

## **IOWA DENTAL BOARD**

### **APRIL 6-7, 2010 MEETING MINUTES DES MOINES, IOWA**

The open session meeting of the Iowa Dental Board was called to order at 9:15 a.m. on Tuesday, April 6, 2010, in the conference room, 400 S.W. 8<sup>th</sup> 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, R.D.H., Secretary  
Michael J. Rovner, D.D.S.  
Lynn D. Curry, D.D.S.  
Perry T. Grimes, D.D.S.  
Marijo A. Beasler, R.D.H.  
Diane Meier, Public Member  
Kimberlee Spillers, Public Member

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

### **PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

### **MINUTES**

Motion by Ms. Meier, seconded Dr. Roth, to approve the minutes of the January 14-15, 2010, meeting of the board and the January 26, 2010, and February 25, 2010, teleconference meetings of the board.

Vote: Unanimous.  
Motion carried.

## **EXECUTIVE DIRECTOR REPORT**

### **BOARD APPOINTMENTS**

Ms. Price reported that she was pleased to announce that the governor reappointed Dr. Rovner and Dr. Curry to serve another three year term. Ms. Price was also pleased to announce that the Governor has named a public board member, Ms. Kimberlee Spillers of Atlantic, Iowa. Her appointment was effective March 2, 2010. The Board congratulated Dr. Rovner and Dr. Curry and welcomed Ms. Spillers.

Ms. Price acknowledged that this was Dr. Kuempel's last board meeting as her nine year term expires April 30, 2010. Dr. Kuempel is not eligible for reappointment as she has served three terms. Ms. Price thanked Dr. Kuempel for her outstanding leadership while serving on the board. Dr. Kuempel served in all capacities as a member of the Board including Chair. Ms. Price reported that her strong leadership has taken the Board through some very sensitive and difficult times.

### **FISCAL REPORT**

Ms. Price reported that the state budget is still a matter of great importance. Staff is continuing to take mandatory unpaid days. Travel is still largely restricted; however, a few exceptions are being made. There are still restrictions on organizational memberships. As a result, Dental Board memberships are beginning to expire. Ms. Price is currently appealing this restriction and asking reconsideration by the Governor's office to allow the Board to retain membership in the American Association of Dental Boards and the American Association of Dental Administrators. Ms. Price is currently serving as vice president of the American Association of Dental Administrators. The memberships in these organizations provide a great resource for the board in providing information relating to dentistry from across the nation.

Motion by Dr. Roth, seconded Dr. Rovner, to continue supporting the efforts of the boards to renew its organizational memberships in the national dental organizations, which are relevant to the practice and regulation of dentistry.

Vote: Unanimous.  
Motion carried.

Later in the meeting, there was a motion by Dr. Rovner, seconded Dr. Curry, to have Ms. Price advise the Governor's office that the Board is resolved to promptly address this issue.

Vote: Unanimous  
Motion carried.

Ms. Price reported that the legislature completed its recent session. Currently, there has been no reduction in the state's work force. However, there are still some questions as to how all of the recent cuts will affect agencies. The state has offered early retirement incentive program to state employees as a means to save money.

### **SECURITY AUDIT**

Ms. Price reported that the board has recently completed a security audit and one recommendation concerned visitors in the building. One protocol that the agency has already implemented involved improving general security in the office and at public meetings by having visitor badges issued with sign in and sign out sheets.

#### **DATABASE PROGRAM**

Ms. Price reported the database program is progressing well. The staff has started the process of applying for a merchant account to allow for the online payment of requested items, as well as allowing for the online submission of applications and renewals. When the project is completed, there will be greater access for licensees and the public. Ms. Price was pleased to report that this program will allow the Board to query and have access to reports and tracking that it never had with the current system.

#### **WEB SITE**

Ms. Price also reported that staff is redesigning the Board's website. The changes are being provided free of charge. The new website will work in conjunction with the new database and will bring information to licensees and public.

#### **CONSTANCE PRICE, EXECUTIVE DIRECTOR RETIREMENT**

Ms. Price officially announced that she is retiring as executive director of the Iowa Dental Board. Ms. Price has served for 28 years, and will be accepting the early retirement package recently signed by the Governor. Ms. Price stated that it has been her pleasure to work with everyone over the years. Ms. Price stated that she is leaving the Board with an outstanding staff, and positive projects well underway such as the new data base and website. She stated that she is confident that in the capable hands of the Board and with the support of others the transition to new leadership will be smooth and rewarding.

#### **LEGAL UPDATE**

Ms. Weeg reported that the matter concerning Dr. Bell's appeal is still pending in the 8<sup>th</sup> Circuit Court of Appeals.

#### **EXAMINATIONS**

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

Ms. Beasler reported that she attended the Dental Steering Committee meeting on Dr. Kuempel's behalf. Ms. Beasler reported:

- A number of states are considering joining CRDTS.
- A number of dental and dental hygiene schools are requesting that CRDTS administer its clinical examinations at their schools.
- CRDTS will hold its annual meeting August 26-28, 2010, in Kansas City, Missouri.

- CRDTS is working with Minnesota to establish an examination for dental therapists. The examination may be similar to the examination offered to dentists with a few key changes.
- The CRDTS employee manual has been approved.
- CRDTS' bylaw changes were reviewed by the Steering Committee. The bylaws will be submitted for approval at its annual meeting.

Dr. Kuempel strongly encouraged everyone to attend the annual meeting as CRDTS is funding the travel for all board members and executive directors.

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

Dr. Roth reported that there is a meeting scheduled for later this month to address some of the recent concerns related to the examination. Small changes are being made to the examination as feedback is provided to CRDTS. The process seems to be working well.

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

Ms. Beasler indicated that she provided all of the information available during the Dental Steering Committee report.

UNIVERSITY OF IOWA COLLEGE OF DENTISTRY  
APPEARANCE

Dr. David C. Johnsen, D.D.S., Dean

Dr. David C. Holmes, D.D.S., Head, Department of Family Dentistry

Dr. Johnsen and Dr. Holmes appeared before the board. Both stated it was essential for the Board and the University to maintain open communication. Dr. Johnsen stated that he was committed to having an open and positive relationship with the board. Dr. Johnsen wishes to work together with the board to achieve common goals.

Dr. Johnsen reported:

- 80% of dentists in Iowa are alumni of the University of Iowa College of Dentistry.
- The median age of dentists in Iowa is 55 years. The College of Dentistry is trying to recruit dentists to Iowa and the College of Dentistry's programs. Dr. Johnsen feels that they have had some success in this regard.
- The College of Dentistry has established a number of courses and programs to prepare their students for practice in an ever-evolving world of dentistry. The programs attempt to give their students the skills to practice dentistry to the best of their ability.
- The College of Dentistry is hosting the WREB examination again. The examination process has gone very well.
- The administration and faculty of the College of Dentistry is responsible for determining which clinical examination to schedule.

Dr. Holmes reported:

- That the WREB examination process seems to work well. He encouraged the board to consider joining WREB in addition to CRDTS.
- That he has been assisting with the administration of the new CRDTS examination. The examination appears to be going well; however, data is not yet available to give a better indication as to the success of the examination.

Following discussion by the board, it was determined that the board will meet with the faculty of the University of Iowa College of Dentistry this fall. Statistics from the new CRDTS examination should be available for review. At that time, the board and College of Dentistry could discuss their concerns relating to the clinical examination and attempt to find an amicable resolution at that time. The suggestion was also made to include the dental hygiene faculty of Kirkwood Community College in this meeting as they offer the WREB examination for their students also.

### **COMMITTEE REPORTS**

#### **ANESTHESIA CREDENTIALS COMMITTEE (ACC)**

Dr. Roth reported that a letter was mailed to all current conscious sedation permit holders addressing the upcoming rule changes relating to sedation. Ms. Price also indicated that there has been discussion about sending out a letter to all licensees to inform all licensees of these changes.

Dr. Roth indicated that there were no sedation applications which required approval at this time.

#### **CONTINUING EDUCATION ADVISORY COMMITTEE**

Ms. Beasler indicated that the board members were provided a list of continuing education courses which were submitted for review.

Ms. Beasler also reported that the University District Dental Society submitted an application for sponsor status.

Motion by Dr. Roth, seconded Dr. Grimes to approve the sponsor application.

Vote: Unanimous.

Motion carried.

#### **DENTAL HYGIENE COMMITTEE**

Ms. Parsons had no report at this time.

At 10:45 a.m., the board took a brief recess. At 11:05 a.m., open session of the board meeting resumed.

**ISSUES FOR CONSIDERATION**

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

Ms. Price reported that the revised position statement by the board is out on the website for comment. The last portion of the proposed position statement was revised to better address the issue of training. To date, no comments have been received.

**IOWA PRESCRIPTION MONITORING PROGRAM**

Ms. Price reported that this information was being made available to the board since a licensee recently had a question about a patient who may have been seeking drugs.

Dr. Grimes indicated that it might be helpful if the county was included in some of these monitoring program reports for clarification so as to avoid confusion, particularly for people with common names.

Dr. Holmes was not certain if this information was provided to the College of Dentistry. Ms. Price indicated that she would forward the information to Dr. Holmes and encourage the university to include the information in their program.

**VOLUNTEER HEALTH CARE PROVIDER PROGRAM  
IOWA DEPARTMENT OF PUBLIC HEALTH**

Ms. Price reported that the Iowa Department of Public Health published a Notice of Intended Action relating to rules, which address the Volunteer Health Care Provider Program (VHCPP). The Iowa Dental Board is referenced in these rules.

Ms. Hart reported that these rules could possibly affect the Iowa Mission of Mercy program if the Iowa Dental Association wished to utilize the VHCPP for indemnification. Ms. Hart also reported that the rules also define dental terms more specifically. The rules also intend to make it a requirement that the patient get a follow-up dental examination, whereas it appears that this requirement has not been imposed on the other medical professions, which are eligible to participate in the VHCPP.

Motion by Dr. Roth, seconded Ms. Beasler, to have Ms. Hart attend the public hearing regarding these rule changes to discuss these concerns.

Vote: Unanimous.  
Motion carried.

**INTERVENTIONAL CHRONIC PAIN MANAGEMENT  
IOWA BOARD OF MEDICINE**

Ms. Price reported that the Iowa Board of Medicine filed a Notice of Intended Action relating to rules, which address the treatment of chronic pain. The board may want to review this so as to ensure that this will not restrict the practice of dentistry in Iowa.

Ms. Weeg indicates that Iowa Code section 148.2 sets forth persons who will not be construed to be practicing medicine. Iowa Code section 148.4 specifically names dentists who are exclusively engaged in the practice of their respective profession. Therefore, Ms. Weeg suggests that because of this statutory exemption, action by the Dental Board is not necessary.

**POLICY STATEMENTS BY PROFESSIONAL LICENSING BOARDS**  
**IOWA DEPARTMENT OF JUSTICE**  
**JULIE F. POTTORFF, DEPUTY ATTORNEY GENERAL**

Ms. Price reported that the office of the Iowa Attorney General has recently received a number of questions about policy statements that have been posted by professional licensing boards on their websites. Policy statements are not authorized by the Iowa Administrative Procedures Act if the policy statement is actually a rule that has not been promulgated through rulemaking process. The memo from the Deputy Attorney General cautions agencies in this regard and asks that agencies carefully consider whether a policy statement is actually a rule that is required to go through the rulemaking process. It is important to note that policy statements are not binding. Iowa Administrative Code is the avenue for regulation.

**CONSIDERATION OF RULES**

650 IOWA ADMINISTRATIVE CODE  
CHAPTER 29 DEEP SEDATION/GENERAL ANESTHESIA, CONSCIOUS SEDATION AND  
NITROUS OXIDE INHALATION ANALGESIA  
DEFINING SEDATION  
FILED AND ADOPTED  
EFFECTIVE APRIL 14, 2010

Ms. Hart reported that the revisions to the sedation rules have been adopted and filed. They will go into effect April 14, 2010. Staff is in the process of revising the sedation certificates and applications. The board has been working to get the information out to licensees.

650 IOWA ADMINISTRATIVE CODE  
VARIOUS CHAPTERS  
MISCELLANEOUS PROVISIONS  
DRAFT RULES FOR DISCUSSION

Ms. Hart reported that there are a number of proposed changes, which cover a number of chapters of Iowa Administrative Code 650.

Some of these amendments are a result of working on the new database program and some of the amendments have arisen as a result of process analysis.

Some of the changes include:

- Applications would only be valid for 180 days.
- Applicants for license would need to submit a self-query of the National Practitioner Databank and the Healthcare Integrity and Protection Databank to validate information submitted regarding malpractice cases or disciplinary action in other states.

- A requirement for new applicants of a faculty permit to complete the jurisprudence examination.
- Eliminate requirement of continuing education sponsors to automatically submit continuing education attendance lists to this office.
- Applicants for reactivation of an inactive license would be required to show proof of current certification in CPR.
- Addresses acceptable billing practices – licensees will only be allowed to bill for services as they are completed. Billing ahead of services being rendered would be prohibited.
- Licensees would be prohibited from interfering with the filing of a complaint by a patient.

A public hearing for comments will be held on April 22.

Motion by Dr. Grimes, seconded by Ms. Meier, to publish Notice of Intended Action and schedule a public hearing to hear comments.

Vote: Unanimous.  
Motion carried.

### **LEGISLATION – 2011 SESSION**

#### CONSIDERATION OF FELONY FOR ILLEGAL PRACTICE OF DENTISTRY

Ms. Price reported that the bill relating to the illegal practice of dentistry did not make it through this recent legislative session. This bill will be resubmitted to the next legislative session.

#### CORPORATE PRACTICE OF DENTISTRY

Ms. Price discussed the need for rules regarding the corporate practice of dentistry. Ms. Price asked Dr. Grimes to assist her in developing these regulations for Board consideration

### **APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION**

#### PETITION FOR WAIVER

No requests for waiver pending.

#### RENEWAL REQUEST

Ms. Braness reported that there was a request from a dental assistant wishing to renew her lapsed dental assistant registration without any of the penalties and extra fees required by board rules.

Motion by Dr. Roth, seconded Ms. Meier, to deny the request as board rules prohibit the waiving of fees and specify the process by which a lapsed registration is to be reinstated.

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 January 14, 2010 and April 5, 2010, the board licensed 10 dentists, and 5 dental hygienists; issued 1 resident dental license, 1 faculty permit, 6 local anesthesia permits and 2 conscious sedation permits. The board registered 37 dental assistants with the additional qualification in dental radiography, 6 dental assistants registered without a qualification in dental radiography and 1 qualification in dental radiography without registration; and trainee status to 35 dental assistants.

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

Vote: Unanimous.  
Motion carried.

### **OPPORTUNITY FOR PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

### **CLOSED SESSION**

Motion by Dr. Curry, seconded Ms. Meier, 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: Dr. Kuempel, aye; Dr. Roth, aye; Dr. Rovner, aye; Dr. Curry, aye; Dr. Grimes, aye; Ms. Beasler, aye; Ms. Parsons, aye; Ms. Meier, aye; Ms. Spillers, aye.  
Motion carried.

### **OPEN SESSION**

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

Vote: Unanimous.  
Motion carried.

### **IN THE MATTER OF TREVOR S. CLEMONS, D.D.S.**

The Board considered a proposed Stipulated License Agreement in this matter.

Motion by Dr. Curry, seconded Ms. Meier, that the Board determined to approve the Stipulated License Agreement as proposed.

Vote: Unanimous.

Iowa Dental Board  
Minutes April 6-7, 2010

Motion carried.

IN THE MATTER OF  
MEAGEN E. PLETCHER, R.D.A.

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

Motion by Dr. Roth, seconded Ms. Meier, that the Board determined to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
JOSEPH A. SOLINGER, D.D.S.

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

Motion by Dr. Roth, seconded Ms. Meier, that the Board determined to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

IN THE MATTER OF  
JOHN K. SPRAGG, D.D.S.

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

Motion by Dr. Roth, seconded Ms. Parsons, that the Board determined to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

#### **DISCIPLINARY ORDERS SCHEDULED**

IN THE MATTER OF  
CURTIS K. GEYER, D.D.S.

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

Motion by Ms. Beasler, seconded Ms. Meier, that the Board determined to approve the Stipulation and Consent Order as proposed.

Vote: Unanimous.

Motion carried.

Dr. Geyer submitted an outline of an on-line professional boundaries course for prior approval of the Board that he would like to take to fulfill a requirement of his Order.

Motion by Dr. Curry, seconded Dr. Grimes, to deny this request.

Vote: Unanimous.

Motion carried.

IN THE MATTER OF  
TARA N. MCLEAN, R.D.A.

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

Motion by Ms. Beasler, seconded Ms. Meier, that the Board determined to approve the Stipulation and Consent Order as proposed.

Vote: Unanimous.

Motion carried.

**NEXT MEETING OF THE BOARD**

The next meeting of the board is scheduled for July 13-14, 2010, in Des Moines, Iowa.

**ADJOURNMENT**

The board adjourned its meeting at 3:45 p.m. on April 6, 2010.

Respectfully submitted,



CONSTANCE L. PRICE  
Executive Director

CLP/cb