



STATE OF IOWA

IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD
MINUTES
January 31 – February 1, 2012
Conference Room
400 S.W. 8th St., Suite D
Des Moines, Iowa

Board Members	January 31, 2012	February 1, 2012
Gary D. Roth, D.D.S., Chairperson	Present	Present
Michael J. Rovner, D.D.S., Vice Chairperson	Present	Present
Marijo A. Beasler, R.D.H., Secretary	Present	Present
Steve P. Bradley, D.D.S.	Present	Present
Lynn D. Curry, D.D.S.	Present	Present
Steven C. Fuller, D.D.S.	Present	Present
Mary C. Kelly-Grief, R.D.H.	Present	Present
Diane Meier, Public Member	Present	Present
Kimberlee Spillers, Public Member	Present	Present

Staff Members

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

Attorney General's Office

Sara Scott, Assistant Attorney General

Other Attendees

Tracy Rodgers, R.D.H., Iowa Department of Public Health
Larry Carl, Iowa Dental Association
Lori Pelke, Midwest Dental
Tom Cope, Iowa Dental Hygienists' Association
Jeannene Veenstra, R.D.A., Iowa Dental Assistant Association
Stephen Thies, D.D.S., Iowa Academy of General Dentistry
Oliver Willham, D.D.S.

CALL TO ORDER FOR JANUARY 31, 2012

Chairman Roth called the open session meeting of the Iowa Dental Board to order at 9:52 a.m. on Tuesday, January 31, 2012. 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>Meier</u>	<u>Kelly</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

- *October 27, 2011 Minutes*
- ❖ MOVED by BRADLEY, SECONDED by MEIER, to approve the minutes of the October 27, 2011 meeting. Motion APPROVED unanimously.
- *December 16, 2011 Minutes*
- ❖ MOVED by BRADLEY, SECONDED by SPILLERS, to approve the minutes of the December 16, 2011 telephonic meeting. Motion APPROVED unanimously.
- *December 20, 2011 Minutes*
- ❖ MOVED by BRADLEY, SECONDED by CURRY, to approve the minutes of the December 20, 2011 telephonic meeting. Motion APPROVED unanimously.

REPORTS

EXECUTIVE DIRECTOR'S REPORT

Ms. Johnson provided information in the Board folders regarding her report.

Ms. Johnson reported that the proposed rules have been referred to the governor's office for pre-clearance. The rules will not be published until they are cleared by the governor's office. The rules include a number of changes regarding licensing and fee increases.

On January 27, 2012, a meeting was held regarding expanded functions for dental auxiliaries. This was an informal discussion. Other meetings will be held to discuss this matter further.

Ms. Johnson reported that a representative from CSDC will make a presentation to the Board, over the lunch hour, to provide an overview and status update on the new licensing database project.

Ms. Johnson reported that the shared conference room has been reconfigured to provide more space for meetings and hearings. The Iowa Board of Medicine and Iowa Board of Pharmacy gave up space to provide the additional room.

LEGAL REPORT

Ms. Scott indicated that she did not have a report at this time.

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Dr. Roth reported that the committee recommended approval of a moderate sedation permit for Dr. Matthew K. Geneser. Dr. Geneser has requested the qualification to provide moderate sedation to pediatric patients.

- ❖ MOVED by ROTH, SECONDED by CURRY, to approve the application for moderate sedation permit for Dr. Geneser as recommended. Motion APPROVED unanimously.

CONTINUING EDUCATION ADVISORY COMMITTEE

Ms. Beasler reported that the Board was provided a list of courses, which were recommended for approval since the last meeting.

- ❖ MOVED by BEASLER, SECONDED by CURRY, to approve the continuing education courses as submitted. Motion APPROVED unanimously.

EXECUTIVE COMMITTEE REPORT

Dr. Roth reported that the Executive Committee met earlier in the morning. The discussion focused on the budget. Dr. Roth reported that the Board is set financially for FY2012; however, there is a significant shortfall for FY2013 based on projections, which were completed in October 2011. The proposed fee increases are being reviewed by the governor's office.

Dr. Roth reported that the Board cannot move forward on the rules pertaining to fee increases and other licensing items until the governor's office clears the rules. Dr. Roth indicated that a number of these rules will have a direct impact on the new graduates this spring. These proposed rules also impact the new licensing database. If the rules don't receive clearance soon, the Board could run into problems this summer.

Dr. Roth indicated that the Board has hired a temporary assistant to help with some of the shortage in staffing. The Board wants to increase staffing levels to bring it back to where the Board was prior to Jennifer Hart's departure.

LICENSURE/REGISTRATION COMMITTEE REPORT

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

DENTAL HYGIENE COMMITTEE REPORT

Ms. Beasler reported that the Dental Hygiene Committee met earlier in the morning. The only business on the agenda was the approval of committee minutes.

There was some brief discussion about the meeting on January 27, 2012. The meeting appears to have been productive.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

Dr. Rovner indicated that there was nothing to report currently; however, they will probably meet to further the discussions relating to the proposed expansion of the list of approved expanded functions.

EXAMINATION REPORTS

CRDTS STEERING COMMITTEE

Dr. Roth reported that the CRDTS Steering Committee will meet again in March. This will probably be Dr. Roth's last Steering Committee meeting.

The ADA has proposed a portfolio-style examination in place of clinical examination. Other interested organizations have expressed disagreement with this proposal.

CRDTS DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Ms. Beasler reported that there hasn't been a recent meeting. However, the new examination schedule begins in April 2012.

CRDTS DENTAL EXAMINATION REVIEW COMMITTEE

Dr. Roth reported that the committee is waiting to see how the current testing season goes.

Ms. Beasler reminded Board members that all out of state travel on behalf of the Board must be approved and that information should be provided to Ms. Braness for approval.

IOWA PRACTITIONER REVIEW COMMITTEE REPORT

Mr. Sedars provided the Board with updated statistics for the IPRC. Mr. Sedars indicated that there have been two discharges.

ADMINISTRATIVE RULES/ RULES WAIVERS

▪ *Draft Rules/Amendments for Discussion*

Ms. Johnson reported that all agencies have been encouraged to review their respective Administrative Code chapters at least once every five years to remove any outdated rules. Ms. Johnson reported that she prepared a draft in October. There has been some discussion about how to proceed. Ms. Johnson stated that she is open to suggestions.

Ms. Johnson provided an update to the Notice of Intended Action, which the Board approved in December 2011. Ms. Johnson provided an overview of some of the proposed changes, including, but not limited to, fees, licensing by credentials, and requirements for application. Ms. Johnson reported that Ms. Braness is receiving applications daily. Ms. Johnson stated that she and Board staff are using the draft rules relating to application for license by credentials as a basis for how to proceed in those cases due to the change in Iowa law. The proposed Board rules need to be implemented to avoid some potential problems in areas such as these.

Ms. Johnson reported that a number of the fees are not changing; however, the bulk of the Board's fee changes related to renewals and the greatest portion of the increase is reflected here. Ms. Johnson reported that the new licensing database will allow licensees and other interested parties to pay by credit or debit card. However, due to the inherent costs for credit card processing, the Board needs to have a mechanism by which to recoup these fees.

Ms. Johnson reported that the proposed rules would create a system whereby new licensees or registrants, if licensed or registered within three months of a renewal period would be issued a longer initial license. This would avoid the need for new licensees to pay an initial application fee and shortly thereafter pay the renewal fee. This would streamline the renewal process for the new applicants.

The rules are also intended to encourage online filing of applications and renewals. The fees to file applications online would be lower than filing on paper, which requires more staff time to process.

Ms. Johnson reminded the Board that the proposed rules include proposals that address far more than just fees. Ms. Johnson reported that the governor's office is reviewing the proposed rules and the associated fiscal impact information. The analysts have asked for additional fiscal information in order to compare current and proposed fees.

Ms. Johnson expressed her opinion that the Board made a prudent choice when it chose to wait to raise fees until more accurate estimates were available to determine how much revenue was

needed. Ms. Johnson reminded the Board that they have not refilled the vacancy created when Jennifer Hart left. Ms. Johnson indicated that the Board is utilizing a temporary assistant in order to fill some of the staffing shortage, and that Ms. Davidson is also being utilized in other areas to fill other gaps in staffing.

Ms. Johnson reported that the Board staff size has run on the lean side for a number of years. Ms. Johnson stated the requests to refill the vacancy and add one administrative staff member are necessary in order to better serve licensees, registrants and the public.

Ms. Johnson noted that license application fees have not changed in seven years. The majority of the fees affecting registrants were set in 2001. Renewal fees have not changed in about five years. Ms. Johnson has put together some fact sheets regarding the current and proposed fees. This information has been made available to the public.

Mr. McCollum provided an overview of some of the new information technology costs facing the Board. Mr. McCollum reported that the Board has already incurred some of these costs. A number of servers have been purchased to accommodate the new licensing database. There are also ongoing costs to maintain and service the servers. Three of the servers are being updated at a cost of \$30,000; the Board's share is \$10,000.

There are other ongoing maintenance costs for AMANDA, maintenance costs to the Information Technology Enterprise (ITE), which is part of the Department of Administrative Services, setting aside funds for future replacement of servers and other related equipment. These costs can run between \$40,000 – \$50,000 per year for the Iowa Dental Board's share.

Mr. McCollum reported that a number of other state agencies are starting to use the AMANDA software. In the future, this could offset some of the costs to each agency. The more agencies, which come on Board, the more the overall cost, could come down.

Ms. Scott reported that Governor Branstad implemented a pre-clearance process for all proposed rule changes prior to publishing Notices of Intended Action. There have been some questions raised about the process and the authority, which the governor's office has to do this. Ms. Scott believed that the Board was copied on the Deputy Attorney General's informal opinion on the pre-clearance process. Ms. Pottorff's memo discusses the legal aspects of the process. Agencies with rulemaking authority continue to maintain that authority; therefore, it is a bit unclear as to what extent the governor's office could halt the rulemaking process. To date, this has not been tested.

Ms. Johnson indicated that she is working with the governor's advisors to try to provide them the necessary information to get the pre-clearance finalized.

Dr. Roth feels that some of the other proposed changes, such as increasing the list of expanded functions, may prove difficult if the Board cannot properly fund and staff the Board under current circumstances.

Ms. Meier asked if the new database would free up staff time. Dr. Roth indicated that without the implementation of the new rules, the database really cannot go live.

Ms. Spillers asked for clarification regarding the current rules process.

Ms. Kelly asked if the non-fee portions of the rules could be separated out from the Notice of Intended Action. Mr. McCollum indicated that without the fee rules, the Board could not recoup many of the costs required as part of the implementation of the new licensing database.

Dr. Roth stated that there is a cost to the services, which the Board provides. If the Board cannot raise the fees necessary to conduct business as needed, the licensees and the public need to understand that services and response time may slow as a result.

Ms. Spillers asked if there is anything that the Board members can do to help this along. Dr. Roth indicated that it appeared to him that the Board members have limited influence with the current administration. This is a matter of politics. Dr. Roth asked the interested parties to help move the process along.

Dr. Curry asked if it would be possible to expedite the processing of licensure applications if the database goes live. Dr. Roth reported that the rules dictate certain paperwork be submitted as part of the application process. Ms. Braness indicated that the applications from new graduates are usually complete when received; however, it is often a matter of having sufficient staff time to review the paperwork and process those items.

Ms. Johnson copied the Board of some of the comments received in regards to the proposed changes, as well as the meeting held on January 27, 2012 regarding expanded functions.

LEGISLATIVE UPDATE

LEGISLATIVE INITIATIVES FOR 2012 SESSION

Ms. Johnson reported that the Board's prefaced bill passed the Senate and is with the House of Representatives' subcommittee. It would make the unlicensed practice of dentistry a class "D" felony. The current penalty is a serious misdemeanor. Mr. McCollum indicated that most county attorneys don't want to bother with misdemeanor charges in cases like this. The proposed change would bring dentistry in line with other medical/health care professions.

OTHER BUSINESS

AADA/AADB

Ms. Johnson reported that the meetings of the American Association of Dental Administrators (AADA) and American Association of Dental Boards (AADB) are scheduled for April 22-23, 2012 in Chicago, IL. The registration deadline is March 12, 2012. There is money remaining in the budget for two people to attend. Dr. Bradley indicated a willingness to attend. However, he

reminded the Board that the Board meeting is scheduled immediately following the conclusion of the AADA/AADB meetings. Dr. Bradley asked if the second day of the April Board meeting could be wrapped up a little early. Dr. Roth indicated that he was not certain if that was possible.

- ❖ MOVED by ROTH, SECONDED ROVNER, to send Dr. Bradley and Ms. Johnson (and, potentially, the Board's Assistant Attorneys General) to the AADA/AADB meetings, contingent upon money in the budget. Motion APPROVED unanimously.
- ❖ Moved Meier, seconded Bradley, to propose sending Dr. Curry as an alternate to the AADA/AADB meetings. Motion APPROVED unanimously.

NEW IDB WEBSITE

Ms. Johnson reported that the Board has been working with Iowa Interactive to redevelop the website. Ms. Johnson and Ms. Braness provided an overview of what the new website will look like when it goes live.

APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS

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

PUBLIC COMMENT

Chairman Roth allowed time for public comment.

- The Board took a brief recess at 11:05 a.m.
- The Board reconvened at 11:27 a.m.

CSDC – AMANDA PRESENTATION

Mr. McCollum introduced Mr. Sangeet Cherry, Director of Client Services at CSDC. CSDC is the company, which develops and provides the AMANDA software.

Mr. Cherry reported that he was going to focus on the AMANDA software and the solution for the Iowa Dental Board.

The AMANDA software is enterprise software. CSDC's clients are in the public sector exclusively. Clients are in the U.S.A., Canada, the United Kingdom, and the Caribbean. They cover more than 325 different departments.

AMANDA is an off-the-shelf product; however, it is customized for each client. CSDC understands that their clients serve the public at-large.

Ms. Spillers asked if the AMANDA software has an infinite number of configurations. Mr. Cherry confirmed that this is the case. Mr. Cherry stated the only cost implication would be the number of end-user licenses needed.

Mr. Cherry provided an overview of the software capabilities. Depending upon individual solutions, the capabilities vary.

Ms. Johnson and Mr. McCollum provided some information about how much more user-friendly the AMANDA system will be. The current database does not allow for any further updates due to the coding used to develop the system. It is cost-prohibitive to seek any updates.

Mr. Cherry indicated that in the next month or two, the bulk of the work should be done with the software for the Iowa Dental Board. However, CSDC and Board staff will need to do some final conversion testing before everything could be transferred over to the new system. After that, it will be a matter of coordinating between the Iowa Dental Board and CSDC.

Dr. Rovner asked the Iowa Dental Association (IDA) if they would have time at its May meeting to provide some overview and training. Mr. Carl was not certain to what extent there would be available time and capabilities. Mr. Carl indicated that he could look into the matter.

➤ The Board recessed open session at 12:19 a.m.

CLOSED SESSION

❖ MOVED by, BEASLER, SECONDED by SPILLERS, 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	x	x
Nay									

Motion APPROVED by ROLL CALL

➤ The Board went into closed session at 12:21 p.m.

- ❖ MOVED by BEASLER, SECONDED by CURRY for the Board to go into open session to approve the above motions in open session regarding disciplinary action. Motion APPROVED unanimously.

OPEN SESSION

OPEN SESSION ACTION ON CLOSED SESSION AGENDA ITEMS

REVIEW OF COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT & FINAL ORDERS AND STIPULATION & CONSENT ORDERS

- *In the matter of Masih Safabakhsh, D.D.S. (10-189)(11-159)*

Dr. Bradley disclosed a potential conflict of interest, left the room during the discussion and did not vote on this matter.

- ❖ MOVED by FULLER, SECONDED by SPILLERS, to accept the proposed Stipulation and Consent Order concerning this matter.

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

Motion APPROVED by ROLL CALL.

- *In the matter of Terri L. Trumbo, D.A. (11-034)*
- ❖ MOVED by FULLER, SECONDED by MEIER, to accept the proposed Stipulation and Consent Order concerning this matter. Motion APPROVED unanimously.
- *In the matter of Robert J. Foust, D.D.S. (08-074)*
- ❖ MOVED by KELLY, SECONDED by FULLER, to approve this licensee's request to terminate his probation. Motion APPROVED unanimously.
- ❖ MOVED by BEASLER, SECONDED by SPILLERS for the Board to return to closed session. Motion APPROVED unanimously.

- The Board recessed at 3:45 p.m. on Tuesday, January 31, 2012.
- The Board reconvened in open session at 11:42 a.m. on Wednesday, February 1, 2012.

Chairman Roth called the open session meeting of the Iowa Dental Board to order at 11:42 a.m. on Wednesday, February 1, 2012. 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>Meier</u>	<u>Kelly</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x	x	x	x	x
Absent									

Ms. Johnson distributed information to the Board members regarding the pending legislation concerning the illegal practice of dentistry. Ms. Johnson also provided the names and contacts of the some of the legislators involved with the proposed bill.

Ms. Johnson provided an overview of the proposed legislation’s history and why it is important that the law should be changed to make the illegal practice of dentistry by an unlicensed individual a felony. This change would make the penalty of the unlicensed practice of dentistry a class “D” felony similar to the unlicensed practice of medicine and pharmacy.

The proposed language of the legislation was updated to specifically exclude those individuals who were issued dental licenses, which may be on a lapsed or inactive status. The change was made at the request of the Iowa Dental Association. The Iowa Dental Association has offered to provide support of the proposed legislation.

It appears there is a great deal of the reluctance on the part of some of the legislators. Some people think that the practice of teeth-whitening by unlicensed individuals does not warrant a felony charge. The legislators and public need to be better educated regarding some of the dangers associated with teeth whitening (e.g. aspirating the materials and infection control standards).

- The Board took a brief recess at 11:52 a.m.
- MOVED by BRADLEY, SECONDED by CURRY, for the Board to go into open session at 12:53 p.m. on Wednesday, February 1, 2012, to participate in a disciplinary hearing in the matter of Dr. Marc A. Hagen. Motion APPROVED unanimously.

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for April 24-25, 2012, in Des Moines, Iowa.

ADJOURNMENT

Chairman Roth adjourned the meeting at 3:10 p.m. on February 1, 2012.

Respectfully submitted,

Melanie Johnson

Melanie Johnson, J.D.
Executive Director

MJ/cb