed interest in being an examiner for the CRDTS examination. Dr. Kuempel recommended approval and the Board agreed that his name be forwarded to CRDTS for assignment.

COMMITTEE REPORTS

ANESTHESIA CREDENTIALS COMMITTEE (ACC)

PETER CHO, D.D.S.; THOMAS HUESER, D.D.S.; JOHN PASQUAL, D.D.S.; & NATHAN SCHROEDER, D.M.D.

PERMIT APPLICATIONS

The members of the board considered four applications for issuance of a general anesthesia permit.

Motion by Dr. Roth, seconded Dr. Rovner, to approve the general anesthesia permit applications as submitted.

Vote: Unanimous.

Motion carried.

GARY JACOBSEN, D.D.S.

PERMIT APPLICATION

The members of the Board considered one application for issuance of a conscious sedation permit. The members of the Board discussed this matter and concluded that the applicant obtain additional education prior to issuance.

Motion by Dr. Curry, seconded Dr. Rovner, to advise the applicant accordingly.

Vote: Unanimous.

Motion carried.

CONTINUING EDUCATION ADVISORY COMMITTEE

Sponsor Application

Ms. Braness reported that the University of Nebraska Medical Center has applied for sponsor status.

Motion by Dr. Curry, seconded Dr. Roth, to approve the University of Nebraska Medical Center as a continuing education sponsor.

Vote: Unanimous.

Motion carried.

Continuing Education Courses for Approval

Ms. Braness submitted a list of continuing education courses for board review and approval.

Motion by Dr. Roth, seconded Ms. Parsons, to approve the list of courses as recommended by the committee.

Vote: Unanimous.
Motion carried.

Exemption Request

Ms. Braness reported that the board had received a request for continuing education exemption due to medical issues. The licensee has met the requirements for consideration by the Board.

Motion by Dr. Roth, seconded Dr. Grimes, to approve the exemption as requested.

Vote: Unanimous.
Motion carried.

Unprofessional Conduct Involving Sexual Boundary Violations Course

Ms. Price reported that the AADE has a course available concerning professional and sexual boundaries guidelines. The AADE is encouraging boards of dentistry to recommend the course for dental license renewal once every five years, as well as for new dental licensees.

Motion by Dr. Roth, seconded Dr. Rovner, that the Board will award continuing education credit hours for attendance at the AADE sponsored Unprofessional Conduct Involving Sexual Boundary Violations Course.

Vote: Unanimous.
Motion carried.

DENTAL ASSISTANT REGISTRATION COMMITTEE

Ms. Arjes reported that Dr. Kelly had submitted an expanded functions course for approval for nitrous oxide monitoring. This course will be conducted at his dental facility for employees in his facility.

Motion by Dr. Curry, seconded Dr. Roth, to approve the course as submitted.

Vote: Unanimous.
Motion carried.

DENTAL HYGIENE COMMITTEE

Nitrous Oxide Course of Study

Ms. Parsons reported the Dental Hygiene Committee is recommending approval for a course in nitrous oxide sponsored by Iowa Western Community College.

Motion by Dr. Curry, seconded Dr. Roth, to approve the course as submitted.

Vote: Unanimous.
Motion carried.

Public Health Supervision Reports

Ms. Parsons also reported that the Dental Hygiene Committee reviewed the public health supervision report. The Iowa Department of Public Health indicated that not all licensees under agreement are reporting this information in a timely manner. The committee recommended that the board send a letter to licensees practicing under a public health supervision agreement reminding them of the reporting requirements.

COMMITTEE APPOINTMENTS

Dr. Kuempel recommended that the following individuals serve on the board committees as follows: the Anesthesia Credentials Committee remain as previously appointed; former member Eileen Cacioppo, RDH is appointed to serve on the Continuing Education Advisory Committee and that Ms. Beasler is appointed to serve as chairperson of the Continuing Education Advisory Committee; Ms. Parsons is appointed to serve on the Licensure/Registration Committee; Ms. Meier to the Licensure/Registration Committee and the Dental Assistant Registration Committee. The Ad-Hoc Examination Committee shall remain as previously appointed.

Motion by Dr. Roth, seconded Dr. Rovner, to approve the appointments made by the Chairperson of the board.

Vote: Unanimous.
Motion carried.

ISSUES FOR CONSIDERATION

LIMITED SPECIALTY LICENSURE

The Board has received a request from Dr. Axel Ruprecht, University of Iowa College of Dentistry, for the board to consider the matter of limited licensure for specialists. One of the primary concerns regarding specialists is the clinical examination requirement for licensure. The CRDTS/WREB examinations are for demonstrating competency in general dentistry and are not specific to specialty practice.

The Board concluded that it will contact the specialty organizations in Iowa and ask them for input on this issue for consideration at the October meeting

GIFTS – REPORTING OF SANCTIONS 2009 LEGISLATURE

Ms. Price reported that information was provided to the board regarding the gift sanctions laws. By January 15, 2010, boards must submit a report of any sanctions issued against licensees for violations of the gift sanctions laws.

**DENTAL ASSISTANT APPOINTMENT TO BOARD
AD-HOC COMMITTEE RECOMMENDATION**

The board previously considered a request from the Iowa Dental Assistant's Association to request legislative action to add a registered dental assistant as a member of the Board. An ad-hoc committee was appointed by the Board to discuss the matter. The committee had representation from all professional associations. The recommendation from the committee was to seek legislative action to add a dental assistant as a member of the Board. The committee suggested that one of the public member positions be eliminated and replaced with a dental assistant member. The committee recommendation was forwarded to all of the associations. However, not all of the associations have had a chance to meet and discuss this matter formally.

The board continued discussion in support of, and in opposition to, the committee recommendation.

Motion by Dr. Roth, seconded, Dr. Grimes, that the Board does not support the proposal to add a registered dental assistant as a member of the board. The Board supports the current composition of the board.

Vote: Dr. Kuempel, aye; Dr. Rovner, aye; Dr. Roth, aye; Dr. Grimes, aye; Dr. Curry, aye; and Ms. Beasler, aye; Ms. Parsons, nay.

Motion carried.

**USE OF RESTALYN, BOTOX, AND OTHER DERMAL FILLERS BY LICENSED
DENTISTS**

The Board receives a number of requests for clarification as to whether these are procedures that are allowed in the practice of dentistry. It was noted that advertisements are being mailed to licensees encouraging the use of these materials in the practice of dentistry.

Ms. Price indicated that a clarification of the rule on the Board's website may be helpful.

Motion by Dr. Roth, seconded Dr. Curry, to clarify the Board's rule on the website. The statement will make it clear that these procedures and materials are not considered the practice of dentistry. Treatments need to be related to the practice of dentistry within the scope of the dentist-patient relationship.

Vote: Unanimous.

Motion carried.

CONSIDERATION OF RULES

650 Iowa Administrative Code
Chapter 29 Deep Sedation/General Anesthesia, Conscious Sedation and Nitrous Oxide Inhalation
Analgesia
Updates to sedation definitions and training requirements
For Discussion

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Ms. Hart reported that the intent of these changes is to clarify the different levels of sedation and to clarify when a dentist must hold a sedation permit. Last year, the American Dental Association revised its guidelines for the use of sedation and adopted new definitions concerning sedation. The ADA adopted new definitions for minimal sedation and moderate sedation, which was previously referred to as conscious sedation. The board is proposing to adopt these new definitions, along with additional guidance for dentists on what constitutes minimal sedation or antianxiety premedication.

The training requirements for obtaining a moderate sedation or deep sedation permit have not been changed; however, the board is incorporating the specific requirements in its rules. To qualify for a moderate sedation permit, a dentist must complete a board-approved course in moderate (conscious) sedation that consists of a minimum of 60 hours of instruction plus management of at least 20 patients.

The proposed amendments also require that a dentist utilizing moderate sedation on pediatric (ages 12 and under) or American Society of Anesthesiologists (ASA) category 3 or 4 patients must have completed additional training approved by the Board, unless the dentist has been providing these services for five years preceding July 1, 2009, without any adverse occurrences. This requirement is consistent with the ADA guidelines that require dentists to have completed additional training in pediatric and medically compromised patients in order to provide sedation to these patients.

There was discussion concerning the need to have a grandfather clause related to sedation of pediatric and medically compromised patients. A previous survey sent to permit holders showed this would have little impact. Following further discussion, the decision was made to eliminate the grandfather clause in the proposed draft of the amendments.

After additional discussion and concern about how the antianxiety guidelines would be interpreted, it was suggested that the board make an exception to the normal rule making process and send the proposed amendments out for comment prior to filing a Notice of Intended Action. The Iowa Dental Association (IDA) offered to assist the board in sending the proposed amendments out to Iowa dentists with the request that the board extend the normal 20-day comment period. The board thanked the IDA for their offer and will circulate the proposed amendments through them.

650 Iowa Administrative Code
New Chapter
Iowa Department of Revenue
Certificate of noncompliance
For Discussion

Ms. Hart reported that the proposed amendment adopts a new chapter pursuant to 2008 Iowa Acts, Senate File 2428, division II, that establishes procedures to deny a license, permit, or registration, or take disciplinary action against a license, permit, or registration upon receipt of a certificate of noncompliance from the centralized collection unit of the Iowa Department of Revenue. The Board is also required to have rules to implement this law.

Motion by Dr. Roth, seconded Dr. Grimes, to file Notice of Intended Action as proposed.

Vote: Unanimous.
Motion carried.

650-Iowa Administrative Code
Various Chapters
Miscellaneous provisions
For Discussion

Ms. Hart reported that proposed amendments include several “cleanup” provisions to board rules. The amendments update supervision definitions for consistency with board rules and state law. The definition of inactive status has also been changed to clarify existing procedures and a new definition of overpayments would be added to the rules. The board is unable to process refunds in the state accounting system, which has resulted in delays in processing applications and renewals. Other proposed amendments clarify that graduates of accredited dental assisting programs are eligible for dental assistant registration; that persons who participate in dental radiography must be licensed by the board, currently registered as a dental assistant or hold an active nursing license, and must have an active qualification in dental radiography.

The courses that may be claimed by licensees or registrants for continuing education credit would be clarified, as well as the existing procedures used to place a license or registration on inactive status and to reinstate an inactive license or registration. A dentist would also be required to provide radiographs that are of diagnostic quality when transferring patient records. Standards for use and recordkeeping requirements for nitrous oxide inhalation analgesia have been incorporated.

More substantive changes in the proposed notice include items that specify that a licensee may not self-prescribe, self-administer or self-dispense controlled substances or tramadol, or prescribe, administer, or dispense these medications to members of their immediate family. In addition, the quarterly fee that may be charged to cover the board’s expenses associated with monitoring a licensee’s or registrant’s compliance with the settlement agreement has been increased. The licensee or registrant must agree to the provision as part of a settlement agreement to resolve a contested case.

Motion by Dr. Roth, seconded Dr. Grimes, to file a Notice of Intended Action with the changes as suggested.

Vote: Unanimous.
Motion carried.

LEGISLATION – 2010 SESSION

Ms. Price reported that she has not heard anything about submitting a bill next session for legislative consideration of potential changes to Iowa Code section 272C.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION

PETITION FOR WAIVER

Dr. Manual Gomez, submitted a request for waiver of 650 Iowa Administrative Code 11.4(1). This administrative rule provides that a graduate of a foreign dental school must obtain two years of undergraduate dental education at an accredited dental school to be eligible for permanent dental licensure. Specifically, Dr. Gomez asked the Board to accept in lieu of two years of undergraduate education, his certificate in endodontics following two years of endodontics training at the University of Iowa College of Dentistry, along with four years of experience as a faculty member in the departments of endodontics and family dentistry also at the University of Iowa.

The purpose of this rule is to ensure that before obtaining licensure in Iowa, graduates obtain a broad-based general dental education, and complete a level of didactic and clinical education as that obtained by a four-year graduate of an accredited dental school. Because the education Dr. Gomez completed was taken only in the specialty of endodontics, which is one of many subspecialties of general dentistry, the Board cannot ensure that he has obtained education that is substantially equivalent to that required by the rule. Dentists in Iowa are not licensed by specialty. Accordingly, all dentists licensed in Iowa must demonstrate a broad-based general dental education, regardless of whether they later obtain specialty training. Dr. Gomez's education does not meet this standard and the Board has previously denied similar waiver requests.

Motion by Dr. Roth, seconded Dr. Grimes, to deny the waiver.

Vote: Unanimous.
Motion carried.

APPROVAL OF APPLICATIONS

The board was provided with a list of the applications for licensure, permit, and registration that have been processed since the last meeting.

Between April 14, 2009 and July 14, 2009, the board licensed 59 dentists, and 66 dental hygienists; issued 9 resident dental license, 1 faculty permit, 2 conscious sedation permits, and 70 local anesthesia permits. The board registered 59 dental assistants with the additional qualification in dental radiography, 6 dental assistants registered without a qualification in dental radiography and 2 qualifications in dental radiography without registration; and trainee status to 95 dental assistants.

Motion by Dr. Roth, seconded Dr. Grimes, to approve issuance of licensure, permits, and registrations to those persons listed.

Vote: Unanimous.
Motion carried.

ANNUAL ELECTION OF DENTAL BOARD OFFICERS

Motion by Dr. Roth, seconded Ms. Beasler, to appoint Ms. Parsons to the position of secretary.

Vote: Unanimous.

Motion carried.

Motion by Dr. Rovner, seconded Dr. Roth, to reappoint Dr. Kuempel to the position of chairperson.

Vote: Unanimous.

Motion carried.

Motion by Dr. Grimes, seconded Dr. Rovner, to reappoint Dr. Roth to the position of vice-chairperson.

Vote: Unanimous.

Motion carried.

ANNUAL ELECTION OF DENTAL HYGIENE COMMITTEE MEMBER

Motion by Ms. Beasler, seconded Ms. Parsons, to appoint Dr. Kuempel to the Dental Hygiene Committee.

Vote: Unanimous.

Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

CLOSED SESSION

Motion by Dr. Curry, seconded Ms. Parsons, for the board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and also to discuss decisions to be rendered in contested cases.

Vote: Ms. Parsons, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Rovner, aye; Dr. Curry, aye; Dr. Grimes, aye; Ms. Beasler, aye.

Motion carried.

OPEN SESSION

Motion by Dr. Curry, seconded Ms. Beasler, for the board to return to open session.

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Vote: Unanimous.
Motion carried.

IN THE MATTER OF
ROBERT J. FOUST, D.D.S.

Motion by Ms. Beasler, seconded Ms. Parsons, to continue the hearing in this matter scheduled for July 16, 2009, to commence on August 6, 2009, due to ongoing settlement negotiations.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
RICHARD M. SQUIERS, D.D.S.

The Board considered a proposed Stipulation and Consent Order regarding this matter.

Motion by Dr. Curry, seconded Ms. Beasler, to approve the Stipulation and Consent Order as proposed.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
MICHAEL W. BARBA, D.D.S.

The Board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Curry, seconded Dr. Grimes, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
JOHN W. MEYER, D.D.S.

The Board considered a proposed Combined Notice of Hearing, Settlement Agreement and Final Order regarding this matter.

Motion by Dr. Roth, seconded Dr. Curry, to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous

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Motion carried.

NEXT MEETING OF THE BOARD

The next meeting of the board is scheduled for October 27-28, 2009, in Des Moines, Iowa.

ADJOURNMENT

The board adjourned its meeting at 4:25 p.m. on July 16, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Price', written in a cursive style.

CONSTANCE L. PRICE
Executive Director

CLP/cb