



STATE OF IOWA

IOWA DENTAL BOARD

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

MELANIE JOHNSON, J.D.
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD

MINUTES

October 14-15, 2010

Conference Room

400 S.W. 8th St., Suite D

Des Moines, Iowa

Board Members

	October 14	October 15
Gary D. Roth, D.D.S., Chairperson	Present	Present
Perry T. Grimes, D.D.S., Vice Chairperson	Present	Present
VaLinda J. Parsons, D.H., Secretary	Present	Present
Lynn D. Curry, D.D.S.	Present	Present
Michael J. Rovner, D.D.S.	Present	Present
Marijo A. Beasler, D.H.	Present	Present
Kimberlee Spillers, Public Member	Present	Present
Steve Bradley, D.D.S.	Absent	Absent
Diane Meier, Public Member	Absent	Absent

Staff Members

Melanie Johnson, Christel Braness, Phil McCollum, Brian Sedars, Dee Ann Argo, Jennifer Hart, Janet Arjes.

Attorney General's Office

Theresa O'Connell Weeg, Assistant Attorney General
Sara Scott, Assistant Attorney General

Other Attendees

Dr. David Johnsen, D.D.S., Dean of the University of Iowa College of Dentistry
Dr. David Holmes, D.D.S., University of Iowa College of Dentistry
Larry Carl, Executive Director, Iowa Dental Association
Tracy Rodgers, Iowa Department of Public Health
Mary Kelly, Iowa Dental Hygiene Association
Michelle Dougherty, Iowa Dental Hygiene Association
Carol Van Aernam, Iowa Dental Hygiene Association
Jeannene Veenstra, Iowa Dental Assistant Association
Dr. Stephen Thies, D.D.S., Iowa Academy of General Dentistry

CALL TO ORDER FOR OCTOBER 14, 2010

Chairman Roth called the open session of the Iowa Dental Board meeting to order at 10:50 a.m. on Thursday, October 14, 2010. A quorum was established with seven members present.

Roll Call:

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Grimes</u>	<u>Meier</u>	<u>Parsons</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x		x	x		x	x	x	x
Absent		x			x				

APPROVAL OF MINUTES

- *July 14-15, 2010 Minutes*
Ms. Beasler indicated that a correction needed to be made on page 11 of the July meeting minutes. There is a typographical error, which should be corrected.
- ❖ MOVED by BEASLER, SECONDED by ROVNER, to approve the minutes of July 14-15, 2010 board meetings following the correction as noted. Motion APPROVED unanimously.
- *October 1, 2010 Minutes*
- ❖ MOVED by SPILLERS, SECONDED by ROVNER, to approve the minutes of October 1, 2010 telephonic meeting. Motion APPROVED unanimously.

PUBLIC COMMENT

Chairman Roth allowed time for public comment. No public comments were received.

DISCUSSION OF TESTING OPTIONS (CRDTS, WREB, OTHER)

Chairman Roth exercised his discretion to take agenda items in a different order to accommodate the schedules of the guests from the University of Iowa College of Dentistry.

Dean David Johnsen thanked the Board members for allowing them the opportunity to address them. Dr. Johnsen provided some background information pertaining to the recruiting and training of students at the College of Dentistry, enrollment numbers, and average time students spent in clinics. Dr. Johnsen encouraged the Board to hold a future meeting in Iowa City. Dr. Johnsen indicated that the Board’s new executive director, Ms. Johnson, had recently met with faculty members and toured the College of Dentistry.

Dr. Holmes and Dr. Johnsen provided information and their perspectives on: (1) whether any exam is a better indicator of future problems or issues in dentistry, (2) the history of examinations in Iowa and other states, (3) the WREB and CRDTS examinations, including the similarities and differences, and (4) the ADEX examination. Dr. Holmes and Dr. Johnsen thanked the Board members for their time.

Dr. Roth expressed concerns about the fact that the College of Dentistry does not offer the CRDTS examination. He reported that with the exception of Missouri (and Iowa), CRDTS' member states offered the CRDTS examination at their state dental schools. Dr. Roth indicated that CRDTS' bylaws now require that the examination be administered within a member state. Iowa was grandfathered-in as an originating member. He indicated that at some point Iowa may not be allowed to remain a member of CRDTS without the examination being administered in Iowa.

Discussion was held on: (1) previous discussions between the Board and the College of Dentistry about the clinical examinations that are given in Iowa, (2) the mutual desire that the Board and the College of Dentistry find a way to resolve this matter, and (3) options available to both.

Dr. Roth suggested that it was time for the Board to reach consensus on this topic and decide which of these options it was going to take: (1) CRDTS examination is offered at the University of Iowa College of Dentistry, (2) pursue legislation, or (3) decertify WREB.

Dr. Johnsen stated that he would like to hear the opinions of the other Board members on the matter. Dr. Grimes asked what the College's opinion about offering CRDTS instead of WREB, or offering both. Dr. Holmes indicated that the financial/cost aspect makes offering both cost prohibitive.

Dr. Holmes expressed his opinion that both examinations provide a safeguard. Dr. Roth indicated that being members of two clinical examination agencies would be time prohibitive for Board members.

Ms. Parsons asked why, if both examinations are comparable, the College couldn't offer CRDTS instead of WREB. Dr. Holmes indicated that there were a number of administrative issues that posed some problems for the College.

Ms. Parsons indicated one issue with the WREB examination, from her perspective, was that it did not test for crown preparation. She indicated that this is something that most general dentists do in their offices.

Dr. Rovner asked for more specific information regarding the problems, administratively, which caused the College to stop offering CRDTS. Dr. Holmes indicated that there were problems getting the manuals and other items that were critical for the dental students to practice prior to the examination.

Ms. Beasler asked if the administrative problems arose from the ADEX association, or is it CRDTS. CRDTS is no longer a member of ADEX, and those problems may, or may not, currently exist with CRDTS. Dr. Holmes indicated that a number of these problems actually were associated with ADEX.

Ms. Spillers asked what it costs for the College of Dentistry to offer an examination. Dr. Holmes and Dr. Johnsen indicated that they do not have a specific number. However, Dr. Johnsen indicated that it would be a six figure cost.

Dr. Curry indicated that if most states accept both examinations, it would be hard for him to support decertifying one or the other.

Dr. Rovner asked if it would be possible to alternate years with the examination. Ms. Spillers asked how the College felt about Dr. Rovner's suggestion. Dr. Johnsen indicated that they would act as needed.

❖ MOVED by GRIMES, SECONDED by PARSONS, to decertify the WREB (dental) examination.

Discussion was held on the pros and cons of decertifying WREB, the impact on the working relationship between the Board and the College of Dentistry, other options other than initiating rules to decertify WREB, and an informal arrangement that would avoid formal action by the Board.

Following discussion, Dr. Grimes withdrew his motion. MOTION WITHDRAWN.

❖ MOVED by ROVNER, SECONDED by SPILLERS, to have the College offer CRDTS in 2011, whether the integrated format or traditional format is selected by the College, as opposed to decertifying WREB.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Grimes</u>	<u>Meier</u>	<u>Parsons</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Aye	x		x	x		x	x	x	x
Nay									
Absent		x			x				

Motion APPROVED by ROLL CALL

The Board recessed at 12:10 p.m. for a lunch break

The Board reconvened in open session at 12:52 p.m.

REPORTS

EXECUTIVE DIRECTOR REPORT

Ms. Johnson reported that during the last two months she has had an opportunity to meet with representatives of most of the dental profession organizations and met with the dean and faculty at the University of Iowa College of Dentistry.

Ms. Johnson provided the Board members with updated fiscal reports that included a close-out for FY10 and a quarterly update for FY2011, informed them that she had recently received confirmation that the Board's memberships in the American Association of Dental Boards and American Association of Dental Administrators had received state approval, and provided an update on the status of the licensing database and Web site development projects.

Ms. Johnson reported that the board office staff have been very helpful, open to making changes, and have provided her with background information. Ms. Johnson concluded her report by informing the Board that during this busy period of changes at the office, she wanted them to know that staff also completed and mailed dental license renewals in a timely manner.

LEGAL REPORT

Ms. Weeg reported that Dr. Vidal's appeal is scheduled for oral arguments later this month. Ms. Weeg has not yet received their brief. It will be a matter of time to see what his arguments will be, but Ms. Weeg indicated that she is aware that Dr. Vidal is especially concerned about the requirement to return to BMI.

ANESTHESIA CREDENTIALS COMMITTEE (ACC) REPORT

▪ Recommendation regarding site visit policy

Dr. Roth reported that the ACC met a few weeks ago in Iowa City. There was discussion at the Committee meeting about facilities where a sedation permit holder is not in the office on an ongoing basis. The Committee discussed how this should be addressed. The ACC is strongly recommending that all facilities be permanently equipped.

The ACC recommended to the Board that it:

1. Continue ongoing facility inspection every 5 years;
2. Amend current policy for inspections regarding the University of Iowa College of Dentistry; the College should submit a written certification indicating that they are properly equipped pursuant to IAC 650 – Chapter 29.

Ms. Weeg stated that instead of presenting these in the form of a policy statement, they should be included in the proposed rule amendments that staff will be bringing back to the Board.

❖ **MOVED** by SPILLERS, **SECONDED** by BEASLER, that the Board accept the Committee's recommendation regarding site facility inspections, and that the University of Iowa College of Dentistry submit certification of facility inspection. Motion **APPROVED** unanimously.

▪ Recommendation regarding moderate sedation applications

Dr. Roth indicated the following moderate sedation applications were received and recommended for approval by the ACC:

1. Quinn Morarend, D.D.S. (patients 13 years and older, ASA 1-2);
2. Todd Hoepfner, D.D.S (Patients 13 years and older, ASA 1-2, pediatric patients and ASA 3-4);

3. Michael Mathews, D.D.S. (Patients 13 years and older, ASA 1-2, pediatric patients)

- ❖ MOVED by SPILLERS, SECONDED by BEASLER, to approve the applications for moderate sedation permits as recommended. Motion APPROVED unanimously.

CONTINUING EDUCATION ADVISORY COMMITTEE REPORT

- *Ratification of actions taken by the Committee since last meeting*

Ms. Beasler reported that in the meeting folder the Board was provided with an updated list of the continuing education courses that have been reviewed since the July meeting.

- ❖ MOVED by PARSONS, SECONDED by BEASLER, to approve the actions taken by the Committee on continuing education courses. Motion APPROVED unanimously.

- *Discussion of continuing education sponsors*

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.

- ❖ MOVED by BRADLEY, SECONDED by PARSONS, to approve the actions taken by the Committee on continuing education sponsors. Motion APPROVED unanimously.

- *Review of course – “Understanding Personality Disorders”*

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 requested a review of the Committee Chair’s decision. 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 requested a review of the Committee’s decision; therefore, the course was forwarded to the full Board for consideration. The Board discussed the course and how it relates to the practice of dentistry.

- ❖ MOVED by ROVNER, SECONDED by SPILLERS, to approve the Committee’s recommendation for two hours of credit. Motion APPROVED unanimously.

EXECUTIVE COMMITTEE REPORT

Dr. Roth reported that Executive Committee met in the morning prior to the Board meeting.

Dr. Grimes reported that he attended the meetings of the AADB in Florida earlier this month. A number of speakers presented information. Dr. Grimes provided an overview of items of interest from the AADB meeting as outlined in his memorandum provided to the Board.

LICENSURE/REGISTRATION COMMITTEE REPORT

Ms. Parsons indicated that they do not have a report at this time.

DENTAL HYGIENE COMMITTEE REPORT

Ms. Parsons reported that the Dental Hygiene Committee had met in the morning prior to the Board meeting. At the Committee meeting there was a discussion relating to the issuance of dual registration/licensure for dental assistant registration and dental hygiene licensure. The Committee is recommending that the Board draft rules allowing dental hygienists to perform expanded functions assuming that they can prove completion of approved training.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

- *Committee recommendation regarding request to approve expanded function continuing education course*

Ms. Arjes reported on behalf of the Committee that a dental assistant requested approval of a nitrous monitoring course as described in the Report to the Board included in the meeting materials. The Committee recommends approval.

- ❖ MOVED by ROVNER, SECONDED by CURRY, to approve the expanded functions course as recommended by the Committee. Motion APPROVED unanimously.

AD-HOC EXAMINATION COMMITTEE REPORT

Dr. Grimes reported that after the July Board meeting, the Committee had asked to meet with the University of Iowa College of Dentistry, but that the College representatives had indicated that they preferred to discuss this matter at a meeting of the full Board.

EXAMINATIONS REPORT

- *CRDTS – Dental Steering Committee*

Dr. Roth reported that he attended his first Steering Committee. Dr. Roth reported that Dr. Kuempel is president-elect of CRDTS.

- *CRDTS - Dental Hygiene Examination Review Committee*

Ms. Beasler reported that CRDTS is in need of additional dental hygiene examiners. CRDTS would like to receive recommendations from the Board for dental hygiene examiners from Iowa. She asked board members to submit recommendations for dental hygiene examiners.

- *CRDTS - DDS Examination Review Committee*

Dr. Grimes reported that he attended the meeting and provide a summary of the discussion at the meeting.

IOWA PRACTITIONER REVIEW COMMITTEE REPORT

Mr. Sedars reported that the Board was provided information in its meeting folder relating to the current numbers of licensees participating in the IPRC.

ADMINISTRATIVE RULES/RULES WAIVERS

- *Approval to File Final Rule Amendments: Chpts. 11, 13, 25 & 27 (Notice ARC #8846B)*

Ms. Johnson reported that the Board approved proposed rule amendments in April, 2010. As a result of public comment, the final rule amendments include some changes to the proposed rules. Ms. Johnson reviewed and discussed the recommended final rule amendments with the Board.

- ❖ MOVED by BEASLER, SECONDED by PARSONS, to approve the filing of final rule amendments as presented. Motion APPROVED unanimously.

Dr. Grimes indicated that the Board may want to notify CARE Credit of the Board's new rules. Board members asked if the Iowa Dental Association could help get the information about the new rules out to its membership. Larry Carl with IDA agreed to help notify its members about the rule revisions.

- *Draft Rule Amendments for Discussion & Possible Action re: Sedation Permits, Fees, General Update and Clarification*

Ms. Johnson reported that draft rule amendments were provided to the Board for consideration, but that there was insufficient time to complete a final draft of all the proposed rule amendments. Ms. Johnson requested a 30-day extension to finalize and present a final draft to the Board.

Ms. Johnson and Mr. McCollum provided an overview of the proposed rule amendments in the materials provided at this meeting. Ms. Johnson described the proposed amendments to 650 Iowa Administrative Code - Chapter 15, "Fees." Dr. Roth expressed concern about referring to the pro-rated fee as a "renewal fee." He would prefer that the terminology refer to a "licensing fee" or "initial licensing fee." He indicated that he thought referring to an "application fee" and an "initial licensing fee" could avoid some confusion for licensees and clarify that these are two separate fees. The "initial licensing fee" is the fee that would be prorated.

Ms. Johnson described the proposed amendments to 650 Iowa Administrative Code - Chapter 29, "Sedation And Nitrous Oxide Inhalation Analgesia." Dr. Roth recommended removing the reference to the grandfathering period for obtaining a sedation permit as it is no longer a valid option.

Ms. Johnson asked Ms. Weeg if there were any legal issues with allowing a "provisional permit." Ms. Weeg expressed the opinion that this rule may need to be removed. She said that if a provisional permit were issued under this rule, and the Board were to deny the permit, it raises a number of issues and concerns. Ms. Johnson suggested that the process could be changed to more closely match the process for licensure which does not provide for a "provisional license." The process would provide for final decisions to be made by board staff or a Board Committee.

Ms. Weeg indicated that this would be acceptable. Only the “problem” applications would go through additional review/approval prior to licensing and permitting.

- ❖ MOVED by CURRY, SECONDED by SPILLERS, to table discussion on rule changes for 30 days to allow more time to address some of these items. Motion APPROVED unanimously.
- *Rule Waiver Request From James Townsend, D.D.S. for Waiver to Sedate Pediatric and Medically Compromised Patients*

Dr. Roth reported that the Board received a rule waiver request relating to the requirements for the moderate sedation of pediatric patients and medically-compromised patients. The Anesthesia Credentials Committee recommended approval, with some stipulations.

- ❖ MOVED by BEASLER, SECONDED by SPILLERS, to approve the waiver request with the stipulations as recommended by the Committee. Motion APPROVED unanimously.

LEGISLATIVE UPDATE

- *Discussion & Review of Draft Bill Re: Felony For Illegal Practice of Dentistry*

Ms. Johnson reported that this is a hold-over item from last legislative session. Ms. Johnson provided context, background and an overview of the bill proposal to make the illegal practice of dentistry a felony.

- ❖ MOVED by SPILLERS, SECONDED by ROVNER to move forward with legislation. Motion APPROVED unanimously.

OTHER BUSINESS

- *Adoption of Resolution re: Consent For Sale/Lease of Goods and Services by Board Members/Staff*

Ms. Johnson reviewed the proposed resolution. The resolution consents to board members selling goods and services to individuals, associations, or corporations that are subject to the regulatory authority of the Board provided the board member meets the specific conditions listed. Ms. Weeg answered questions from Board members about the resolution.

- ❖ MOVED by SPILLERS, SECONDED by BEASLER to adopt the resolution. Motion APPROVED unanimously.

- *Annual Review of Fee Schedule*

Ms. Johnson reported that the Iowa Code requires licensing boards to annually review and adjust their schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year. The

Board reviewed the fee schedule and financial information and determined that fees generated were sufficient to cover annual costs.

Staff responded to questions about the budget reports.

- *Preview of updated IDB Website*

Due to technical difficulties a preview was not possible during the meeting. The Board members were provided with a link to the test Web site instead.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Roth allowed time for public comment. No additional public comments were received.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION & OTHER REQUESTS

- *Ratification of Actions Taken by Executive Director Since Last Meeting on Applications*

Ms. Johnson reported that the Board was provided with an updated list of licenses, registrations and permits issued since the July meeting.

❖ MOVED by BEASLER, SECONDED by CURRY to ratify the actions taken on licenses, registrations and permits. Motion APPROVED unanimously.

- *Status of Preliminary Denial: Hastings*

Ms. Weeg provided an update on the Board's decision to deny Dr. Hasting's application for a dental license. Ms. Weeg reported that a Preliminary Notice of Denial was forwarded to Dr. Hastings on December 14, 2009. The Board's administrative rule allow for a 30-day period within which an applicant can appeal a preliminary denial of licensure. Dr. Hastings initially appealed the Board's decision; however, he later withdrew his appeal. The 30-day period had passed and the board office had not received a notice to resubmit the appeal. If an applicant does not appeal a preliminary notice of denial, the preliminary notice of denial automatically becomes final. No Board action is needed. Board staff will send a Notice of Denial to Dr. Hastings.

The Board recessed at 2:00 p.m.

The Board reconvened in open session at 2:15 p.m.

CLOSED SESSION

❖ MOVED by SPILLERS, SECONDED by CURRY to go into closed session pursuant to Iowa Code Section 21.5(1)(d) to discuss and review complaints and investigative reports which are required by state law to be kept confidential.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Grimes</u>	<u>Meier</u>	<u>Parsons</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Aye	x		x	x		x	x	x	x
Nay									
Absent		x			x				

Motion APPROVED by ROLL CALL

The Board convened in closed session at 2:30 p.m.

The Board recessed closed session at 4:35 p.m. on October 14, 2010.

The Board reconvened in closed session on October 15, 2010 at 9:00 a.m.

The Board adjourned closed session at 2:00 p.m.

The Board reconvened in open session at 2:05 p.m.

OPEN SESSION

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

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

- ❖ MOVED by BEASLER, SECONDED by PARSONS that the Board determined to approve the Stipulation and Consent Order as proposed. Motion APPROVED unanimously.

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

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

- ❖ MOVED by BEASLER, SECONDED by CURRY that the Board determined to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed. Motion APPROVED unanimously.

IN THE MATTER OF
RANDALL H. BINZER, D.D.S.

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

- ❖ MOVED by CURRY, SECONDED by BEASLER that the Board determined to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed. Motion APPROVED unanimously.

IN THE MATTER OF
ASHLEY B. COLE, R.D.A.

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

- ❖ MOVED by BEASLER, SECONDED GRIMES that the Board determined to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed. Motion APPROVED unanimously.

IN THE MATTER OF
JUSTIN E. HILLOCK, D.D.S.

The Board considered a request to modify Dr. Hillock's February 23, 2010 Modification Order to reflect that he no longer be required to be re-evaluated at Behavioral Medicine Institute of Atlanta.

- ❖ MOVED by BEASLER, SECONDED by CURRY that the Board determined to approve the request to modify his February 23, 2010 Modification Order to reflect that he is not required to be re-evaluated at BMI. Motion APPROVED unanimously.

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for January 25-26, in Des Moines, Iowa.

ADJOURNMENT

Chairman Roth adjourned the meeting at 2:10 p.m. on October 15, 2010.

Respectfully submitted,

Melanie Johnson

Melanie Johnson, J.D.
Executive Director

MJ/cb