



# STATE OF IOWA

## IOWA DENTAL BOARD

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

MELANIE JOHNSON, J.D.  
EXECUTIVE DIRECTOR

**IOWA DENTAL BOARD**  
**MINUTES**  
**July 21, 2011**  
**Conference Room**  
**400 S.W. 8<sup>th</sup> St., Suite D**  
**Des Moines, Iowa**

**Board Members**

	<b>July 21</b>
Gary D. Roth, D.D.S., Chairperson	Present
Michael J. Rovner, Vice Chairperson	Present
Marijo A. Beasler, R.D.H., Secretary	Present
Steven Bradley, D.D.S.	Present
Lynn D. Curry, D.D.S.	Present
Steven C. Fuller, D.D.S.	Present
Mary C. Kelly, R.D.H.	Present
Diane Meier, Public Member	Present
Kimberlee Spillers, Public Member	Present

**Staff Members**

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

**Attorney General's Office**

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

**Other Attendees**

Carol Van Aernam, R.D.H., Iowa Dental Hygienists' Association  
Jane Slach, Iowa Dental Assistants' Association  
Tracy Rodgers, Iowa Department of Public Health  
Stephen R. Thies, D.D.S, Iowa Academy of General Dentistry  
Lori Pelke, Midwest Dental

**CALL TO ORDER FOR JULY 21, 2011**

Chairman Roth called the open session of the Iowa Dental Board meeting to order at 10:30 a.m. on Thursday, July 21, 2011. A quorum was established with all members present.

Roll Call:

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x	x	x	x	x
Absent									

### **PUBLIC COMMENT**

Chairman Roth allowed time for public comment.

### **APPROVAL OF MINUTES**

- *April 12, 2011 Minutes*
- ❖ MOVED by SPILLERS, SECONDED by ROVNER, to approve the minutes of April 12, 2011, Board meeting. Motion APPROVED unanimously.
- *April 20, 2011 Minutes*
- ❖ MOVED by BEASLER, SECONDED by ROVNER, to approve the minutes of April 20, 2011, telephonic meeting. Motion APPROVED unanimously.

### **REPORTS**

#### **EXECUTIVE DIRECTOR'S REPORT**

Ms. Johnson reported that Ms. Braness is running a projected image of all related Board materials for everyone to see, allowing better access to the related materials.

Ms. Johnson indicated that the Board has a copy of the director's report in the Board folders.

Ms. Johnson and Ms. Braness reported that the state law has changed regarding out of state travel approval. The Board members and all state employees must now seek approval for all out of state travel, regardless of reimbursement.

Ms. Johnson reported that the Board has entered into a Memorandum of Understanding with the Iowa Department of Public Health (IDPH) regarding some of the financial tasks to address some of the issues related to workload.

Ms. Johnson reported that things are very busy at the Board office due to a number of large projects. Since the database is not currently live yet, renewals were mailed on paper again this year. Approximately 7700 renewals are being processed on paper.

Ms. Johnson reported that there will be some further discussion related to fees and other staffing-related issues. The budget for fiscal year 2012 is less than last year, which will impact services. Decisions will not be made on these items today.

Ms. Johnson reported that her reclassification request was denied. Ms. Johnson also reported that the appeal has been submitted. A hearing has been scheduled for late August. Ms. Johnson indicated that her current classification is lower than the other licensing boards' directors.

Dr. Roth reported that the Attorney General's office has issued informal advice to the Board and the Iowa Department of Public Health that states under Iowa law the Board has authority to set the salary of their executive director, within the range for the position classification.

There was further discussion about the staffing shortages, which currently exist.

Ms. Johnson indicated that the Board has in the meeting folder a copy of the FTC ruling against the North Carolina Board of Dental Examiners involving teeth whitening.

### **LEGAL REPORT**

Ms. Weeg reported that the only case currently pending is the appeal by Dr. Vidal regarding the Board's discipline imposed against him. The case has been reassigned to another judge. Therefore, the decision has not yet been issued.

Ms. Weeg indicated that there has been some discussion with the Administrative Law judges to improve the hearing process. There will be ongoing discussions on this matter.

### **ANESTHESIA CREDENTIALS COMMITTEE REPORT**

Dr. Roth reported that the committee is recommending approval of general anesthesia permits for Dr. Ryan Marsh and Dr. Clinton Norby, as well as moderate sedation permit for Dr. Borgwardt.

- ❖ MOVED by ROVNER, SECONDED by CURRY, to approve the applications for general anesthesia permits as recommended. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by BEASLER, to approve the applications for moderate sedation permit upon successful completion of the facility inspection as recommended. Motion APPROVED unanimously.

### **CONTINUING EDUCATION ADVISORY COMMITTEE**

Ms. Beasler reported that the Board had been provided a list of courses and an application for sponsor status. The Committee recommended approval of the sponsor application.

- Continuing Education Sponsor Application - Hawkeye Community College
- ❖ MOVED by BEASLER, SECONDED by SPILLERS, to approve the application as recommended. Motion APPROVED unanimously.

- Continuing Education Sponsor Application - Dynamic Dental Educators. The Board tabled this discussion pending receipt of further information regarding course developers, as requested on June 30, 2011 by Board staff.
  
- ❖ MOVED by BEASLER, SECONDED by SPILLERS, to approve the other list of courses as submitted. Motion APPROVED unanimously.

#### **EXECUTIVE COMMITTEE REPORT**

Dr. Roth indicated that there is no report currently. The committee may meet later after officer appointments.

#### **LICENSURE/REGISTRATION COMMITTEE REPORT**

Dr. Rovner indicated that there was no information to report.

#### **DENTAL HYGIENE COMMITTEE REPORT**

Ms. Beasler indicated that the committee met this morning and welcomed Ms. Kelly. Ms. Beasler was appointed Chairperson. Board staff will provide a response to Ms. Hillis' request regarding the issue of dental hygiene faculty and licensure.

#### **DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT**

Dr. Rovner indicated that there was nothing to report.

#### **AD-HOC EXAMINATION COMMITTEE**

Dr. Roth indicated that there was nothing to report.

#### **EXAMINATION REPORTS**

##### **CRDTS STEERING COMMITTEE**

Dr. Roth indicated that there was nothing to report, but they will be meeting in August.

##### **CRDTS DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE**

Ms. Beasler reported that the committee met recently. CRDTS will begin using notebooks to score exams in place of handheld devices.

Ms. Beasler reported that there are 16 member states of CRDTS and 41 states accept the CRDTS clinical examinations. There are two new dental hygiene examinations this year in Texas at the state's request.

The Annual Meeting is August 26-27, 2011.

##### **CRDTS DENTAL EXAMINATION REVIEW COMMITTEE**

Dr. Roth reported that Dr. Grimes will continue to serve on this committee for the coming year.

## **IOWA PRACTITIONER REVIEW COMMITTEE REPORT**

Mr. Sedars provided the Board with some year-to-date statistics.

### **ADMINISTRATIVE RULES/ RULES WAIVERS**

#### ▪ *Status of Review and Update of Administrative Rules*

Ms. Johnson reported that there are plans to update the rules. The Board received in their meeting folder a list of possible rule changes for consideration. The changes will be submitted to the Board for review and discussion at the next meeting.

#### ▪ *Annual Regulatory Plan*

Ms. Johnson indicated that this plan, which describes the anticipated rulemaking for FY 2012, has been submitted with the Iowa Department of Public Health for inclusion in the report to the governor.

### **OTHER BUSINESS**

#### **ELECTION OF OFFICERS**

- ❖ MOVED by BEASLER, SECONDED by MEIER, to appoint Dr. Roth as the Chairperson, Ms. Beasler as the Secretary, and Dr. Rovner as the Vice Chairperson. Motion APPROVED unanimously.

#### **COMMITTEE APPOINTMENTS**

- ❖ MOVED by BEASLER, SECONDED by ROVNER, to appoint Dr. Roth as the dental member to the Dental Hygiene Committee. Motion APPROVED unanimously.
- ❖ MOVED by BEASLER, SECONDED by SPILLERS, to retain the current committees' membership with the following changes:
  - Dr. Fuller to serve on the Dental Assistant Registration Committee;
  - Dr. Curry to serve on the Continuing Education Advisory Committee;

Motion APPROVED unanimously.

#### **UPDATE – DATABASE PROJECT**

Mr. McCollum reported that the project is still ongoing and distributed a handout. It is a tri-board project with the Board of Medicine, Board of Nursing and the Iowa Dental Board. There are cost-sharing advantages as a result. IowaAccess granted funding to cover a portion of the costs. Ms. Jennifer Hart was the project manager prior to her leaving state employment. Mr. McCollum has been assigned as the new project manager. Much of the work has been completed utilizing overtime for both Ms. Hart and Mr. McCollum. Due to budget constraints overtime is

no longer an option. Investigations have slowed as a result as a result of his involvement with the database project. Mr. McCollum will be returning to investigations, at least temporarily. Additional staff time will be required and funding will be required to maintain the software after launching.

Some of the bank charges from the credit card companies, etc. will need to be passed on to licensees/registrants, or the Board will incur those costs.

The original hope was to launch in time for the August 2011 RDH, RDA renewals; however, the public portal and other portions of the database were not completed in time.

### **FISCAL YEAR 2012 BUDGET PROJECTION**

Ms. Johnson reported that the Board has been provided with the fiscal year 2012 budget projections. Ms. Johnson provided a handout with some comparisons to the other Boards' annual budget, staffing levels, etc. Ms. Johnson also provided information about the array of services that the Board provides. Ms. Johnson provided an overview and summary of each line item of the budget.

### **OCTOBER 2011 – AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) MEETING**

Ms. Johnson reported that the Board has budgeted funding for out of state travel. Dr. Roth clarified that these meetings are national and cover of multitude of topics relating to the profession of dentistry on a national level. To date, Iowa has done fairly well when addressing a number of these topics, which come up for discussion.

Dr. Roth requested that Dr. Bradley attend the AADB meeting on behalf of the Board.

- ❖ MOVED by CURRY, SECONDED by ROVNER, to approve sending Dr. Bradley to the AADB meeting in October pending his agreement to attend. Motion APPROVED unanimously.

### **ANNUAL PERFORMANCE REVIEW – EXECUTIVE DIRECTOR**

Dr. Roth confirmed with Ms. Weeg that the Board could conduct the annual performance review and authorize an increase for Ms. Johnson at this time as she has been with the Board for a year as of July, 2011. Dr. Roth moved the discussion of this topic to the closed session.

### **APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS**

#### **PENDING LICENSURE/REGISTRATION APPLICATIONS**

- *Application for Dental License by Credentials – Dr. Daniel Ehrich*  
Dr. Ehrich has been licensed in Pennsylvania, California, Washington, Missouri and Kansas. However, Dr. Ehrich does not have three years of practice in one state *immediately* preceding the date of application.

❖ MOVED by CURRY, SECONDED by BRADLEY, to approve the license. Motion APPROVED unanimously.

▪ *Application for Dental License by Credentials – Dr. Dale Nixon*

Dr. Nixon has more than three years of practice overall. However, Dr. Nixon had briefly left the practice of dentistry for approximately three years.

❖ MOVED by BEASLER, SECONDED by ROVNER, to approve the license.  
Ms. Beasler withdrew the motion.

❖ MOVED by CURRY, SECONDED by SPILLERS, to request additional information relating to his activities from 2008 - current. Motion APPROVED unanimously.

▪ *Application for Dental Hygiene License – CeAnn McNamara, R.D.H.*

The Dental Hygiene Committee voted to issue license upon further clarification/explanation of her criminal history and written verification as to whether she complied with the court order.

❖ MOVED by BEASLER, SECONDED by MEIER, to approve the Dental Hygiene Committee recommendation. Motion APPROVED unanimously.

▪ *Application for Dental Hygiene License – Theresa M. Fury, R.D.H.*

The Dental Hygiene Committee voted to issue a Stipulated License Agreement with a Citation and Warning for past behavior.

❖ MOVED by The Dental Hygiene Committee voted to approve the Dental Hygiene Committee recommendation. Motion APPROVED unanimously.

▪ *Application for Dental Hygiene License – Kayla Keimig, R.D.H.*

The Dental Hygiene Committee voted to issue license upon further clarification/explanation of her criminal history and written verification as to whether she complied with the court order.

❖ MOVED by BEASLER, SECONDED by CURRY, to approve the Dental Hygiene Committee recommendation. Motion APPROVED unanimously.

▪ *Ratification of Actions Taken By Executive Director Since Last Meeting On Applications*

Ms. Johnson reported that the Board was provided a list of licenses, registrations, and permits issued since the last meeting.

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

**PUBLIC COMMENT**

Chairman Roth allowed time for public comment.

Ms. Lori Pelke, Midwest Dental, Dr. Nixon’s employer, indicated that his family has a history of heart disease and early death. As such he took some time off. Dr. Nixon would not be returning to practice full time; however, the practice would love to have him fill in, she stated.

Dr. Roth has asked that Dr. Nixon should provide that information in writing to the Board.

Ms. Pelke asked if it would helpful to have the dental director to provide updates and/or references. Dr. Roth agreed that this may be helpful.

- The Board recessed at 12:18 p.m. for a lunch break.
- The Board reconvened at 1:05 p.m.

**CLOSED SESSION**

❖ MOVED by CURRY, SECONDED by KELLY, 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>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Aye	x	x	x	x	x	x	x	x	x
Nay									

Motion APPROVED by ROLL CALL

- The Board went into closed session at 1:05 p.m.
- The Board reconvened in open session at 5:15 p.m.

**OPEN SESSION**

**EXECUTIVE DIRECTOR SALARY AND TRAVEL AUTHORIZATION**

❖ MOVED by SPILLERS, SECONDED by BEASLER, to increase the Executive Director’s pay to the top of the pay grade for the current classification and to approve of her travel to the October 2011 AADA/AADB meetings in Las Vegas. Motion APPROVED unanimously.

**OPEN SESSION ACTION ON CLOSED SESSION AGENDA ITEMS**

***Licensure/Registration Applications***

11-120 Linda S. Nesseler, D.A.

- ❖ MOVED by CURRY, SECONDED by BRADLEY, to issue a dental assistant registration to Ms. Nesseler with no restrictions. Motion APPROVED unanimously.

*Julie E. Eckhoff, D.A.*

- ❖ MOVED by BRADLEY, SECONDED by CURRY, to issue a dental assistant registration to Ms. Eckhoff with no restrictions. Motion APPROVED unanimously.

***Statement of Charges***

11-001 Shea A. McCarte, R.D.A.

- ❖ MOVED by BRADLEY, SECONDED by CURRY, to approve the proposed Notice of Hearing and Statement of Charges concerning. Motion APPROVED unanimously.

***Combined Notice of Hearing, Settlement Agreement and Final Order***

10-030 In the matter of Joseph J. Vap, D.D.S.

- ❖ MOVED by CURRY, SECONDED by FULLER, to accept the proposed Stipulation and Consent Order concerning this matter. Motion APPROVED unanimously.

**NEXT MEETING OF THE BOARD**

The next meeting of the Board is scheduled for October 27, 2011, in Des Moines, Iowa.

**ADJOURNMENT**

Chairman Roth adjourned the meeting at 5:30 p.m. on July 21, 2011.

Respectfully submitted,



Melanie Johnson, J.D.  
Executive Director

MJ/cb