

IOWA DENTAL BOARD

JULY 13-14, 2010 MEETING MINUTES DES MOINES, IOWA

The open session meeting of the Iowa Dental Board was called to order at 10:30 a.m. on Tuesday, July 13, 2010, in the conference room, 400 S.W. 8th St., Suite D, Des Moines, Iowa, by the vice chairperson of the Board, Gary Roth, D.D.S.

Members present at this meeting:

Gary D. Roth, D.D.S., Chairperson
Perry T. Grimes, D.D.S., Vice Chairperson
VaLinda J. Parsons, D.H., Secretary
Steven P. Bradley, D.D.S.
Michael J. Rovner, D.D.S.
Marijo A. Beasler, D.H.
Diane Meier, Public Member
Kimberlee Spillers, Public Member

Also present:

Phil McCollum, Interim Executive Director
Christel Braness, Administrative Assistant
Brian Sedars, Investigator
Dee Ann Argo, Administrative Assistant
Jennifer Hart, Executive Officer
Janet Arjes, Executive Officer
Theresa O'Connell Weeg, Assistant Attorney General
Sara Scott, Assistant Attorney General

PUBLIC COMMENT

Dr. Roth allowed time for public comment.

Dr. Roth also took the opportunity to welcome Dr. Bradley to the board as its newest member.

MINUTES

Motion by Dr. Bradley, seconded Ms. Spillers, to approve the minutes of the April 6-7, 2010, meeting of the board and the June 18, 2010, and June 28, 2010, teleconference meetings of the board.

Vote: Unanimous.

Motion carried.

EXECUTIVE DIRECTOR REPORT

INTERIM DIRECTOR

Dr. Roth thanked Mr. McCollum for his service as the interim director of the board upon Ms. Price's retirement.

FISCAL REPORT

Mr. McCollum reported that the board would receive a final fiscal report for fiscal year 2010 at the October 2010 board meeting following the final close-out of all payments for that fiscal year on August 31, 2010. Mr. McCollum indicated that spending for the current fiscal year is on target.

The board members received a copy of the proposed budget for fiscal year 2011 in their folders.

RENEWALS

Mr. McCollum reported that applications for renewal of all dental licenses were mailed July 2, 2010.

DATABASE PROJECT

Mr. McCollum reported that the database project is currently on track. The new database may go live in late October or early November.

LEGAL UPDATE

Ms. Weeg introduced Sara Scott as a new assistant attorney general with the Attorney General's office. Ms. Scott will be working with Ms. Weeg on some of the licensing boards. Ms. Weeg reported that the Attorney General's office has started to take a team approach with various state agencies.

Ms. Weeg reported that Dr. Bell's case was dismissed by the 8th Circuit. The case has now concluded.

ELECTION OF OFFICERS

Motion by Ms. Beasler, seconded Ms. Meier, to nominate Dr. Roth to the position of chairperson.

Vote: Unanimous.
Motion carried.

Motion by Dr. Bradley, seconded by Ms. Beasler, to nominate Dr. Grimes to the position of vice chairperson.

Vote: Unanimous.
Motion carried.

Motion by Ms. Beasler, seconded Ms. Spillers, to nominate Ms. Parsons as secretary.

Vote: Unanimous.
Motion carried.

EXECUTIVE DIRECTOR APPOINTMENT

Dr. Roth reported that the search committee was comprised of Dr. Roth, Ms. Price, Ms. Weeg, Ms. Parsons and Dr. Kuempel. The committee's recommendation for the position of executive director is Ms. Melanie Johnson. Ms. Johnson is an attorney and has worked at the state for a number of years.

Motion by Dr. Rovner, seconded Ms. Meier, to accept the committee's recommendation.

Vote: Unanimous.
Motion carried.

Dr. Roth indicated that Ms. Johnson will not begin immediately. Mr. McCollum will continue to serve as interim director until she begins employment at the Iowa Dental Board.

Ms. Johnson took the opportunity to thank the search committee for their time. Ms. Beasler also thanked the search committee and Mr. McCollum for their time.

DENTAL HYGIENE COMMITTEE

ELECTION OF DENTAL MEMBER

Motion by Ms. Parsons, seconded Ms. Beasler, to appoint Dr. Roth to the Dental Hygiene Committee as the dental member.

Vote: Unanimous.
Motion carried.

COMMITTEE APPOINTMENTS

Mr. McCollum reported that there are no current recommendations for IPRC member appointments. Staff has attempted to find replacements for the former committee members; however, information is not available at this time. Dr. Roth thanked the committee members for their service.

Dr. Roth indicated that the Anesthesia Credentials Committee (ACC) would like to nominate Kaaren Vargas, D.D.S. to the ACC committee as she is a pediatric dentist with a moderate sedation permit. Given the recent changes to board rules regarding sedation, and in particular, the sedation of pediatric patients, the committee members felt that it was important to have a committee member who has experience in the sedation of pediatric patients.

Motion by Ms. Meier, seconded Ms. Spillers, to accept the committee's recommendation.

Vote: Unanimous.
Motion carried.

Dr. Roth recommended adding Ms. Spillers to the Continuing Education Advisory Committee and the Licensure and Registration Committee, adding Dr. Bradley to the Dental Assistant Registration Committee and removing Dr. Roth from the Dental Assistant Registration Committee.

Motion by Dr. Rovner, seconded Dr. Bradley, to accept the committee changes as recommended.

Vote: Unanimous.
Motion carried.

Motion by Ms. Meier, seconded Ms. Spillers, to also add Dr. Bradley to the Ad-hoc Examination Committee and make Dr. Grimes chairperson of the committee.

Vote: Unanimous.
Motion carried.

2011 BOARD MEETINGS

Following board discussion, the board set the following meeting dates for 2011:

January 25-26, 2011
April 12-13, 2011
July 21-22, 2011
October 27-28, 2011

EXAMINATIONS

Dr. Roth recommended that Dr. Grimes serve on the CRDTS Dental Examination Review Committee, and that Ms. Beasler continue on the Dental Hygiene Examination Review Committee. Dr. Roth indicated that he would like to serve on the Steering Committee.

Motion Ms. Meier, seconded Ms. Beasler, to accept the appointments as recommended.

Vote: Unanimous.
Motion carried.

Dr. Roth encouraged all of the board members to attend the CRDTS Annual meeting in August. The meetings are excellent at providing a wealth of information to the board members about the examination process.

CRDTS – CENTRAL REGIONAL DENTAL TESTING SERVICE, INC.
DENTAL STEERING COMMITTEE REPORT
Dr. Roth indicated that he did not have a report.

CRDTS – CENTRAL REGIONAL DENTAL TESTING SERVICE, INC.
DENTAL EXAMINATION REVIEW COMMITTEE REPORT
Dr. Roth indicated that he did not have a report.

CRDTS – CENTRAL REGIONAL DENTAL TESTING SERVICE, INC.
DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE REPORT
Ms. Beasler reported that the Dental Hygiene Examination Review Committee met the previous weekend. The examination statistics, which were available to date, were discussed. There are approximately 1300 dental hygienists who will test this year. There will be a few changes to the dental hygiene examination for next year based on feedback from interested parties.

The examinations are going very well. A number of states are reported to be adding the CRDTS examinations.

COMMITTEE REPORTS

ANESTHESIA CREDENTIALS COMMITTEE (ACC)

Dr. Roth reported that the ACC has reviewed and recommended permits for a number of licensees.

VALERIE B. PECKOSH, D.D.S.
PERMIT APPLICATION

The members of the board considered an application for moderate sedation permit.

Motion by Dr. Grimes, seconded Dr. Bradley, to approve the moderate sedation permit.

Vote: Unanimous.
Motion carried.

JONATHAN R. DEJONG, D.D.S.; STEVEN L. FLETCHER, D.D.S.; KAREN K. POTACZEK,
D.D.S.
PERMIT APPLICATION

The board considered applications for general anesthesia permits.

Motion by Dr. Bradley, seconded Dr. Grimes, to approve the deep sedation/general anesthesia permits as recommended.

Vote: Unanimous.
Motion carried.

Dr. Edward Murray has applied for a waiver to the sedation rules regarding the moderate sedation of pediatric patients. Dr. Murray provided evidence regarding his past sedation experience in support of his waiver request.

Dr. Roth recommends the approval of Dr. Murray's waiver request.

Motion by Ms. Spillers, seconded Ms. Beasler, to approve the waiver request pending approval from the ACC of his practice and sedation history.

Vote: Unanimous.
Motion carried.

Dr. Humbert has also applied for a waiver of the sedation rules regarding the moderate sedation of pediatric and medically-compromised patients. Dr. Humbert currently teaches at the University of Iowa College of Dentistry. Moderate sedation is a part of the curriculum he teaches. Dr. Humbert received his training in a residency program, but he is unable to provide sufficient evidence to the length of time since the residency was completed.

Motion by Dr. Grimes, seconded Ms. Beasler, to approve the waiver request pending approval from the ACC of his training and sedation history.

Vote: Unanimous.
Motion carried.

CONTINUING EDUCATION ADVISORY COMMITTEE

Ms. Beasler reported that the board was provided a list of the continuing education courses, which have been reviewed since the last meeting.

Ms. Beasler handed out information regarding a course titled "Understanding Personality Disorders." Ms. Beasler initially recommended awarding two hours of credit for the course. However, the sponsor has appealed the ruling. Following some discussion of the course, the Continuing Education Advisory Committee determined that the original recommendation for two hours of credit was appropriate. The sponsor appealed the decision again; therefore, the course is being forwarded to the board for consideration. The board discussed the course and how it relates to the practice of dentistry.

Motion by Dr. Rovner, seconded Ms. Spillers, to approve the committee's recommendation for two hours of credit.

Vote: Unanimous.
Motion carried.

Motion by Ms. Parsons, seconded Ms. Beasler, to recommend approval of the continuing education courses as submitted.

Vote: Unanimous.
Motion carried.

Ms. Beasler stated that University of Iowa College of Dentistry is an approved sponsor for continuing education. However, their flyers often do not indicate whether credit is awarded for a particular course. The board asked that sponsors be notified that they should indicate whether a course is eligible for credit, and if so, for how many hours. Ms. Braness indicated that this information could be included in the letter, which will go to sponsors as they are approved.

Ms. Braness reported that the board was provided a list of sponsors, which have applied for recertification of continuing education sponsor status. The Minnesota Dental Association has also applied for sponsor status.

Motion by Dr. Bradley, seconded Ms. Parsons, to approve the continuing education sponsors as submitted.

Vote: Unanimous.
Motion carried.

Ms. Hart indicated that the new database will include functionality for sponsors to provide information to licensees and the public regarding courses and other related information.

DENTAL HYGIENE COMMITTEE

Ms. Parsons indicated that she did not have a report.

ISSUES FOR CONSIDERATION

VOLUNTEER HEALTH CARE PROVIDER PROGRAM

Mr. McCollum reported that the Iowa Department of Public Health indicated that they would no longer be appearing today as they wished to have more time to better prepare for a meeting with the board on this matter.

BOARD MEMBERSHIPS

Mr. McCollum indicated that he has not yet received a response on the request, which was recently resubmitted for approval.

USE OF RESTALYN, BOTOX, AND OTHER DERMA FILLERS BY LICENSED DENTISTS

Ms. Hart reported that the statement regarding the use of Restalyn, Botox, and other derma fillers by licensed dentists was put out for public comment and no comments were received.

Motion by Dr. Grimes, seconded Ms. Spillers, to approve the position statement, which was previously submitted.

Vote: Unanimous.
Motion carried.

COST OF INITIAL LICENSING AND RENEWAL

Mr. McCollum reported that the board regularly receives complaints regarding the licensing fees and cost of renewal in a renewal year.

Board rules essentially allow licensees to practice for “free” until the license is required to be renewed. However, some applicants feel there is some disparity between the length of time they are allowed to practice prior to renewal, depending upon the year of graduation.

Dr. Roth thinks that the fees are different based on the means of application and generally, the amount of work involved. To make it truly equitable, a license fee should be charged on top of the application fee.

Motion by Dr. Grimes, seconded Dr. Rovner, to draft rules to address this concern.

Vote: Unanimous.
Motion carried.

DENTURE CLEANING SERVICES

Mr. McCollum reported that the board received a request regarding an entrepreneurial opportunity relating to denture cleaning services. Mr. McCollum spoke with Mr. Barbour and addressed some of the concerns related to billings, as well as other issues of possible concern.

Ms. Hart pointed out that the board needs to determine if this is a service, which would be permissible without supervision of a dentist.

Following a lengthy discussion of the matter, Ms. Weeg indicated that the board could send a letter to him clarifying that he would not be allowed to perform any services, which could be constituted as the practice as dentistry.

Motion by Dr. Rovner, seconded Dr. Bradley, to send a letter clarifying the limits to this service.

Vote: Unanimous.
Motion carried.

CONSIDERATION OF RULES

650 IOWA ADMINISTRATIVE CODE VARIOUS CHAPTERS

Ms. Hart summarized the proposed rule changes. The rules will be eligible for adoption next week. However, the board can discuss the matter in case the board wants to make changes prior to adoption.

Ms. Hart and Mr. McCollum discussed some of the concerns related to the billing issues. It is recommended that changes be made to some of the wording, which would allow dentists to collect fees related to services as they are provided.

ANNUAL REGULATORY PLAN

Ms. Hart reported that the annual regulatory plan has been submitted for the board's approval. Ms. Hart provided an overview of prospective changes.

Motion by Dr. Rovner, seconded Ms. Spillers, to approve the annual regulatory plan as proposed.

Vote: Unanimous.

Motion carried.

LEGISLATION – 2010 SESSION

CONSIDERATION OF FELONY FOR ILLEGAL PRACTICE OF DENTISTRY

Ms. Hart reported that the request to make the illegal practice of dentistry a felony was in a bill with the Iowa Department of Public Health, which did not make it through the last legislative session. The board will again pursue this matter during the upcoming legislative session.

CORPORATE PRACTICE OF DENTISTRY

Mr. McCollum reported that Iowa was one of the few states, which does not currently regulate the corporate practice of dentistry.

Dr. Grimes put together a fact sheet regarding national trends relating to the corporate practice of dentistry. Dr. Grimes summarized the information on the fact sheet. States, at a minimum, often determine who can own a dental practice.

EXAMINATION FOR DENTAL LICENSURE

Dr. Roth reported that he would table this discussion for a later time.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION

PETITION FOR WAIVER

Ms. Hart reported that Dr. Ritu Bansal has submitted an application for waiver as a foreign-trained dentist. Dr. Bansal has submitted information relating to her training and education. Ms. Hart summarized past cases, which the board found acceptable for waiver.

Dr. Bansal completed a residency program in dental public health, and Dr. Bansal has the equivalent of two years of training in this area. Dr. Bansal is also board-certified in practice of dental public health. To date, Dr. Bansal has completed a clinical examination. Dr. Bansal would complete the other requirements for licensure upon approval of the waiver by the board.

Motion by Ms. Spillers, seconded Ms. Parsons, to approve the waiver request pending documentation of the equivalent of two years of training.

Vote: Unanimous.
Motion carried.

Ms. Hart indicated that the board received a request for a waiver of the renewal fees for Dr. Larry Book. Ms. Hart indicated that fees are not subject to waiver as board rules do not currently allow the waiver of fees.

Motion by Ms. Beasler, seconded Ms. Spillers, to deny the request.

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 July 12, 2010, the board licensed 54 dentists and 71 dental hygienists; issued 9 resident dental licenses, 2 faculty permits, and 71 local anesthesia permits. The board registered 103 dental assistants with the additional qualification in dental radiography and 6 dental assistants registered without a qualification in dental radiography; and trainee status to 88 dental assistants.

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

Vote: Unanimous.
Motion carried.

Ms. Braness reported that Dr. Mathew Berg submitted an application for dental license by credentials. Dr. Berg has practiced in more than one state during the last three years. Board rules require three years of practice in state, or practice satisfactory to the board.

Motion by Dr. Grimes, seconded Dr. Bradley, to approve Dr. Berg's practice history, which would allow him to complete the application for license by credentials.

Vote: Unanimous.
Motion carried.

UPCOMING BOARD MEETINGS

Dr. Roth revisited upcoming board meetings. In April 2009, the board discussed meeting in Iowa City with the University of Iowa College of Dentistry in the fall. Dr. Roth proposed that with the appointment of a new executive director, among other things, that the October meeting of the board be held in Des Moines as usual.

Dr. Grimes and Dr. Roth indicated that the board should meet with the college of dentistry following the CRDTS annual meeting, and before the October 2010 board meeting in order to discuss matters relating to the clinical examinations, which are required for licensure as a dentist in the state of Iowa.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Roth allowed time for public comment.

CLOSED SESSION

Motion by Ms. Spillers, seconded Ms Beasler, 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. Roth, aye; Dr. Bradley, aye; Dr. Rovner, aye; Dr. Grimes, aye; Ms. Parsons, aye; Ms. Beasler, aye; Ms. Meier, aye; Ms. Spillers, aye.

Motion carried.

OPEN SESSION

IN THE MATTER OF
BRITTANY L. MCELMEEL, R.D.A.

The Board considered a proposed Notice of Hearing and Statement of Charges regarding this matter.

Motion by Ms. Meier, seconded Ms. Beasler, that the Board determined to approve the Notice of Hearing and Statement of Charges as proposed and also determined to have Board staff send her current employer a copy of the charges.

Vote: Unanimous.

Motion carried.

IN THE MATTER OF
CORI A. TERRY, R.D.A.

The Board considered a proposed Notice of Hearing and Statement of Charges regarding this matter.

Motion by Ms. Meier, seconded Ms. Beasler, that the Board determined to approve the Notice of Hearing and Statement of Charges as proposed and also determined to have Board staff send her current employer a copy of this Order.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
ROBIN L. SPENCER, R.D.H.

The Board considered a proposed Notice of Hearing and Statement of Charges regarding this matter.

Motion by Ms. Meier, seconded Ms. Beasler, that the Board determined to approve the Notice of Hearing and Statement of Charges as proposed.

Vote: Unanimous.
Motion carried.

IN THE MATTER OF
ELIZABETH L. KAYSER, R.D.A.

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

Motion by Ms. Meier, seconded Ms. Beasler, 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
NICOLE S. WHITE, R.D.A.

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

Motion by Ms. Meier, seconded Ms. Beasler, 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
DENNIS J. SCHULLER, D.D.S.

Dr. Grimes did not participate in the discussion of this matter.

The Board considered a proposed Emergency Adjudicative Order and Notice of Hearing and Statement of Charges regarding this matter.

Iowa Dental Board
Minutes July 13-14, 2010

Motion by Ms. Spillers, seconded Dr. Bradley, that the Board determined to approve the Emergency Adjudicative Order and Notice of Hearing and Statement of Charges as proposed and schedule a hearing to be held August 23 and 24, 2010.

Vote: Ms. Spillers, aye; Ms. Beasler, aye; Ms. Meier, aye; Dr. Rovner, aye; Dr. Bradley, aye; Ms. Parsons, aye. Dr. Grimes abstain.
Motion carried.

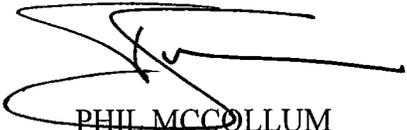
NEXT MEETING OF THE BOARD

The next meeting of the board is scheduled for October 14-15, 2010, in Des Moines, Iowa.

ADJOURNMENT

The board adjourned its meeting at 11:30 a.m. on July 14, 2010.

Respectfully submitted,



PHIL MCCOLLUM
Interim Executive Director

PM/cb