



STATE OF IOWA

IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD

MINUTES

August 1, 2013

Conference Room

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

Des Moines, Iowa

Board Members

Steven Bradley, D.D.S.,	Present
Steven C. Fuller, D.D.S.	Present
Matthew J. McCullough, D.D.S.	Present
Thomas M. Jeneary, D.D.S.	Present
Kaaren G. Vargas, D.D.S.	Present
Mary C. Kelly, R.D.H.	Present
Nancy A. Slach, R.D.H.	Present
Diane Meier, Public Member	Present
Lori Elmitt, Public Member	Present

August 1, 2013

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

Lori Brown, R.D.H., Iowa Dental Hygienists' Association
Eileen Cacioppo, R.D.H.
Carol Van Aernam, R.D.H., Iowa Dental Hygienists' Association
Lynh Patterson, Delta Dental of Iowa
Melissa Tangen, Delta Dental of Iowa
Sheila Temple, R.D.H., I-SMILE
Rachel Patterson-Rahn, R.D.H., I-SMILE
Gayla Moore, R.D.H., I-SMILE
Bob Russell, Iowa Department of Public Health
Carol Van Aernam, R.D.H., Iowa Dental Hygienists' Association
Kathy Thorsteinsch, R.D.H., St. Luke's Dental Health Center
Angie Weiland, R.D.H., St. Luke's Dental Health Center
Sue Hyland, R.D.H.
Tom Cope, Iowa Dental Hygienists' Association

Eric Wagner, D.D.S., Iowa Dental Association, AGD
 Michael Kanellis, D.D.S., University of Iowa College of Dentistry
 Larry Carl, Iowa Dental Association
 Jeannene Veenstra, Iowa Dental Assistants Association
 Stephen Thies, D.D.S., Iowa Academy of General Dentistry

I. CALL TO ORDER FOR AUGUST 1, 2013

Dr. Bradley called the open session meeting of the Iowa Dental Board to order at 10:01 a.m. on Thursday, August 1, 2013. A quorum was established with all members present.

Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
Present	x	x	x	x	x	x	x	x	x
Absent									

II. 1st OPPORTUNITY FOR PUBLIC COMMENT

Dr. Bradley asked everyone to introduce themselves.

Dr. Bradley allowed the opportunity for public comment.

Ms. Patterson-Rahn reported that she attended the Dental Hygiene Committee meeting earlier that morning. Ms. Patterson-Rahn commented on the proposed “best practice” model for public health supervision that was suggested as a means of addressing some of the concerns that some people had about the program. Ms. Patterson-Rahn stated that she was in favor of allowing each dentist to dictate the terms of the agreements into which they enter. Ms. Patterson-Rahn stated that all patients, who are seen through the public health supervision program, are referred regardless of the potential need for treatment.

Ms. Patterson-Rahn also commented on the issue of HIPAA (Health Insurance Portability and Accountability Act) and public health supervision. Ms. Patterson-Rahn was glad to hear that public health supervision does not appear to be a violation of HIPAA.

Ms. Moore stated that services are based on needs as determined through research and other data. Ms. Moore agreed with the proposal that will be coming forward from the Dental Hygiene Committee. Ms. Moore indicated that she is in regular contact with her supervising dentist.

Ms. Temple agreed with the previous comments. Ms. Temple reported that public health dental hygienists work with the patients and offices who are willing to provide care and services in order to attempt further dental care is provided as needed.

III. APPROVAL OF OPEN SESSION MINUTES

- *March 28, 2013 Telephonic Meeting Minutes*
- *May 9-10, 2013 Quarterly Meeting Minutes*

- *June 27, 2013 Telephonic Meeting Minutes*

Ms. Kelly noted that there was an error in the May 2013 minutes. There is a typographical error, where the word “problem” was used instead of “program.”

- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH, to approve the March 28, May 9-10 and June 27 minutes with one proposed change to the May 9-10, 2013 minutes. There is one section of the minutes where the word “problem” needs to be replaced with “program.” Motion APPROVED unanimously.
- The Board Chair chose to take some agenda items out of order to accommodate scheduling requests of Board members, presenters and attendees and to facilitate meeting efficiency.

IV. REPORTS

AD HOC EXPANDED FUNCTIONS REVIEW COMMITTEE REPORT

Dr. Kanellis provided an overview of the task force and provided an update on the status.

Dr. Kanellis reported that the task force met on five (5) occasions. At the prior meetings, Dr. North provided an overview on the history of expanded functions. There were reviews for the quality of care provided, training, and what need there is among dentists for these services.

It was reported that Dr. Damiano just recently completed the survey inquiring about the need for expanded functions. The response rate was 58% of private practice dentists, specialists and general dentists. Of the dentists who responded to the survey, 55% of respondents reported that they use at least one of the currently-allowed expanded functions. Approximately 68% of respondents stated that they may use at least one of the newly proposed expanded functions. 43% of the respondents indicated that they would consider covering the cost of training for their dental auxiliary.

Dr. Kanellis indicated that the Dental Assistant National Board’s (DANB) website was a great reference in these discussions. Dr. Kanellis stated the task force also referred to other states, which allow dental assistants to perform similar functions.

Dr. Kanellis reported that the task force came to the following conclusions:

1. The proposed expanded functions can be performed safely;
2. Dentists would be willing to provide these services in their practices;
3. Expanded functions dental auxiliary would allow for the expansion of access to dental care;
4. Expanded functions dental auxiliary would allow for career advancement; and
5. Training programs can be established at no costs to the state of Iowa.

Dr. Kanellis provided an overview of the final recommendations for additional expanded functions. The task force’s recommendations for proposed expanded functions include:

1. Forming, placing, or shaping amalgam and composite materials following the preparation of a tooth by a dentist;
2. Forming and placement of stainless steel crowns;
3. Taking final impressions;
4. Taking records for the fabrication of dentures and partial dentures;
5. Cementation of final restorations along with removal of adhesives.

Further information regarding the task force's findings and recommendations was provided in a handout made available at the Board meeting.

Dr. Kanellis reported that the task force recommends direct supervision for these proposed expanded functions. Since the task force recommended direct supervision, these tasks could not be provided at nursing homes without the presence of a licensed dentist in the facility to supervise.

Due to ongoing concerns about the lack of access to dental care in nursing homes, Dr. Kanellis recommended that a new task force be formed to address these specific concerns.

The task force recommended that the University of Iowa College of Dentistry be responsible for the development of the training and competency requirements while working in conjunction with the Board and other interested parties.

Dr. Kanellis reported that the task force worked well.

Mr. Carl, IDA, asked for clarification on the recommendation for direct supervision of these tasks. Dr. Kanellis clarified that direct supervision requires a licensed dentist be present within the facility.

Dr. Russell asked how often services that are provided at nursing homes are provided outside of direct supervision. Dr. Kanellis clarified that the statement about nursing homes was for clarification only. Dr. Kanellis stated that there are no current plans to allow these services outside of direct supervision at nursing homes. It is for this reason that he indicated he was recommending the appointment of a separate task force.

Dr. Vargas asked if there is data about failure rates and retreatments on any of these services. Dr. Kanellis stated that there are, currently, no long term studies of which he is aware. In the short term, the restorations appear to hold up well. Dr. Vargas stated that the Board needs to be concerned about long term effects of making these services available through expanded functions dental auxiliary. Dr. Kanellis agreed. However, he clarified that most dentists may opt out of utilizing these services within their practices if they have concerns about the standard of care. Dr. Vargas is concerned about potential "assembly line" situations where there may be less oversight and concern to the standard of care. Brian [last name not known], a dental student who attended the Board meeting with Dr. Kanellis, referenced a study related to some of these concerns. He stated that he can forward this data for review.

Ms. Moore asked for clarification regarding the proposed addition of charting of restorations. This is a service, which hygienists can currently provide under general supervision. Ms. Moore wanted to know if these proposed changes will have an impact on the supervision level of the practice of dental hygiene. Dr. Kanellis stated that the intent was not to change any levels of supervision for duties that are currently allowed by rule. The intent of the supervision of level in this area may have been intended with dental assistants in mind.

Dr. Kanellis went back to address Dr. Vargas' concerns. Dr. Kanellis stated that his primary concern in this area relates to corporate practice. Dr. Kanellis reported that the federal government has recently determined that Small Smiles can no longer receive reimbursement from Medicaid patients due to the concerns of assembly line dentistry and overtreatment.

Ms. Johnson thanked Dr. Kanellis for his time and service in chairing the Committee.

VII. OTHER BUSINESS

PUBLIC HEALTH SUPERVISION – REVIEW OF PUBLIC COMMENTS RECEIVED

Dr. Bradley asked if Dr. Russell, IDPH, wanted to provide any comments on this topic. Dr. Russell indicated that there is always a concern about added regulations and how that may impact current staffing levels. Public health employment levels are lower, in line with the governor's objective to be more efficient. Dr. Russell expressed his potential concerns about additional duties and burdens on current public health employees.

Ms. Kelly reported that the Dental Hygiene Committee has recommended that the Board focus on a "best practices" model. This would avoid changes in current regulations in the area of public health supervision. However, it would be a way to formally address those areas that are of concern by proposing recommendations for best practices.

IV. REPORTS

EXECUTIVE DIRECTOR'S REPORT

Ms. Johnson indicated that there was no report since the other Committees would address any matters of current concern.

LEGAL REPORT

Dr. Bradley reported that Ms. Scott was the new assistant attorney general assigned to work with the Board. Dr. Bradley welcomed Ms. Scott. Ms. Scott reported that she was glad to be back working with the Board.

Ms. Scott reported that Dr. Hagen filed a petition for judicial review of his case. The District Court affirmed the Board's order. Dr. Hagen appealed the District Court's decision. Ms. Scott reported that the day before the Board meeting, the case was transferred to the appellate court without oral arguments.

Ms. Scott also stated that there are a couple of Iowa Medical Board appellate decisions that may affect the Dental Board and other health care professional licensing boards, including the Smoker decision and the Butt decision. The courts are scrutinizing licensing boards' decisions closely and expressing concern with boards' reliance on hearsay evidence rather than direct evidence, as well as a clearer nexus to practice. The courts also want to be sure that licensing boards are not acting outside of the scope of their legal authorization and jurisdiction. The attorney general's office is always cognizant of these concerns.

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Dr. Vargas reported the Anesthesia Credentials Committee met on two occasions to review applications and other Committee matters. Dr. Vargas provided an overview. Dr. Vargas noted that a copy of the Committee's report is included in the Board members' meeting folder.

Dr. Vargas asked Mr. McCollum to report on some of the proposed rule changes. Mr. McCollum reported that a number of the changes were intended to clean up the language and other technical issues. There is a recommendation from the attorney general's office to do away with provisional permits for moderate sedation and general anesthesia. This recommendation is based on the limitations within the Iowa Code concerning the issuance of permits. The proposed rules will address what the role of the Anesthesia Credentials Committee is when reviewing applications and other sedation-related matters.

Dr. Vargas also reported that some of the other proposed changes include the addition of a new requirement regarding capnography for general anesthesia permit holders. This proposed change falls in line with the recommendation from the American Association of Oral and Maxillofacial Surgeons (AAOMS).

Mr. McCollum reported another change would require facility inspections on a more regular basis to ensure ongoing compliance with facility requirements.

- *Recommendations RE: Moderate Sedation Permit Applications*
- *Recommendations RE: General Anesthesia Permit Applications*
- ❖ MOVED by JENEARY, SECONDED by KELLY, to approve the applications for permit as recommended by the Committee. Motion APPROVED unanimously.
- *Other Committee Recommendations, If Any*
- ❖ MOVED by VARGAS, SECONDED by KELLY, to approve the Committee's recommendation to the Board regarding the proposed rule amendments to Chapter 29. Motion APPROVED unanimously.

CONTINUING EDUCATION ADVISORY COMMITTEE REPORT

- *Recommendations RE: Continuing Education Course Applications*

- *Recommendations RE: Continuing Education Sponsor Application(s)*

Ms. Elmitt provided an overview of the Committee's recommendations. Ms. Elmitt noted that a copy of the Committee's report is included in the Board members' meeting folder.

- ❖ MOVED by ELMITT, SECONDED by FULLER, to approve the recommendations of the Committee as submitted. Motion APPROVED unanimously.

- *Other Committee Recommendations, If Any*

There were no other recommendations from the Committee.

BUDGET REVIEW COMMITTEE REPORT

- *Review of Quarterly IDB Financial Report*
- *FY14 Projected Budget*
- *Other Committee Recommendations, If Any*

Dr. Fuller reported that the Committee met on the Friday before the Board meeting. The Committee determined that the current fees will cover proposed expenditures as currently established. However, the Board may require fee increases in the future to cover future costs and increases in costs. The Committee also indicated that the Board may need to consider adding staff in the future to address current workloads.

There were no other recommendations from the Committee.

EXECUTIVE COMMITTEE REPORT

Dr. Bradley reported that the Executive Committee did not meet.

LICENSURE/REGISTRATION COMMITTEE REPORT

- *Actions Taken by Committee on Applications*

Dr. McCullough provided an overview of applications reviewed and actions taken by the Committee since the last quarterly Board meeting. Dr. McCullough noted that a copy of the list of actions taken by the Committee is included in the Board members' meeting folder.

- ❖ MOVED by MCCULLOUGH, SECONDED by FULLER, to approve the list as submitted. Motion APPROVED unanimously.

- *Pending Licensure/Registration Applications, If Any – Will be Discussed under Agenda Item VIII*

- *Other Committee Recommendations, If Any*

There were no other recommendations from the Committee.

DENTAL HYGIENE COMMITTEE REPORT

- *Pending Dental Hygiene Applications, If Any – Will be Discussed Under Agenda Item VIII*
- *Report RE: Actions Taken at Dental Hygiene Committee Meeting*

Ms. Kelly reported the Dental Hygiene Committee met earlier that morning. Ms. Kelly reported that this is the first year that online renewal has been available. This will be discussed further later in the meeting.

Ms. Kelly reported that the Committee recommended approval of the license for Ms. Fitzgerald.

- *Committee Recommendations, If Any*

There were no other recommendations from the Committee.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

There was no report.

EXAMINATIONS REPORT

- *CRDTS – Dental Steering Committee Report*

Dr. Bradley reported that the Steering Committee will meet later this month.

- *CRDTS – Dental Hygiene Examination Review Committee Report*

Ms. Kelly indicated that there are proposed changes to the dental hygiene exam based on current data. The changes need to be approved by the Steering Committee prior to being implemented.

Ms. Kelly referenced the article in the Des Moines Register, which addressed the matter of clinical examinations. The Des Moines Register reported that dentistry is the last of the health care professions that requires clinical testing on humans.

- *CRDTS – Dental Examinations Review Committee Report*

Dr. Vargas stated that there was no report.

QUARTERLY IPRC REPORT

Mr. Sedars provided an overview of the current IPRC data.

V. ADMINISTRATIVE RULES/PETITION FOR RULE WAIVER

- *Adopted and Filed –Final Amendments to Chpt. 13, “Special Licenses,” and Chpt. 15, “Fees” (NOIA ARC#0724C)*

Ms. Johnson provided an update on status of these rule amendments. Ms. Johnson indicated that a public hearing was held on June 5, 2013 and there were no attendees. No written comments were received about the proposed rule amendments. There is one recommended change to the final rule amendments. Ms. Johnson reported that the final amendments do not provide for a volunteer permit application to be filed electronically. This is due to the cost that would have to be incurred (estimated at \$5,000) to have the vendor revise the database/public portal online system to allow for electronic filing for this type of application. The new online system currently does not allow an application to be submitted if there is no application fee collected. It is something that would need to be part of a next phase of database enhancements.

- ❖ MOVED by KELLY, SECONDED by FULLER, to adopt the rules with the proposed changes. Motion APPROVED unanimously.

IV. REPORTS

- Discussion was taken out of order at the request of the executive director.

BUDGET REVIEW COMMITTEE

Ms. Johnson asked that the discussion return to the Budget Review Committee report to address some further matters that impacted the Board, which were discussed at the Committee meeting. Ms. Johnson reported that the Budget Review Committee approved of the elimination of the vacant Executive Officer 1 (EO 1) position on the Board’s table of organization in response to a request from the Department of Management (DOM) and due to Board funding limitations.

Ms. Johnson reported that the Committee determined there were sufficient funds available for a clerical position. She reported that there is a greater need for an administrative, clerical position at this time.

- ❖ MOVED by FULLER, SECONDED by VARGAS, to accept the Committee recommendations to remove the EO1 position and to begin the process to hire a clerical position. Motion APPROVED unanimously.

V. ADMINISTRATIVE RULES/PETITION FOR RULE WAIVER

- *Adopted and Filed – Final Amendment to Chpt. 20, “Dental Assistants,” (NOIA ARC0723C)*

Ms. Johnson provided an update on status of these rule amendments. Ms. Johnson indicated that a public hearing was held on June 5, 2013 and there were no attendees. No written comments were

received about the proposed rule amendments. The final amendment is identical to the proposed amendment.

Ms. Johnson reported that this amendment addresses the situation of a dental assistant applying for expanded functions training in Iowa with at least two years of dental assisting experience in a state that does not require dental assistants to be registered. If an applicant practiced dental assisting in a state that does not require registration and has at least two years of dental assisting experience the applicant is now eligible for expanded functions training based on her/his prior dental assisting experience.

❖ MOVED by KELLY, SECONDED by FULLER, to adopt the rules as submitted. Motion APPROVED unanimously.

- *Notice of Intended Action – Chpt. 29, “Sedation and Nitrous Oxide Inhalation Analgesia”*

Ms. Johnson reported this is a follow-up to the earlier discussion about the specific proposed amendments, which occurred during the Anesthesia Credentials Committee report. Ms. Johnson requested approval to file a Notice of Intended Action.

❖ MOVED by FULLER, SECONDED by KELLY, to file a Notice of Intended Action and start the rulemaking process. Motion APPROVED unanimously.

- *FY’14 Regulatory Plan*

Ms. Johnson provided an overview of the proposed annual regulatory plan. The primary issue is the potential changes to expanded functions regulations and the proposed changes to moderate sedation and general anesthesia.

❖ MOVED by BRADLEY, SECONDED by MCCULLOUGH, to approve the 2014 Regulatory Plan as submitted. Motion APPROVED unanimously.

VI. LEGISLATIVE UPDATE

Ms. Johnson stated that there was nothing to report at this time.

VII. OTHER BUSINESS

UPDATE ON AMANDA DATABASE PROJECT

Mr. McCollum reported that this has an ongoing project since 2009. As of June 3, 2013, the new database went live. Mr. McCollum stated that the Iowa Board of Nursing went live before the Iowa Dental Board. The Iowa Board of Medicine hopes to go live before the end of the year.

Mr. McCollum addressed prior rule changes that were related to the licensing database to provide greater efficiencies.

As of July 1, 2013, online renewal was available to all dental hygienists and dental assistants, whose licenses, registrations, qualifications and permits were up for renewal. As of the morning of the Board meeting, approximately 25% had renewed. To date, fewer than 100 renewals were filed on paper.

Mr. McCollum provided some clarification concerning the online services fee. Mr. McCollum reported on the options for renewal and payment. The online services fees are being assessed and collected as licensees and registrants make payments online. The fees are intended only to cover the credit card fees, which the Board incurs by making credit card payment an available option.

Mr. McCollum also reported that Board staff was making adjustments to the database as they became aware of concerns. Mr. McCollum reported that some problems are outside of the scope of the Board and staff; however staff is addressing those matters as they are able. The Board is utilizing the state of Iowa's single user sign-on. At the time of the meeting, most licensees and registrants appeared to be opting to renew electronically.

Ms. Elmitt thanked Board staff for their work on this project.

Ms. Meier asked some questions concerning payments. Mr. McCollum clarified how the payments are processed and what is allowed. While discussing the issue of payment, Ms. Braness recommended that dental hygienists who also hold a local anesthesia permit renew their dental hygiene licenses first, before the local anesthesia permit to minimize potential problems.

Mr. Carl, IDA, offered to publish any information provided to them regarding renewal and the licensing database. If the Board wished to have the IDA publish something, the IDA asked that the Board draft this information for distribution.

REVIEW OF FAQS FOR WEBSITE

Ms. Johnson asked that this discussion be tabled since the proposed questions and responses were still under review.

Ms. Kelly requested that the FAQ about public health supervision and dental assistants be reviewed further prior to finalizing these responses. Ms. Johnson replied that none of the FAQs have been finalized or posted on the Board's website to date.

2013 UPDATE: RESTRICTIONS ON SALES OF GOODS & SERVICES TO STATE AGENCIES

Ms. Scott provided an overview on this matter. The law concerning the sales of goods and services to state agencies changed in 2007. The current law states that Board members cannot sell goods or services to any state agency. The prior version of the law only restricted sales of goods and services to the board on which the member served. A bill was introduced last session to resolve this issue but it did not pass.

Ms. Scott stated that this law may be less likely to affect this Board than certain other boards. Ms. Scott stated that there if there is ever a question about what is allowed under the statute, that her office is available for assistance or Board members can contact the Ethics and Campaign Disclosure Board.

The Board may need to update the Board resolution in the future to comply with the law.

PERFORMANCE REVIEW – EXECUTIVE DIRECTOR

Dr. Bradley reported that this item will be discussed in closed session.

VIII. APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS

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

Ms. Johnson reported that the Board was provided an updated list of actions taken in response to applications for license, registration, qualification, and permit.

Ms. Braness reported that the format of the report provided to the Board for review changed due to the differences in how the old and new database export data.

- ❖ MOVED by BRADLEY, SECONDED by MCCULLOUGH, to approve the list as submitted. Motion APPROVED unanimously.

- *Pending Licensure/Registration Applications*
- *Stephanie Tucker, R.D.A. – Request to Renew vs. Reinstatement*

Ms. Braness provided an overview of this case. Dr. Fuller and Dr. Bradley asked if this could be discussed further in closed session since it touched on matters, which are, legally, confidential.

- ❖ MOVED by FULLER, SECONDED by MCCULLOUGH, to address this further in closed session. Motion APPROVED unanimously.

IX. 2nd OPPORTUNITY FOR PUBLIC COMMENT

Dr. Bradley offered the opportunity for public comment.

Ms. Cacioppo stated that the Board should consider changing IAC 650—Chapter 25 if the Board wishes to allow credit for ergonomics courses; however, she would recommend limiting the scope of the rule if the Board should choose to pursue it.

Mr. Carl, IDA, expressed some surprise that the Board did not act on the recommendations on expanded functions provided by the task force. Dr. Kanellis stated that he had not intended for the Board to act today since the Board was just seeing the recommendations for the first time. Ms. Kelly stated that this item should be added to the agenda of the next meeting to more fully address

the application of these proposals to dental hygienists. Ms. Johnson indicated that the Board members may require additional time to review the task force report presented here today.

Mr. Carl, IDA, inquired about public health supervision. Ms. Kelly and Ms. Johnson reported that there is no intent to change the rules currently. Rather, the concerns would be addressed by with a suggested “best practices” model.

Mr. Carl, IDA, asked about any progress regarding the request for a retired, volunteer license category. Ms. Johnson indicated that the Board has historically, denied these requests. Ms. Johnson stated that it was her recollection that legal counsel had advised the Board that a statutory change was needed before it could implement a retired, volunteer license category. She noted that she would review this matter with the Board’s new legal counsel, Ms. Scott.

Mr. Carl, IDA, provided some comments in response to Dr. Vargas’ concerns about expanded functions. Mr. Carl asked if the Board is aware of some business(es) coming into Iowa to provide services in nursing homes. The IDA has some concerns about potential abuses to Medicaid, where the focus is the elderly. Ms. Kelly stated that she was aware of this since she was approached for employment in this area. Ms. Kelly stated that she discussed this with Ms. Johnson and Ms. Weeg at the time. Since this is not on the agenda, it has not been discussed. The Board can add this to the next meeting’s agenda. Ms. Cacioppo encouraged a task force to address some of these concerns.

Ms. Moore would recommend that the Board look to address some of these areas where these corporate practices are focusing.

- ❖ MOVED by SLACH, SECONDED by KELLY for the Board to go into closed session at 11:13 a.m. on Thursday, August 1, 2013, pursuant to Iowa Code Sections 21.5(1)(a) to discuss and review complaints and investigative reports which are required by state law to be kept confidential; 21.5(1)(d) to discuss whether to initiate disciplinary investigations or proceedings; 21.5(1)(f) to discuss a decision to be rendered in a contested case proceeding; and 21.5(1)(i) to evaluate performance of an individual.

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
Aye	x	x	x	x	x	x	x	x	x
Nay									
Absent									

Motion APPROVED by ROLL CALL.

- The Board went into closed session at 11:13 a.m.
- The Board took a brief recess at 11:14 a.m.
- The Board reconvened in closed session at 11:25 a.m.

OPEN SESSION

At 1:25 p.m., while still in a closed session, all members present voted in favor of a motion by FULLER, seconded by MEIER, to return to open session.

XII. ACTION ON CLOSED SESSION ITEMS

In open session, the Board took the following actions:

1. *Closed Session Minutes*

- ❖ MOVED by ELMITT, SECONDED by MCCULLOUGH, to **approve** the closed session minutes for March 28, 2013 telephonic meeting, May 9, 2013 quarterly meeting, and June 27, 2013 telephonic meeting. Motion APPROVED unanimously.

2. *Combined Statement of Charges, Settlement Agreement and Final Order*

- ❖ MOVED by ELMITT, SECONDED by MCCULLOUGH, to **approve** the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Michael J. Doyle, D.D.S., file number 12-157. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCCULLOUGH, to **approve** the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Dolores M. Slack, R.D.A., file number 12-155. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCCULLOUGH, to **approve** the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of James R. Morgan, D.D.S., file number 13-014. Motion APPROVED unanimously.

3. *Statement of Charges*

- ❖ MOVED by KELLY, SECONDED by JENEARY, to **leave open**, file number 13-0017.

4. *Request to Modify or Terminate Existing Orders*

- ❖ MOVED by KELLY, SECONDED by JENEARY, to **deny** the request for termination of Board Order in the Matter of Andrea L. Bundy, R.D.A., file number 10-162. Motion APPROVED unanimously.

5. *Final Action on Cases*

- ❖ MOVED by VARGAS, SECONDED by MEIER, to **close** file number 10-187. Motion APPROVED unanimously.

- ❖ MOVED by VARGAS, SECONDED by MEIER, to **close** file number 12-159. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by MEIER, to **close** file number 12-187. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by MEIER, to **close** file number 13-024. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by MEIER, to **close** file number 13-035. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-007. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-009. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-037. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-042. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-044. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-048. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-049. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file number 13-050. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file number 13-052. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-054. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-056. Motion APPROVED unanimously.

- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-062. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-057. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-063. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-059. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **keep open** file number 13-0010. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-027. Motion APPROVED unanimously. Kaaren Vargas, recused.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-0015. Motion APPROVED unanimously. Kaaren Vargas, recused.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file number 13-032. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file number 13-033. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file number 13-0006. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file number 13-0016. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **leave open** file numbers 12-144, 12-145. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-060. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to **close** file number 13-055. Motion APPROVED unanimously.

6. Other Closed Session Items

- ❖ MOVED by KELLY, SECONDED by JENEARY, to **close** file number 13-0013. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by ELMITT, to **close** file number 13-046. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by ELMITT, to **close** file number 13-0020. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by ELMITT, to close file number 13-058. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by ELMITT, to **close** file number 12-190. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by ELMITT, to **leave open** file number 13-0019. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by ELMITT, to **close** file number 13-0018. Motion APPROVED unanimously.
- At 1:45 p.m. the Board returned to closed session. The executive director and staff were asked to leave for this portion of the meeting.
- At 2:15 p.m. the Board recessed the closed session and returned to open session.

DISCIPLINARY HEARINGS

The Board held the reinstatement hearing in the Matter of Dr. Andre Bell, D.D.S. at 2:30 p.m. The reinstatement hearing was open to the public at Dr. Bell's request, pursuant to Iowa Code section 272C.6(1) and 65- IAC rule 51.20(13).

- *Reinstatement Hearing – In the Matter of Dr. Andre Bell, D.D.S.*

The Board having heard the testimony and having examined the exhibits voted, at 4:20 p.m., to go into closed executive session pursuant to Iowa Code Section 21.5(1)(f) to deliberate.

- ❖ MOVED by BRADLEY, SECONDED by FULLER, that the Board go into closed session. Motion APPROVED unanimously.
- At 5:15 p.m., while still in closed session, all members present voted in favor of a motion by BRADLEY seconded by MCCULLOUGH, to return to open session.

- At 5:20 p.m. the Board returned to open session.
 - ❖ The Board directed Judge LaMarche to prepare a draft Findings of Fact, Conclusions of Law, Decision and Order, in conformance with their deliberations.
- At 5:30 p.m. the Board returned to closed session.

XIII. ADJOURN

Chairman Bradley adjourned the meeting at 6:40 p.m. on August 1, 2013.

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for October 31-November 1, 2013, in Des Moines, Iowa.

These minutes are respectfully submitted by Christel Braness, Program Planner 2, Iowa Dental Board.