



STATE OF IOWA

IOWA DENTAL BOARD

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

JILL STUECKER
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD

MINUTES

October 22-23, 2015
Conference Room
400 S.W. 8th St., Suite D
Des Moines, Iowa

Board Members

	October 22, 2015	October 23, 2015
Steven Bradley, D.D.S.,	Present	Present
Steven C. Fuller, D.D.S.	Absent	Absent
Kaaren G. Vargas, D.D.S.	Present	Present
Thomas M. Jeneary, D.D.S.	Present	Present
William G. McBride, D.D.S.	Present	Present
Mary C. Kelly, R.D.H.	Present	Present
Nancy A. Slach, R.D.H.	Present	Present
Diane Meier, Public Member	Present	Present
Lori Elmitt, Public Member	Present	Present

Staff Members

Jill Stuecker, Phil McCollum, Christel Braness, Brian Sedars, Dee Ann Argo, Janet Arjes

Attorney General's Office

Sara Scott, Assistant Attorney General

Other Attendees

Carol Van Aernam, R.D.H., Iowa Dental Hygienists' Association
Jane Slach, R.D.A. Iowa Dental Assistants Association
Francisco Olalde, University of Iowa, Office of Statewide Clinical Education Programs
Barb Blough, Iowa Dental Association
Lynh Patterson, Delta Dental of Iowa
Barb Nichol, Scott Community College
Tom Cope, Iowa Dental Hygienists' Association
Barbara Votrain, Vatterott College
Jeff Chaffin, D.D.S., Delta Dental of Iowa
Stephen Thies, Iowa Academy of General Dentistry
Charlotte Eby, LS2 Group
Terri Deal, Des Moines Area Community College
Janae Cavanagh, Kirkwood Community College
Pam Hanson, Kirkwood Community College

Mark Markham, D.D.S., Midwest Dental, Atlantic
 Jackie Krueger, Western Iowa Technical Community College
 Emily Boge, R.D.H., Hawkeye Community College
 Barb Niche

I. CALL TO ORDER FOR OCTOBER 22, 2015

Dr. Bradley called the open session meeting of the Iowa Dental Board to order at 1:01 p.m. on Thursday, October 22, 2015.

Dr. Bradley noted that the legislative priorities will be discussed earlier in the meeting, rather than in order listed in the agenda.

Roll Call:

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

A quorum was established with eight (8) members present.

II. 1st OPPORTUNITY FOR PUBLIC COMMENT

Dr. Bradley asked everyone to introduce themselves. Dr. Bradley allowed the opportunity for public comment.

Ms. Boge, Hawkeye Community College, asked to confirm that the Board members had received her letter addressing the supervision issues in educational programs. Ms. Stuecker confirmed its receipt.

III. APPROVAL OF OPEN SESSION MINUTES

- *July 23, 2015 – Quarterly Meeting Minutes*
- ❖ MOVED by KELLY, SECONDED by JENEARY, to APPROVE the open session minutes as submitted. Motion APPROVED unanimously.
- *August 13, 2015 – Teleconference Meeting Minutes*
- ❖ MOVED by KELLY, SECONDED by VARGAS, to APPROVE the open session minutes as submitted. Motion APPROVED unanimously.

IV. REPORTS

EXECUTIVE DIRECTOR’S REPORT

Ms. Stuecker provided some renewal data for the current cycle. Effective November 1, 2015, licenses, permits, registrations and qualifications, which have not been renewed will lapse and become invalid for practice.

Ms. Stuecker reported that more people renewed on paper this renewal year, as compared to two years ago. This was a concern given the increase in staff time required to process these renewals. Ms. Stuecker elaborated on some of the concerns related to this. The Board may need to consider changes to manage this if the trend continues going forward. Ms. Stuecker stated that she was open to suggestions.

Dr. Vargas asked if there were a way to completely eliminate paper as an option. Ms. Stuecker stated that there are options to consider; though, the elimination of paper would require a rule change. Dr. McBride suggested creating incentives to encourage practitioners to renew online.

Ms. Stuecker provided some information about some changes on which staff is working. Ms. Stuecker hoped to provide an update about the upgrades to the Board's website; however, to date, she has not gotten a sufficient response from the vendor, who will be assisting with this. Ms. Stuecker saw this as an opportunity to review the Board's website and forms, which require some updates. Ms. Stuecker will provide an update at the January 2016 meeting.

Ms. Stuecker reported that the Board will be upgrading the licensure database system. Staff believed there should be additional functionality with the upgrade. Mr. McCollum will report more about the upgrades at the meeting in January 2016.

Ms. Stuecker indicated that Mr. McCollum has also been working on preparing the database for the new retired volunteer licenses. This was discussed again later in the meeting.

Ms. Stuecker reported that she will be attending the American Association of Dental Boards (AADB) and American Association of Dental Administrators (AADA) mid-year meetings in Washington D.C. Ms. Stuecker will report on this at the January 2016 meeting.

Ms. Stuecker reported that, over the last quarter, she has met with a number of stakeholder groups. In particular, Ms. Stuecker met with the Dental Assistant Educators Council to discuss the concerns related to supervision within dental assisting programs. Ms. Stuecker stated that this issue would be discussed again later in the meeting.

Ms. Stuecker reported that she participated in the IMOM program in September 2015. Ms. Stuecker was glad to have been able to participate in the program.

Ms. Stuecker reported that Mr. Sedars will be leaving the Iowa Dental Board to begin a new job elsewhere. Mr. Sedars stated that he was grateful for his time at the Board. Ms. Stuecker thanked Mr. Sedars for his service at the Iowa Dental Board.

Ms. Stuecker reported that she has started the process to fill Mr. Sedars' position, and has asked that it be expedited; however, she is uncertain how long this may take. Ms. Stuecker asked for everyone's patience while staff works through this.

BUDGET REPORT

- *Review of FY2016 Budget*

Ms. Stuecker reported that the Board was provided a copy of the financial status report for the first quarter of FY2016. Ms. Stuecker provided an explanation of expenses to date. Overall, expenditures were on target.

- *Annual Fee Review*

Ms. Stuecker reported that the Board is required to conduct an annual fee review each year. Ms. Stuecker distributed a copy of the current fee structure for review. Ms. Stuecker stated that the Board has sufficient funds to get through the current fiscal year. Ms. Stuecker reported that fees were last increased approximately 10 years ago.

❖ **MOVED** by MEIER, **SECONDED** by VARGAS, to **APPROVE** the review of fees as discussed. Motion **APPROVED** unanimously.

LEGAL REPORT

Ms. Scott reported that she wanted to provide a brief overview of the rulemaking process as a part of ongoing Board training. Since rulemaking is such a critical role of the Board, Ms. Scott wanted to go over the information related to this process. Iowa law authorizes the Board to write rules to address various regulations and concerns. Having said that, there are processes with which the Board must comply when considering rulemaking, and ensure that administrative rules are in compliance with applicable statutes.

Iowa Code Section 17A establishes the requirements for rulemaking. The Board must provide notice to the public of the intent to implement rulemaking; and must also allow a public comment period. If this procedure is not followed, the rule can be contested. The rule can also be challenged if the substance of the rule is not in line with the law.

Although minor changes are allowed after a Notice of Intended Action is approved by the Board, the scope of the changes needs to be limited, and a clear explanation for the changes provided. If the changes are substantial, the rulemaking process should be started over with a new Notice of Intended Action prior to the adoption of the proposed rule changes.

Ms. Scott reported that there is an opportunity for emergency adoption of proposed rulemaking. In general, the use of emergency adoption is discouraged because it minimizes the ability of the public to comment on the proposed changes. There are occasionally situations, however, where emergency adoption of proposed rules would be required.

Rule changes are reviewed by the Administrative Rules Committee and the Governor's Office. These mechanisms are in place to provide oversight. For example, the Governor's Office can rescind rules after they are effective if deemed unacceptable.

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Dr. Vargas reported that the Anesthesia Credentials Committee met recently to review and consider applications for general anesthesia and moderate sedation permits, which were approved for issuance.

CONTINUING EDUCATION ADVISORY COMMITTEE REPORT

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

Ms. Elmitt reported that the Continuing Education Advisory Committee met recently. Ms. Elmitt provided an overview of the committee's recommendations.

- ❖ **MOVED** by ELMITT, **SECONDED** by MEIER, to **APPROVE** the committee's recommendations as submitted. Motion **APPROVED** unanimously.
- *Other Committee Recommendations, If Any*

The rulemaking recommendations will be discussed later in the meeting with the other rulemaking recommendations for consideration.

EXECUTIVE COMMITTEE REPORT

Dr. Bradley reported that the committee met earlier that morning.

Dr. Bradley indicated that the Skilled Care Task Force will meet two more times and report on its recommendations. The committee will be disbanded upon the reporting of its recommendations to the Board.

Ms. Kelly stated that there is one task force meeting scheduled. The second meeting will be scheduled in the future.

LICENSURE/REGISTRATION COMMITTEE REPORT

- *Actions Taken by Committee on Applications*

Dr. Vargas provided an overview of the applications reviewed and actions taken by the committee since the last quarterly Board meeting. A list of actions taken by the committee was included in the Board members' folders.

- *Abigail Monson, Dental Assistant*

Dr. Vargas reported that the Licensure/Registration Committee has recommended denial of an application for registration from Ms. Monson based on her prior criminal history. Dr. Vargas

provided an overview of the application, including the issues of concern. Dr. Vargas wanted to see more information prior to granting her a registration.

Dr. Jeneary agreed with Dr. Vargas. Dr. Jeneary did not see sufficient objective information demonstrating change. Dr. Jeneary would like to see an objective opinion about her current status.

Ms. Scott stated that the committee may want to request additional information prior to voting to deny the registration. Ms. Scott reported that if the Board were to vote to deny the registration, Ms. Monson would receive a Notice of Intent to Deny. Ms. Monson would have the option to request a hearing, which would be public since she is not a licensee. If Ms. Monson were not to appeal this, the denial would become final after 30 days.

Ms. Scott stated that the Board can request additional information prior to moving towards a denial. Dr. Vargas indicated that she was not aware of this option. The Board members agreed to request additional information regarding Ms. Monson's current status.

- *Melissa Still, Dental Assistant*

Ms. Stuecker reported that Ms. Still's application no longer required discussion and review by the Board.

DENTAL HYGIENE COMMITTEE REPORT

- *Pending Dental Hygiene Applications*

There weren't any dental hygiene applications for review.

- *Actions Taken at Dental Hygiene Committee Meeting*

Ms. Kelly reported that the committee voted to recommend approval of the Notice of Intended Action as drafted.

Ms. Kelly provided an overview of a request for approval of nitrous oxide courses. The Dental Hygiene Committee recommended approval for a nitrous oxide course offered at Parkland College.

- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to APPROVE the nitrous oxide course through Parkland College, which included a clinical component. Motion APPROVED unanimously.

Ms. Kelly also reported on a request from Ms. Sheets about how to proceed with licensure.

- *Other Committee Recommendations, If Any*

There weren't any other recommendations.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

- *Committee Update*

Dr. Bradley stated that there was nothing new to report.

EXAMINATIONS REPORT

- *CRDTS – Dental Steering Committee Report*

Dr. Bradley reported that the biggest discussion was about the University of Iowa College of Dentistry, as well as other colleges across the nation, that is attempting to remove the use of patients from clinical examinations. This was discussed again later in the meeting.

- *CRDTS – Dental Hygiene Examination Review Committee Report*

Ms. Kelly reported that there was nothing new to report.

- *CRDTS – Dental Examinations Review Committee Report*

Dr. Vargas reported that she was unable to attend the most recent meeting, and had nothing new to report.

QUARTERLY IPRC REPORT

Mr. Sedars provided an overview of the Iowa Practitioner Review Committee (IPRC) program. Mr. Sedars also provided an overview of the current IPRC data.

EXPANDED FUNCTIONS COMMITTEE REPORT

- *Vote on Recommendations: RE: Expanded Functions Course Applications*
- *Other Committee Recommendations, If Any*

Ms. Slach reported that the committee met by teleconference to review three separate requests. After discussion and feedback, the committee recommended approval of the courses. A copy of the recommendations have been included in the Board folders. Ms. Slach provided an overview of the recommendations.

- ❖ **MOVED** by SLACH, **SECONDED** by KELLY, to **APPROVE** the committee's recommendations.

Ms. Slach stated that the Board may need to discuss the issue of hand instrumentation and what should be included in expanded functions training courses. Dr. Tesene, an expanded functions training provider, agreed to remove reference to the use of a surgical tool from one of his courses.

- ❖ **Vote taken. Motion APPROVED** unanimously.

VI. LEGISLATIVE UPDATES

- The agenda items for legislative updates were moved ahead for discussion since an interested party needed to leave early.

DISCUSSION AND VOTE OF BOARD LEGISLATIVE PRIORITIES FOR 2016

- *DSO Legislation*

Ms. Stuecker reported that the Board was approached by the Association of Dental Support Organizations in the spring about partnering on legislation which would address dental support organizations (DSO). There have been a number of meetings to discuss the proposed legislation and the Board has had significant input into the final document. The proposal intended to provide more clarity regarding rights and responsibilities within a DSO supported office. The Executive Committee saw value in the proposed legislation, and saw no reason to oppose it.

Ms. Stuecker indicated that Board members had a copy of the most recent draft of the proposed legislation. The recent changes were marked in red. Ms. Stuecker provided an overview of the proposed legislation. The breakdown of responsibilities between a licensee and the business entity was noted as helpful. One concern flagged by the committee was the lack of enforcement on the business side. While licensees are held accountable by the Board, there is no entity responsible for holding the business side accountable.

The Board has been asked to sponsor the legislation. While the Executive Committee was not opposed to the proposal, the committee was not in favor of co-sponsoring the bill. The Board members felt that it would be best for the DSO lobbyist to sponsor the legislation.

Ms. Stuecker stated that this will need to be voted on when an actual bill is introduced.

CRDTS

Ms. Stuecker reported on the request from the University of Iowa College of Dentistry to eliminate testing on patients beginning in 2016. Ms. Stuecker thought that the Board should vote on this issue today. Ms. Stuecker believed that this issue may go before the legislature.

Ms. Stuecker stated that there were discussions with the University of Iowa College of Dentistry about their concerns. The Board has proposed alternatives to their request, including use of the “Buffalo model,” which integrates testing into the dental clinic at the college of dentistry. This eliminates most of the issues outlined by the University. The University of Iowa College of Dentistry was not receptive to this solution.

Dr. Bradley reported on his discussions about this issue with the University of Iowa College of Dentistry. Initially, the College of Dentistry expressed some interest in the “Buffalo model.” After speaking with the University of Buffalo, the University of Iowa College of Dentistry discovered that failure rates had increased after switching to this method of testing. After discovering this,

the University of Iowa College of Dentistry rejected the idea. The College of Dentistry has indicated that they may pursue legislation to prohibit patient-based examinations in Iowa.

- ❖ MOVED by BRADLEY, SECONDED by JENEARY, to SUPPORT the Board's current standards and positions for nationally-recognized regional examinations that we use, which is CRDTS. These are evidence based and tested, and offered in every state. The passage of such examinations affords candidates to work in the majority of the United States.

There was further discussion about the request from the University, including a recommendation to allow acceptance of WREB and to allow the College of Dentistry to determine which examination to offer. Iowa Administrative Code 650—Chapter 12 currently limits the examinations accepted for the purposes of licensure by examination.

The Board noted that WREB also utilizes a patient-based exam. All clinical examinations include components wherein testing is completed on patients.

- ❖ Vote taken. Motion APPROVED 7-1. Ms. Slach voted in opposition to the motion.

- *Discussion of IDHA Legislative Priorities*

Mr. Cope was asked to present the IDHA's legislative priorities for the upcoming legislative session. The IDHA will submit a proposal to allow dental hygienists to provide certain educational services and oral screenings without requiring supervision by a dentist. Mr. Cope reported that there is a group within the IDHA that cannot find a dentist to provide supervision, which prevents them from providing educational services and oral screenings to their communities. The IDHA believed that these two functions should not require supervision by a dentist. Mr. Cope provided an overview of the compromises reached after discussing the proposal with Board staff.

The IDHA intended to submit this for consideration during the upcoming legislative session. They would like the Board to offer their support for this proposal.

Ms. Kelly stated that this was also discussed in the Dental Hygiene Committee. Ms. Kelly provided a couple of examples of how the proposed legislation may affect some licensees. Ms. Kelly believed that this would be beneficial to the public.

Mr. McCollum stated that it would be beneficial to include the scope and intent into the proposed legislation to make it clearer. Mr. Cope stated that they would distribute an updated version of the language as soon as the changes were made. The IDHA was open to additional feedback.

Ms. Boge asked to comment on this matter. Ms. Boge stated that she provided similar services at local head start programs in the past; however, she can no longer provide these services as she does not currently have a public health supervision agreement.

- *Discussion of IDA Legislative Priorities*

Ms. Blough distributed a brochure outlining the Iowa Dental Association's legislative priorities. Ms. Stuecker asked to confirm that additional expanded functions were a priority. Ms. Blough confirmed that this was correct. The Iowa Dental Association's trustees were scheduled to meet October 30, 2015; therefore, the IDA's legislative priorities have not been finalized.

V. ADMINISTRATIVE RULES/PETITIONS FOR RULE WAIVER

Mr. McCollum reported that the new rules for Iowa Administrative Code 650—Chapter 10 went into effect on October 21, 2015.

- *Vote on Notice of Intended Action – Iowa Administrative Code 650—Chapter 13, “Retired Volunteer Dentist and Dental Hygiene License*

Mr. McCollum reported that the Board members had before them a draft Notice of Intended Action to implement the provisions of House File 202. There have been a number of changes to the draft. The most recent version has been made available to the Board members and the public. Mr. McCollum provided an overview of the recent changes from the previous drafts.

- ❖ MOVED by ELMITT, SECONDED by VARGAS, to APPROVE the Notice of Intended Action as drafted. Motion APPROVED unanimously.
- *Discussion of Possible Draft Rules for CODA Approved Dental Education Programs*

Ms. Stuecker reported that this was discussed at the previous meeting of the Board. This arose out of a request for clarification of supervision requirements for educational programs. Under Iowa law, students must adhere to the same supervision requirements of a private practice setting. This was brought back for further discussion. Most notably, the issue was the matter of students performing work on each other. Ms. Stuecker provided an overview of the services students perform on one another.

CODA addresses a lot of these requirements from an educational perspective; however, there was discussion about some of the challenges in complying with current law, including the ramifications of finding a licensed dentist to provide supervision.

There was a proposal to pursue rulemaking to provide an exemption to educational programs to address these concerns. Mr. McCollum stated that he would put together a draft, and interested parties could respond with their comments. Primarily, the idea would be to allow an exemption for peer partnering with the exception of certain services, which require direct supervision in private practice, or for other services of concern. For example, nitrous oxide services would need to be done under direct supervision. Similar language would be implemented for dental assistant programs.

The educational instructors in attendance were, largely, in agreement with the general proposal. There was a question about dental radiography. Ms. Stuecker and Ms. Scott stated that CODA had sufficient requirements in place without requiring the Board to address this further in rule.

A number of Board members were in favor of this proposal.

Ms. Slach wondered if there should be clarification of supervision in dental programs to fully address this. There was some additional discussion about this; however, Mr. McCollum and Ms. Scott reported that there was a specific exemption for dental students in the Iowa Code. The same exemption does not exist for dental hygiene and dental assistants in statute.

Ms. Stuecker stated that the Board will consider a draft Notice of Intended Action in January 2016 to move forward on this issue.

- *Discuss Rulemaking Priorities for 2016*

Ms. Stuecker reported that she put together a list of potential rulemaking considerations. Given staff limitations, it will take some time for the Board to review and make decisions on all of them. Therefore, the Board needs to consider prioritizing certain items on the list.

Ms. Stuecker believed that the issue of supervision in educational settings was one of the highest priorities. Ms. Stuecker flagged her other recommendations for consideration. The Board should also consider issues related to the retirement or discontinuation of practice in chapter 27, and to update the rules regarding payment of fees, also in chapter 27. The rules regarding fees are confusing given the contradictory language regarding payment for services. The rules should allow prepayment of services in cases where patients wish to do so.

The Board agreed with Ms. Stuecker's recommendations for prioritization. Ms. Stuecker asked for input about other rulemaking priorities apart from what was discussed. The consideration of rulemaking for supervision and discontinuation of practice will be placed on the agenda for further discussion at the January 2016 meeting. The discussion about fees will be ongoing and will include input from stakeholders.

- *Rule Waiver Request – Axel Ruprecht, D.D.S. – Iowa Administrative Code 650—11.2(2)d-e, “Licensure to Practice Dentistry or Dental Hygiene”*

Ms. Braness provided an overview of the request. Dr. Ruprecht is a practitioner who has held a faculty permit at the University of Iowa College of Dentistry and practiced oral and maxillofacial radiology. Due to Dr. Ruprecht's dental education in Canada and specialty training, Dr. Ruprecht does not currently qualify for a dental license in Iowa. Dr. Ruprecht is asking the Board to accept the examinations, which he completed in Canada at the time he graduated from dental school, as an acceptable basis for licensure by examination.

Ms. Scott commented on the limitations of the Iowa Code provision based on application by credentials and examinations. This request was not entirely straight forward. Ms. Scott believed that the examinations could be reviewed for acceptance; however, the Board may need more information prior to voting on the waiver request. The Board may want to request additional information, such as evidence of having successfully passed the examinations, prior to making a final decision on the waiver request.

Ms. Slach inquired about the information provided with Dr. Ruprecht's faculty permit application. Ms. Braness stated that faculty permit applications don't require proof of clinical or national board examinations; therefore, the basis of application vary between a dental license and faculty permit.

Although Dr. Ruprecht is respected, Dr. Vargas was concerned about the precedent that this would set for other specialists, who do not meet the requirements for licensure. Dr. Vargas stated that she was required to meet and comply with a number of additional requirements to obtain licensure in Iowa. Therefore, she is inclined to deny the rule waiver due to established precedent.

Ms. Braness reported that Dr. Ruprecht could opt to complete the CRDTS examination to become eligible for licensure on the basis of examination. In the past, Dr. Ruprecht has been reluctant to complete this examination since it would not be applicable to his practice of oral and maxillofacial radiology.

Ms. Slach asked if the Board could issue a restricted to license for the specialty practice. There was some discussion about whether to issue a restricted license. Ms. Braness provided an overview of the Stipulated License Agreement, which limited the practice of dentistry of a dentist, issued previously by the Board. The primary difference between the two cases is that Dr. Ruprecht does not currently meet the requirements for licensure. The dentist to whom the Stipulated License Agreement was issued, had met all requirements for a dental license; however, he had reported certain physical limitations to his ability to practice certain aspects of dentistry.

There was additional discussion about the issues related to this request.

Ms. Scott stated that the Board could not issue a specialty license. If a license were issued to him, it would be a dental license, which would legally allow him to practice the full range of dentistry.

After further discussion, the Board opted to request additional information prior to making a final decision on the rule waiver. Ms. Braness stated that she would make that request.

Dr. McBride asked about the limitations of specialty licensure since other states allow it.

- *Rule Waiver Request – Gregory Ceraso, D.D.S. – Iowa Administrative Code 650—29.5(1), “Permit Holders”*

Ms. Braness provided an overview of the request. Dr. Ceraso was previously granted a rule waiver of this rule to allow an anesthesiologist to provide the sedation in his facility and ensure that it was properly equipped. Dr. Ceraso requested permission to allow a nurse anesthetist to provide the sedation in lieu of the anesthesiologist when the anesthesiologist would be unavailable.

Board staff did not see a reason to deny the request provided the nurse anesthetist is legally licensed and allowed to perform the services under those circumstances.

❖ **MOVED** by KELLY, **SECONDED** by VARGAS, to **APPROVE** the waiver request as discussed. Motion **APPROVED** unanimously.

- The Board took a brief recess at 3:00 p.m.
- The Board reconvened at 3:16 p.m.

VII. OTHER BUSINESS

- *Discussion of Interpretation of Urgent Need*

Ms. Stuecker reported that this request arose out a question from Complete Mobile Dentistry about the issue of urgent need as it related to temporary permits. Complete Mobile Dentistry is contracted to provide military personnel required examinations and dental services prior to deployment. They sometimes have difficulty staffing these events; and inquired about what “urgent need” means, and whether these types of events would qualify.

Ms. Stuecker believed that Complete Mobile Dentistry is interested in reduced paperwork or expedited processing. Ms. Braness addressed some of the differences in licensure types and the requirements for each.

There was some additional discussion related to whether these events would qualify for urgent need. Some of the Board members were not certain that this would qualify as an urgent need.

Dr. Chaffin, Delta Dental of Iowa, stated that these companies sometimes have difficulty recruiting locally; though, it is generally cheaper to recruit locally when possible. Dr. Chaffin stated that the military requires a dental examination once a year, and urgent dental needs must be taken care of prior to deployment.

Some Board members saw this as a service, which could be provided to military servicemen. After further discussion, the Board members agreed to count this as an urgent need. Ms. Slach recommended encouraging Complete Mobile Dentistry to recruit local dentists whenever possible.

- *Vote on Policy for Managing Continuing Education and Expanded Functions Courses*

Ms. Stuecker reported that there has been some ongoing discussion about this. Ms. Stuecker believed that as a general rule the Board should review and approve proposed policies prior to implementation. The other objective was to establish clear guidelines about what should be submitted for the review of these requests.

Ms. Stuecker provided an overview of the proposed requirements for submission and review. Of particular issue, was the matter of open records law. Generally speaking, records submitted to the Board are subject to open records requests. Although, the meeting materials would not be publicly disseminated, they may be subject to open records requests. If the Board were to receive an open records request for these materials, Board staff will attempt to notify affected parties.

Ms. Slach stated that PowerPoints and other detailed materials are helpful. Dr. McBride expressed concern about the potential volume of material to be reviewed. There was some further discussion

about how much information would be sufficient for the committee to complete review of a request.

Ms. Elmitt felt that the proposal was a good framework. Ms. Slach stated that additional information could be requested by the committee as needed.

❖ MOVED by ELMITT, SECONDED by JENEARY to ADOPT the policy as proposed. Motion APPROVED unanimously.

- *Discussion of Results of Renewal Survey*

Ms. Stuecker reported that she had sent out a survey to those who had renewed this year. Approximately 300-400 responded, which is a small percentage of the overall total. Ms. Stuecker hoped to get some more information about why some practitioners preferred to renew on paper versus renewing online. Ms. Stuecker would propose asking these questions again before implementing changes.

There were some discussions about proposed solutions including a proposal for the Board to absorb the cost of the credit card fees. The Board would need to review this further given the fiscal impact. There was also discussion about making paper renewals more expensive due to the additional staff time required to process them as a way to incentivize online renewal. Board members and staff also discussed how to make renewal and payment options more efficient within the structure of the current database.

Ms. Meier stated that some governmental agencies have eliminated the use of paper. Ms. Stuecker stated that the Board has to address this issue given the limited space to store physical records, particularly since the State Records Center is no longer accepting records for long term storage. This will need to be discussed and considered further.

- *Discussion of Letter from Dr. Dennis Higginbotham*

Ms. Stuecker reported that Dr. Higginbotham requested that Board consider changing the continuing education requirements in the areas of infection control and dental radiography for dental assistants. Currently, dental assistants must complete two hours in infection control every two years; those with qualifications in dental radiography, must complete two hours in the area of dental radiography every two years. Dr. Higginbotham has proposed changing the requirement to completing these continuing education courses once every five years.

Ms. Elmitt believed that these requirements are intended to protect the public. She understood his concerns; however, lack of attention during courses is a separate issue that cannot easily be corrected by a change in regulation.

Mr. McCollum recommended that infection control and jurisprudence courses be completed once every five years. Jurisprudence changes more frequently than infection control policies.

There was further discussion by the Board members regarding the intended reason for the courses and their value in the practice of dentistry. The Board agreed to leave the requirements as currently established and revisit at another time.

- *Discussion of Jurisprudence Examinations*

Ms. Stuecker reported that the Board was not expected to take action on this today. There are some concerns, which may need to be addressed by the Board. The Board may want to consider allowing licensees to test out of state, and allow open book examination, among other possible options. Ms. Stuecker was open to suggestions.

Ms. Slach agreed that this would be important to look at due to staff time involved correcting examinations.

- *Discussion of Strategic Planning*

Ms. Stuecker reported that she had previously found a company in California to work with the Board on its strategic planning. Unfortunately, the cost of the services would require the Board to seek bids prior to awarding an agreement for services. Given the requirements to seek outside services, Ms. Stuecker recommended working with the Department of Administrative Services (DAS) to assist the Board with this. The cost would be about \$4000, and the Board would work towards a three-year strategic plan. The planning would start small, and be expanded as needed.

The Board members were in agreement with the proposal to pursue these services through DAS.

- *Discussion of Need for Future Board Teleconference*

Ms. Stuecker stated that she would like to schedule a date for a teleconference in case Board business needed to be handled in advance of the January 2016 meeting. The meeting could be cancelled if it was not needed. Ms. Stuecker proposed scheduling a meeting on November 12, 2015 at 7:00 a.m. Dr. McBride stated that he would be travelling that day for CRDTS examination. The remaining Board members indicated that they should be available.

IX. APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS

- *Ratification of Actions Taken on Applications Since Last Meeting*

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

- ❖ MOVED by ELMITT, SECONDED by KELLY, to APPROVE the list as submitted.
Motion APPROVED unanimously.

- *Pending Licensure/Registration Applications, If Any*

The applications were discussed earlier in the meeting.

X. 2nd OPPORTUNITY FOR PUBLIC COMMENT

Dr. Bradley allowed the opportunity for public comment.

There were not any comments received.

- The Board took a recess at 3:57 p.m.
- The Board reconvened at 4:07 p.m.

CLOSED SESSION

- ❖ **MOVED** by BRADLEY, **SECONDED** by ELMITT, for the Board to go into closed session at 4:07 p.m., pursuant to:

Section 21.5(1)(h) for agenda item 1a “to avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law”.

Section 21.5(1)(a) for agenda item 2a “to review or discuss records which are required or authorized by state or federal law to be kept confidential...”, specifically to review or discuss information that is confidential under Iowa Code § 21.5(4).

Section 21.5(1)(f) for agenda item 2b, to discuss the decision to be rendered in a contested case.

Section 21.5(1)(d) for agenda item 2c to discuss whether to initiate licensee disciplinary investigations or proceedings, and Iowa code § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

Section 21.5(1)(d) for agenda items 2d, 2e, 2f and 2g to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).

Section 21.5(1)(a) for agenda items 2h, 2i, 2j and 2k to review information required by state or federal law to be kept confidential, specifically Iowa Code § 272C.6(4) and Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

Section 21.5(1)(d) for agenda item 2l to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).

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

Motion APPROVED by ROLL CALL.

OPEN SESSION

- ❖ MOVED by KELLY, SECONDED by VARGAS, to return to open session. Motion APPROVED unanimously.
- The Board reconvened in open session at 11:12 a.m. on October 23, 2015.

ACTION ON CLOSED SESSION ITEMS

1. Closed Session Minutes

- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the closed session minutes for the July 24, 2015 quarterly meeting. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the closed session minutes for the August 31, 2015 quarterly meeting. Motion APPROVED unanimously.

2. Disciplinary Orders

- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Kent J. Sturhahn, D.D.S., file number 13-031. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Sarah F. Van Ballegooyen, Q.D.A., file number 13-0080. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Taylor R. Brommel, Q.D.A., file number 14-0143. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Randall W. Toothaker, D.D.S., file numbers 14-0167, 15-0061. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Gregory D. Beernink, D.D.S., file number 15-0073. Motion APPROVED unanimously.

- ❖ MOVED by MEIER, SECONDED by VARGAS, to approve the proposed Notice of Hearing and Statement of Charges in the Matter of Jay R. Buckley, D.D.S., file numbers 13-0087, 15-0127. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Allison N. Dixon, D.H., file number 13-030. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Monica M. Goddard, D.H., file number 15-0077. Motion APPROVED unanimously.

3. *Compliance*

- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to approve the request for modification of her Board Order in the Matter of Stacy L. Cook, Q.D.A., file number 08-121. Motion APPROVED unanimously.

4. *Final Action on Cases*

- ❖ MOVED by SLACH, SECONDED by KELLY, to KEEP OPEN file numbers 14-0171, 15-0060. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by KELLY, to CLOSE file number 15-0040. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by KELLY, to CLOSE file numbers 15-0071, 15-0072. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by KELLY, to CLOSE file number 15-0081. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by KELLY, to CLOSE file number 15-0082. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by KELLY, to CLOSE file number 15-0089. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0021. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0041. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0068. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0079. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0083. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file number 15-0084. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file numbers 15-0086, 15-0121. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0087. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0088. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file number 15-0090. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0092. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0093. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0096. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0097. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0099. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0100. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0105. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0106. Motion APPROVED unanimously. Vargas recused.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0107. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0108. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file number 15-0111. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0112. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0113. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0114. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0115. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0116. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0117. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file number 15-0118. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0119. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0120. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0122. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0123. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0129. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to KEEP OPEN file number 11-190. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to CLOSE file number 13-0065. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to KEEP OPEN file numbers 14-0081, 15-0048. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to CLOSE file numbers 14-0080, 14-0086. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to KEEP OPEN file number 14-0087. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to KEEP OPEN file number 14-0116. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to CLOSE file number 14-0146. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to CLOSE file number 15-0018. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to CLOSE file number 15-0047. Motion APPROVED unanimously.
- ❖ MOVED by VARGAS, SECONDED by KELLY, to CLOSE file number 15-0054. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 15-0128. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to KEEP OPEN file number 15-0103. Motion APPROVED unanimously.

XVII. ADJOURN

- ❖ MOVED by ELMITT, SECONDED by VARGAS to ADJOURN. Motion APPROVED unanimously.

The meeting was adjourned at 11:21 a.m. on October 23, 2015.

NEXT MEETING OF THE BOARD

The next quarterly meeting of the Board is scheduled for January 28-29, 2016, in Des Moines, Iowa.

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