



# STATE OF IOWA

## IOWA DENTAL BOARD

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

JILL STUECKER  
EXECUTIVE DIRECTOR

### DENTAL HYGIENE COMMITTEE

#### OPEN SESSION MINUTES

**October 22, 2015**  
**Conference Room**  
**400 S.W. 8<sup>th</sup> St., Suite D**  
**Des Moines, Iowa**

<b>Committee Members</b>	<b>October 22, 2015</b>
Mary C. Kelly, R.D.H.	Present
Nancy A. Slach, R.D.H.	Present
Thomas M. Jeneary, D.D.S.	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

### **I. CALL TO ORDER FOR OCTOBER 22, 2015**

Ms. Kelly called the meeting of the Dental Hygiene Committee to order at 9:30 a.m. on Thursday, October 22, 2015. A quorum was established with all members present.

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Jeneary</u>
Present	X	X	X
Absent			

### **II. 1<sup>st</sup> OPPORTUNITY FOR PUBLIC COMMENT**

Ms. Kelly allowed the opportunity for public comment.

No comments were received.

### **III. APPROVAL OF OPEN SESSION MINUTES**

- *July 23, 2015 – Quarterly Meeting Minutes*

- ❖ MOVED by JENEARY, SECONDED by SLACH, to APPROVE the minutes as submitted. Motion APPROVED unanimously.

#### **IV. EXECUTIVE DIRECTOR'S REPORT**

Ms. Stuecker provided some statistics regarding the current renewal for dental hygienists. Ms. Stuecker reported that more licensees renewed on paper this year as compared to 2013. This was concerning due to the amount of extra work involved in processing paper applications.

Ms. Slach inquired about some of the previously-proposed changes to the online services website. Those are possible of areas of concern, particularly as it related to having to submit separate applications and payments for the dental hygiene license and local anesthesia permit. Ms. Stuecker stated that staff will need to look at all of the costs involved prior to making decisions about any changes to the current database and online services website. There was some additional discussion about possible ways to address the concerns related to renewal.

#### **V. LEGAL REPORT**

Ms. Scott stated that she did not have anything to report.

#### **VI. ADMINISTRATIVE RULES/ADMINISTRATIVE RULE WAIVERS**

Mr. McCollum reported that the new changes to 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 there was a new draft of the Notice of Intended Action to amend Chapter 13, which would address the requirements of House File 202, which was adopted into Iowa law. Mr. McCollum provided an overview of the changes made to the current draft. There was some additional discussion related to some of the changes as proposed.

Ms. Kelly asked Mr. Cope, Iowa Dental Hygienists' Association (IDHA), if he had any comments about the draft since he was not in attendance during the public hearing. Mr. Cope stated that he was not aware of any concerns with the language as currently drafted.

- ❖ MOVED by KELLY, SECONDED by SLACH, to recommend APPROVAL of the Notice of Intended Action as drafted. Motion APPROVED unanimously.

- *Discussion on Draft Rules for CODA-Approved Dental Education Programs*

Ms. Stuecker indicated that this was an item that was previously discussed at the last meeting. Ms. Stuecker reported that there was a formal request from the dental assistant educators to clarify supervision requirements in educational programs. The Board's attorney and staff believe that the

law requires the same supervision levels as would be required in private practice. This has raised some concerns.

Ms. Stuecker reported that she met with the educators about a month ago to discuss this issue further. There was a potential impact on dental hygiene programs as well. The primary area of concern were the situations where students work on each other. Ms. Stuecker provided an overview of the work that students usually perform on each other. The educators are concerned about the hardship that requiring additional supervision by a licensed dentist may pose. In particular, there are financial concerns, as well as concerns about finding licensed dentists who are willing to supervise these services. Ms. Stuecker stated that staff has put together a preliminary draft to exempt schools in these situations. The draft has not yet been distributed to date since it has not been finalized.

Dr. Jeneary asked about the clinical concerns. Ms. Stuecker stated that certain services could be excluded from the exemption. The language could be drafted to require dental supervision for services where there is greater concern. The intention is to address this for both dental assistant and dental hygiene programs. Ms. Stuecker stated that Commission on Dental Accreditation (CODA) addressed some of these issues, but also relied on programs complying with local law.

Ms. Kelly stated that consideration should be given to the fact that there have not been known problems with how supervision was currently structured within these programs. Ms. Kelly inquired about the issue of friends and family. Ms. Stuecker indicated that this issue may be limited to one school. Mr. McCollum will draft proposed rules based on the discussion and concerns expressed.

## **VII. OTHER BUSINESS**

### **▪ *Discussion of IDHA Legislative Priorities***

Mr. Cope discussed the IDHA's legislative priorities with the committee. There is a subset of the Iowa Dental Hygienists' Association membership that may not have an established relationship with a dentist. Current law requires supervision by a dentist to provide services. Mr. Cope stated that there was a proposal to allow an exemption regarding supervision and have this placed in the Iowa Code. Mr. Cope suggested that dental screenings, and possibly one to two other tasks be included in the list of allowed services under the proposed exemption to supervision requirements. This would allow dental hygienists to continue to provide limited services in the community in cases where they cannot find a dentist to provide supervision. Iowa would not be the only state to allow this.

Ms. Kelly stated that there are matters related to education written into the Iowa Code, which puts these changes outside of the scope of authority of the Board. There are concerns, which might be addressed by supporting these changes.

Dr. Jeneary stated that he was not opposed to the educational portion of the proposal; however, he saw oral screenings as a separate issue. Mr. McCollum stated that it might be important to address the purpose of this within the proposed legislation. Some other states have addressed the purpose

of the services to be provided. Mr. Cope stated that he had discussed a few things with Board staff in trying to find some resolutions to these concerns. Mr. Cope is open to negotiation on one of those items due to the equipment required, as well as further discussing how to address the concerns related to referral to a dentist for further examination and treatment.

Ms. Slach asked if nutritional and tobacco counseling had been discussed. Mr. Cope stated that he took the draft language out of the current Iowa Administrative Code 650. Dr. Bradley was in favor of leaving the language broad.

Ms. Slach also asked about fluoride varnish. Ms. Kelly and Mr. McCollum believed that this would fall into the area of services, which were not *educational* services, and would require some level of supervision, such as public health supervision. Ms. Slach expressed concerns about whether this was too restricting.

There was further discussion related to the advantages and disadvantages to the current proposal. Ms. Kelly stated that the Board would have discretion to clarify some of this further in rule, as opposed to what would be placed in the Iowa Code. Ms. Kelly asked if the clarification of purpose should be in the Iowa Code or in Board rules. Mr. McCollum was in favor of the specifics being placed in Board rules.

- *Discussion of Hygiene Jurisprudence Examination*

Ms. Stuecker stated that this was intended to be a limited conversation at this time. Ms. Stuecker stated that the Board needed to review this issue, and address some questions and concerns, which have been raised.

Ms. Stuecker would like the Dental Hygiene Committee and the Board to consider potential options related to the jurisprudence examination. There may need to be considerations or changes made to allowed testing locations. There were also questions about allowing the examination to be open book. Ms. Stuecker stated this may be discussed further at the meeting in January; however, she would like the members to consider some of these possibilities.

Ms. Slach asked if a committee would be formed to review this. Ms. Stuecker stated that she had not gotten as far as that; though, it might be something to consider.

- *Discussion on Use of Live Patients for Dental Hygiene Exam*

Ms. Stuecker reported that the Board will be discussing this later at its meeting. The Board received a formal request from the University of Iowa College of Dentistry to remove the use of live patients from testing starting in 2016. It was noted that there would be implications to the dental hygiene examination as well. Ms. Stuecker indicated that the Board could not rule out the possibility that proposed legislation may be introduced to address this in Iowa Code. Ms. Stuecker stated that the Board should be prepared for something this.

Ms. Kelly asked about the language in rule. Ms. Scott stated that the rules refer to “clinical” examinations. There isn’t a reference to the requirements beyond that terminology.

Ms. Kelly stated that the ethics of the dental examination would also need to be applied to the dental hygiene examination. It is difficult to separate the two examinations, and establish two different standards.

Ms. Kelly stated that Dr. Kanellis was open to the idea of acceptance of the WREB examination; however, that examination is still patient-based. Only the dental members can vote on matters related to the dental examination; however, all Board members can vote on changes to the dental hygiene examination requirements.

Ms. Stuecker stated that alternatives have been proposed to the University of Iowa College of Dentistry, such as integrating clinic patients into the testing process. To date, the University of Iowa College of Dentistry has been opposed to the suggested alternatives. Dr. Bradley reported that the college's response in his discussion with them came down to concerns about increased failure rates.

There was further discussion about the concerns related to this proposal and possible alternatives. Ms. Kelly believed that there needed to be a third-party testing system. Ms. Kelly reiterated her support for the CRDTS examination, as well as the proposed alternatives.

Ms. Stuecker noted that there were additional concerns related to an alternate exam construct such as pass/fail rates.

- *Discussion on Separate Licensing Fee for Anesthesia Permit*

Ms. Kelly stated that comments have been received regarding the separate fees for dental hygiene licensure and local anesthesia permits. Ms. Kelly would like to find a compromise on this issue. Mr. McCollum stated that the committee has to be aware of the fiscal impact of any proposed changes. If changes are proposed, the fiscal impact would need to be addressed.

Mr. Cope inquired about the fees charged to those who pay by credit card. Mr. McCollum stated that fee is a fixed percentage of the fee being paid by credit card. Mr. Cope agreed that if the fees could be paid all at once, as opposed to separate applications and fees, the revenue may not be impacted.

Ms. Kelly suggested considering requirements for the use of local anesthesia, which would be similar to that of nitrous oxide while addressing the revenue component to resolve the concerns of the fiscal impact of such a change.

- *Traci Timmerman, R.D.H. – Request for Approval of Online Nitrous Oxide Training*

Ms. Braness provided an overview of the request and the historical background regarding this.

Ms. Slach preferred an in-person evaluation be conducted even if it would be completed by the employer dentist; though, she would prefer an evaluation by another licensee. Ms. Kelly and Dr. Jeneary agreed that a clinical component should be included. Ms. Slach was open to having the

dentist sign off on the clinical training. There were concerns expressed about the legal aspects of an in-office component to the training.

- ❖ MOVED by KELLY, SECONDED by JENEARY, to APPROVE the Parkland College nitrous oxide course. Motion APPROVED. Ms. Slach abstained from the vote.

## **VIII. APPLICATIONS FOR LICENSURE & OTHER REQUESTS**

- *Karina Sheets – Hygiene Student Graduate*

Ms. Braness provided an overview of the request. Ms. Sheets is not currently eligible for licensure on the basis of examination or credentials.

Ms. Slach recommended remedial education of at least one year. Ms. Scott stated that the requirements for licensure as established in Iowa Administrative Code 650—Chapter 11 required compliance. Ms. Scott recommended referring Ms. Sheets to Iowa Administrative Code 650—11.5 in order for her to comply with the requirements for licensure.

Ms. Scott also indicated that Ms. Sheets would also need to submit additional information regarding her previous criminal history at the time she makes application.

## **X. 2<sup>nd</sup> OPPORTUNITY FOR PUBLIC COMMENT**

Ms. Kelly allowed the opportunity for public comment.

No comments were received.

## **IX. CLOSED SESSION**

- ❖ MOVED by KELLY, SECONDED by SLACH, to go into closed session in compliance with the following requirements:

Section 21.5(1)(a) for closed session minutes “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)(d) for consideration of statement of charges, settlement agreement and final order 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 a complaint, 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).

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Jeneary</u>
Yes	X	X	X
No			
Absent			

Motion APPROVED by ROLL CALL.

- The Dental Hygiene Committee convened in closed session at 10:58 a.m.

**X. RECONVENE IN OPEN SESSION**

- ❖ MOVED by JENEARY, SECONDED by SLACH, to return to open session. Motion APPROVED unanimously.

- The Dental Hygiene Committee reconvened in open session at 11:06 a.m.

**XI. ACTION ON CLOSED SESSION ITEMS**

- ❖ MOVED by KELLY, SECONDED by SLACH to APPROVE the closed session minutes as submitted. Motion APPROVED unanimously.

- ❖ MOVED by KELLY, SECONDED by SLACH, to APPROVE the Statement of Charges, Settlement Agreement, and Final Order (combined) for #13-030. Motion APPROVED unanimously.

- ❖ MOVED by KELLY, SECONDED by JENEARY, to APPROVE the Statement of Charges, Settlement Agreement, and Final Order (combined) for #15-0077. Motion APPROVED unanimously.

- ❖ MOVED by KELLY, SECONDED by JEJENARY, to keep the case open for #15-0103. Motion APPROVED unanimously.

**XI. ADJOURN**

- ❖ MOVED by JENEARY, SECONDED by SLACH, to adjourn. Motion APPROVED unanimously.

The meeting of the Dental Hygiene Committee adjourned at 11:07 a.m. on October 22, 2015.

**NEXT MEETING OF THE COMMITTEE**

The next meeting of the Dental Hygiene Committee is scheduled for January 28, 2016, in Des Moines, Iowa.

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

Board.