



# STATE OF IOWA

## IOWA DENTAL BOARD

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

JILL STUECKER  
EXECUTIVE DIRECTOR

### IOWA DENTAL BOARD

#### MINUTES

January 26-27, 2017  
Conference Room  
400 S.W. 8<sup>th</sup> St., Suite D  
Des Moines, Iowa

#### **Board Members**

	<b>January 26, 2017</b>	<b>January 27, 2017</b>
Steven Bradley, D.D.S.,	Present	Present
Steven C. Fuller, D.D.S.	Present	Present
Thomas M. Jeneary, D.D.S.	Present*	Absent
Monica Foley, 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

\*Participated in a portion of the meeting by telephone

#### **Staff Members**

Jill Stuecker, Phil McCollum, Christel Braness, David Schultz, Dee Ann Argo, Janet Arjes

#### **Attorney General's Office**

Sara Scott, Assistant Attorney General

#### **Other Attendees**

Carol Van Aernam, Iowa Dental Hygienists' Association  
Lori Brown, Des Moines Area Community College  
Laura Daman, Kirkwood Community College  
Sara Schlievert, Iowa Department of Public Health  
Sue Hyland, Iowa Dental Hygienists' Association  
Jeannene Veenstra, Iowa Dental Assistants Association  
Larry Carl, Iowa Dental Association  
Becki Brommel, Brown Winnick, Iowa Dental Association  
Michael Kanellis, D.D.S., University of Iowa College of Dentistry  
Jeff Chaffin, Delta Dental of Iowa  
Sabrina Johnson, Iowa Medicaid

Gretchen Hageman, Delta Dental of Iowa  
 Kari Lilly, Smile Labs  
 Jeanne Studer, Smile Labs  
 Joni Miller, Western Iowa Technical Community College  
 Nancy Adriense, IAPCA  
 Stephen Thies, D.D.S., Iowa Academy of General Dentistry  
 Jane Slach, Iowa Dental Assistants Association  
 Shannon Turner, MCNA  
 Ginger Chapman, MCNA  
 Jeff Boeyink, MCNA  
 Dr. Hunke, MCNA  
 Jeannie Kelderman, Smile Labs of Des Moines

**I. CALL TO ORDER FOR JANUARY 26, 2017**

Dr. Bradley called the meeting of the Iowa Dental Board to order at 12:01 p.m. on Thursday, January 26, 2017.

Roll Call:

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

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

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

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

Ms. Brommel, Brown Winnick Law Firm and legal representation for the Iowa Dental Association, asked to speak about the tooth whitening complaint listed later in the agenda. The Iowa Dental Association requested that the Board take action against this, and other tooth whitening locations in Iowa. The Iowa Dental Association has since identified other locations throughout Iowa. Ms. Brommel provided several reasons why the Iowa Dental Association believed it would be best to limit this service to licensed professionals. Ms. Brommel stated that the Board enforced this matter in the past by issuing multiple cease and desist letters on this issue.

Ms. Lilly, Smile Labs Ankeny, asked to comment on the complaint. Ms. Lilly provided a brief history of how she came to provide this service. Ms. Lilly contacted the Board and hired an attorney to ensure that what she was doing was legal. Ms. Lilly stated that the clients are offered a whitening kit. Ms. Lilly stated that the clients sign a waiver, and staff refers clients to dental offices if there were questions. Ms. Lilly stated that they clearly indicate that they are not providing dental services.

Ms. Studer, Smile Labs Glow, also spoke about how she came to open her business. Ms. Studer stated that they clarify that they are not dental professionals, and refer clients to dental offices for further treatment. They do not administer or assist in the application.

Ms. Meier asked what the treatment consists of. Ms. Lily provided an overview of the treatment. Ms. Meier asked if anyone has aspirated the product. Ms. Lily and Ms. Studer indicated that they had not had this occur.

Ms. Scott stated that this needed to be limited to public comment only, unless the agenda item was moved forward on the agenda for discussion.

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

- *October 13, 2016 – Quarterly Meeting*
  - ❖ MOVED by MCBRIDE, SECONDED by KELLY, to APPROVE the minutes as submitted. Motion APPROVED unanimously.
- *December 1, 2016 – Teleconference*

Ms. Scott noted that the minutes needed to be updated to reflect that she participated in the teleconference.

- ❖ MOVED by ELMITT, SECONDED by MEIER, to APPROVE the minutes with the correction as noted. Motion APPROVED unanimously.

### **IV. INFORMATION SESSION, DENTAL WELLNESS PLAN**

Ms. Shannon Turner, MCNA Dental, introduced herself and her colleagues. MCNA Dental will administering the Dental Wellness Plan, along with Delta Dental of Iowa. Ms. Turner provided an overview of the company.

Ms. Turner provided some additional information about the coverage they offer within Iowa. They still have a relatively small provider population since they are the second plan provider in Iowa.

Ms. Turner opened the floor up to questions.

Ms. Kelly asked about the outreach programs. Ms. Turner provided an overview of the ways in which they encourage continued examination and treatment.

Dr. Bradley thanked Ms. Turner for her time.

### **V. REPORTS**

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

Ms. Stuecker reported that effective January 27, 2017, Ms. Amy Jackson will serve as the new secretary to the Iowa Dental Board. Ms. Stuecker provided some general licensure statistics and stated that the Board will publish its first annual report in April, 2017.

Ms. Braness provided an overview of the new website that has been under development for some time. Ms. Braness stated that staff was open to suggestions and changes. Board staff planned to launch the new website in about a month.

### BUDGET REPORT

- *Annual Fee Review*

Ms. Stuecker provided a financial status update to the Board. The Board was on track with spending for the current fiscal year. Ms. Stuecker provided highlights of some spending areas. Ms. Stuecker stated that future projections show a deficit in FY 2019. The Board would need to consider fee increases on licensure in the next year to account for this.

### LEGAL REPORT

Ms. Scott reported that the petition for judicial review in the Matter of Jay R. Buckley, D.D.S. was still pending. Arguments were presented to the District Court in December 2016. The court had not yet issued the decision.

Ms. Scott provided an update about requirements related to lobbying while the legislature was in session. In order to lobby legally, one must register as a lobbyist. Currently, Ms. Stuecker and Mr. McCollum were the only people currently registered to lobby on behalf of the Board. One can comment on one's own behalf; however, he or she cannot lobby on behalf of the Board without being registered. When in doubt, Ms. Scott recommended contacting the Iowa Ethics and Campaign Disclosure Board with questions.

### ANESTHESIA CREDENTIALS COMMITTEE REPORT

- *Actions Taken by the Committee on General Anesthesia & Moderate Sedation Permit Applications*
- *Other Committee Recommendations, if any*

Ms. Braness reported that the Anesthesia Credentials Committee met recently to review and consider applications for general anesthesia permit and moderate sedation permit, and to consider proposals for rulemaking related to the recent updates to sedation guidelines issued by the ADA. Ms. Braness provided an overview of the committee's recommendations.

### CONTINUING EDUCATION ADVISORY COMMITTEE REPORT

- *Recommendations RE: Continuing Education Course Applications*
- *Recommendations RE: Continuing Education Sponsor Application(s)*
- *Other Committee Recommendations, If Any*

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 FULLER, to APPROVE the committee's recommendations as submitted. Motion APPROVED unanimously.

#### LICENSURE/REGISTRATION COMMITTEE REPORT

- *Actions Taken by Committee on Applications*

Dr. Bradley stated that there was not currently a report from the Licensure/Registration Committee.

#### DENTAL HYGIENE COMMITTEE REPORT

Ms. Kelly reported that the committee met earlier that morning

- *Vote on Notice of Intended Action – Iowa Administrative Code 650 – Chapter 25, “Continuing Education”*
- *Vote on Notice of Intended Action – Iowa Administrative Code 650 – Chapter 14, “Renewal and Reinstatement”*
- *Vote on IDHA Legislation, HF2388*
- *Rule Waiver Request: M.E., R.D.H. Confidential Pursuant to Iowa Code 21.5(1)(a), Iowa Administrative Code 650 – Chapter 12.4(3), “Dental and Dental Hygiene Examinations”*
- *Other Committee Recommendations, if any*

Ms. Kelly indicated that most of these items will be addressed later in the meeting.

Ms. Kelly noted that the committee chose to wait until the language has been finalized before issuing a recommendation about the pending legislation that will be filed by the Iowa Dental Hygienists' Association this session.

The committee recommended that staff look into changing the online services website to allow one payment for the renewal of a license and anesthesia permit. Staff hoped to have the changes implemented prior to renewal.

Ms. Kelly stated that the committee continued to discuss silver diamine fluoride. Ms. Kelly will work with Ms. Stuecker to present more information to the Board.

#### DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

- *Committee Update*

Dr. Bradley reported that the committee had not met since the last Board meeting, and had nothing to report.

## EXAMINATIONS REPORT

- *CRDTS – Dental Steering Committee Report*

Dr. Bradley reported that most of recent discussions related to the examinations; therefore, he would defer to the examination review committee reports.

- *CRDTS – Dental Examinations Review Committee Report*

Dr. McBride stated that the committee met recently. Dr. McBride provided an overview of the implemented changes, and ongoing discussions related to the dental examination.

- *CRDTS – Dental Hygiene Examination Review Committee Report*

Ms. Kelly reported that the committee had not met recently. There was nothing to report.

Ms. Slach will be replacing Ms. Kelly on the committee. Ms. Kelly asked Dr. Bradley to submit Ms. Slach's name to the Steering Committee.

## QUARTERLY IPRC REPORT

Ms. Stuecker reported on the data for the previous quarter.

## **VI. ADMINISTRATIVE RULES/PETITIONS FOR RULE WAIVER**

- *Review of 2017 Regulatory Plan*

Mr. McCollum provided an update on the current regulatory plan.

- *Update on Rules Noticed*

Mr. McCollum provided an update on the rules. The Notices of Intended Action have been filed for chapters 22 and 27. The notices will be published February 1, 2017. The public hearing was scheduled for February 21, 2017.

Mr. McCollum reported that the new rules for chapters 11 and 12 became effective on January 25, 2017.

- *Discussion on Rulemaking Draft: Iowa Administrative Code 650 - Chapter 25, "Continuing Education"*
- *Discussion on Rulemaking Draft: Iowa Administrative Code 650 - Chapter 14, "Renewal and Reinstatement"*

Mr. McCollum provided an overview of the proposed changes.

Board members and staff discussed a number of the proposed changes including questions about what topics should be eligible for continuing education approval, and whether to continue to allow continuing education credit for convention attendance. In particular, the Board members discussed the latter topic of convention attendance since there were mixed feelings as to whether to allow continuing education credit. Ms. Scott stated that she was not aware of any other professions that award continuing education credit for simply attending a convention.

Mr. Carl, Iowa Dental Association, stated that the association was not supportive of this proposed change, and would fight to retain this.

Ms. Highland, Iowa Dental Hygienists' Association, proposed an allowance of one (1) hour of continuing education credit for attendance, instead the current allowance of three (3) hours.

- *Discussion on Rulemaking Draft: Chapter 11 and 12, Portfolio Exam*

Ms. Stuecker provided an overview of past discussions related to the portfolio exam, and highlighted that this pathway to licensure was included as an alternate pathway to licensure as part of the report to the legislature on the exam bill from the last legislative session. Ms. Stuecker clarified that this was only a draft for discussion, and was not a Notice of Intended Action for a vote. Ms. Stuecker believed that there will need to be thorough discussion about the proposed changes to Iowa Administrative Code 650—12.3(3), specifically relating to scoring requirements, prior to moving forward on this draft.

Students who use the portfolio option would have 16-20 patient visits to complete the examination, as opposed to completing the required treatments in one day.

Dr. Kanellis thanked the Board for working on this. Dr. Kanellis reported that the University of Iowa College of Dentistry will develop an online portal to calibrate the examiners for each of the competencies. Ms. Ryan will manage this through the continuing education office to determine who would be qualified to serve as examiners. The Board would need to approve the calibration courses annually. The university will also develop a web-based portal to schedule future competencies and examination dates. The college will try to give 7-days' notice of scheduled examination dates whenever possible.

Dr. Kanellis provided an overview for procedure counts for the students in 2016.

Ms. Slach asked if the scoring would be on computers or watermarked paper. Dr. Kanellis stated that he believed that it would be paper, but they were open to suggestions.

Ms. Kelly asked if the scoring system was similar to the college's scoring for non-portfolio exams. Dr. Kanellis stated that the factors are different. Dr. Kanellis provided an overview of the scoring, which had been developed by psychometricians. Dr. Kanellis stated that the strength of this examination was that it allowed the examination of many more procedures.

Some of the Board members had further questions related to the calibration of examinations and when that would occur. Dr. Bradley stated that they would continue to discuss this with Dr. Kanellis and the university.

The Board members and Dr. Kanellis further discussed the specifics of the examination. Dr. Kanellis clarified that the Board will determine who will serve as the examiners after the university provided a list of candidates with their credentials.

Dr. Kanellis recommended caution in making too many changes from the California portfolio examination as it may affect whether any other states may accept Iowa's version. Colorado and Kentucky have indicated that they will accept the results of the California portfolio examination; though it was unclear if California, Colorado or Kentucky would accept the results of a revised examination.

Ms. Stuecker stated that she will put a group together to see if this could be addressed by the Board at its April 2017 meeting.

Dr. Kanellis stated that he would like to offer this as an examination option to the incoming class, if possible.

- *Discussion on Rulemaking Draft: Chapter 15, Fees*

Mr. McCollum provided overview of the proposed changes.

Dr. Fuller questioned how the maximum fees for dental assistant reinstatement past due renewal were reached. Ms. Braness explained the difference between the fees, and how the amounts were calculated.

- *Discussion on Rulemaking Draft: Chapter 20, Dental Assistants*

Mr. McCollum provided an overview of the proposed changes.

Mr. McCollum reported that the Board may need to look at some other changes in this chapter due to ongoing feedback received by the Board staff. Specifically, there have been questions about intraoral scanning, and what level of supervision would be appropriate.

Ms. Jane Slach asked about the remaining language regarding two (2) hours of infection control, in light of the changes to chapter 25 in the area of infection control. Ms. Braness stated that this was likely an oversight, and that this language would be stricken from the rule if the proposed changes were to be adopted by the Board.

Ms. Kelly inquired about training in expanded functions and portability of the training from one office to another. Ms. Kelly indicated that she was aware of some concerns about the level of the training provided, and whether this needed to be addressed by the Board. Ms. Stuecker stated that she was aware of this, and that the Board may need to revisit the expanded functions rules.



Mr. McCollum and Ms. Braness stated that there may be concerns with adding this to the current proposals, as the issues related to expanded functions were more complicated than the currently proposed changes. Proposed rulemaking for this chapter were interlinked with pending proposals in other chapters. If the consideration of these changes were delayed, it would delay several other chapters as well.

The Board indicated that they would be in favor of addressing the changes as noted. The discussion related to expanded functions will be addressed as a separate discussion.

- *Discussion on Rulemaking Draft: Chapter 29, Sedation*

Mr. McCollum provided an overview of the proposed changes. These proposed changes were based on the new ADA guidelines. Mr. McCollum provided an overview of the past discussions on related rulemaking. Mr. McCollum noted that a number of sedation deaths were part of the concern with what equipment should be required during the use of moderate sedation and deep sedation/general anesthesia.

- *Discussion on Chapter 28, Designation of Specialty*

Ms. Stuecker provided an overview of this topic. There have been lawsuits in other states as relates to specialty advertising and the issue has gotten a lot of national attention. The ADA has changed their policy with regards to specialties due to ongoing concerns about communication related to specialty practice. The Board will need to look at this further, and consider possible rule changes in the future. Ms. Stuecker indicated that this would likely be on the agenda for the April 2017 meeting.

- *Rule Waiver Request: Samuel Koth, D.D.S., Iowa Administrative Code 650 – Chapter 29.5(1), Sedation and Nitrous Oxide Inhalation Analgesia*

Ms. Braness provided an overview of the request and history of similar requests. Ms. Braness noted that this request also requested a waiver of a permanently-equipped facility. Ms. Braness noted that staff favored requiring a permanently-equipped facility in order to ensure sufficient equipment in the case of an emergency.

- ❖ MOVED by MEIER, SECONDED by KELLY, to APPROVE with the stipulation that Dr. Koth maintain a permanently-equipped facility. Motion APPROVED unanimously.

- *Rule Waiver Request: M.E., R.D.H. Confidential Pursuant to Iowa Code 21.5(1)(a), Iowa Administrative Code 650 – Chapter 12.4(3), Dental and Dental Hygiene Examinations*

Ms. Kelly provided an overview of this request. Ms. Kelly stated that the Dental Hygiene Committee approved the waiver with the stipulation that M.E. complete an additional 40 hours of Board-approved remedial education that includes a clinical component.

- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to APPROVE the waiver request with the stipulation that M.E. complete 40 hours of Board-approved remedial education that includes a clinical component. Motion APPROVED unanimously.
- The Board took a recess at 2:01 p.m.
- The Board reconvened at 2:13 p.m.

## VII. LEGISLATIVE UPDATES

- *Iowa Board of Pharmacy, Prescription Monitoring Program*

Ms. Stuecker introduced Ms. Jennifer Tiffany, and Andrew Funk, executive director, with the Iowa Board of Pharmacy. Ms. Jennifer Tiffany, Iowa Board of Pharmacy, provided an overview of the Prescription Monitoring Program (PMP) to the Board.

Ms. Tiffany served as a compliance officer for the Iowa Board of Pharmacy for 12 years. Ms. Tiffany stated that she recently accepted a new position within the Board of Pharmacy as associate director of the PMP. The PMP is intended to help identify individuals who may have substance abuse problems.

Ms. Tiffany provided an overview of the program, and explained who may access the data. The queries for medical professionals must be limited to patients under the care of the practitioner in question. Missouri was the only state without some kind of prescription monitoring program.

Ms. Tiffany stated that the proposed legislation would address some of the shortfalls to the current law. One of the proposed changes would be to require all practitioners who dispense controlled substances out of their office to report to the PMP. There was some potential that the new provision could affect a small number of dentists who choose to dispense controlled substances out of their offices.

Ms. Tiffany allowed the opportunities for questions. There was some additional discussion related to the requirements to the current law, and the proposed changes.

- *Update on HF2387*

Ms. Stuecker provided an update on HF2387. The report was submitted to the legislature in December 2016. The Board will continue to work on the rules for incorporating the portfolio examination.

- *Discussion and Vote: IDHA Legislation, HF2388*

Ms. Van Aernam reported that the Iowa Dental Hygienists' Association would be introducing a bill that would allow dental hygienists to provide educational services without the supervision of a dentist. The updated language removed the request to include oral assessments or screenings. Mr. Cope was scheduled to meet with Mr. Carl next week to discuss this further.

## VIII. OTHER BUSINESS

- *Discussion and Vote on IDB Strategic Plan*

Ms. Stuecker reported that the Board worked with a consultant to develop a strategic plan. This was a working document; and would be an ongoing discussion.

Ms. Kelly believed that there was sometimes a struggle with doing the work that needs to be completed within the current structure of the Board. This planning allowed the Board to look at long and short term goals.

Ms. Kelly provided an overview of how the committee came together. Dr. McBride provided an overview of the updates to the strategic planning sessions. The biggest goal for the Board was to be evidence-based and data driven. From that, other key values were derived.

Ms. Stuecker stated that she would like to begin implementing the plan. Ms. Stuecker asked the Board to vote on this.

- ❖ MOVED by SLACH, SECONDED by KELLY, to APPROVE the strategic plan. Motion APPROVED unanimously.

- *Discussion and Vote on IDA Complaint Against Smile Labs Glow, Windsor Heights*

- Ms. Stuecker called Dr. Jeneary at 2:50 p.m. to participate in this portion of the meeting.

Ms. Stuecker reported that the Board had a complaint regarding Smile Labs Glow. Ms. Stuecker reminded the Board that they only have jurisdiction over licensees.

Ms. Scott provided some overview on the Board's options. Ms. Scott stated that the complaint only referenced the Windsor Heights location; therefore, this discussion will be limited to that.

Ms. Scott stated that this was not a licensed individual or organization. Therefore, the Board cannot issue charges. When there is a complaint against an unlicensed person or entity, the Board's options are limited; the Board may close the complaint, refer the complaint for further investigation, or send a Letter of Information providing information about the law.

Ms. Scott stated that the Board can make a referral to a county attorney if the Board believes that a crime has been committed. Typically, that would only occur after a thorough investigation has been conducted to determine whether these services fall within the practice of dentistry. The decision whether to file charges would be up to the county attorney.

The Board has the authority to seek an injunction in district court against unlicensed individuals though, the decision about whether to grant the injunction would be made by the judge. The Board does not have authority to issue civil penalties.

Ms. Scott stated that the complaint has not been investigated. There was a discussion about the Board's limited resources, and what priority and resources should be assigned to this type of complaint.

If the Board members had a lot of questions about this complaint, Ms. Scott stated that this would not be the appropriate forum to discuss those; and that it would be best to refer the complaint for further investigation.

Ms. Scott clarified the type of letter that could be issued by the Board at this time was limited to a Letter of Information, and not a cease and desist letter.

Dr. Bradley stated that he was in favor of sending a Letter of Information addressing the statute. Dr. Jeneary asked why the law was not being upheld. Ms. Scott indicated that the complaint had not yet been investigated to determine whether the law had been violated. Ms. Scott reiterated that the Board cannot prosecute non-licensed individuals or entities, and that the Board's options are limited to what was previously discussed.

Dr. Jeneary supported Dr. Bradley's suggestion.

❖ MOVED by BRADLEY, SECONDED by, JENEARY, to SEND a Letter of Information.

Ms. Slach did not believe that there was sufficient information at this time to determine what action to take. Dr. Bradley stated that he would withdraw the motion if the Board preferred to investigate this further. Ms. Stuecker reminded the Board that this decision would set a precedent for future complaints of this nature and the allocation of resources.

The Board members continued to discuss the matter, and how to proceed.

- Vote taken. Motion APPROVED, 8-1. Ms. Elmitt dissented.
- Dr. Jeneary left the meeting at the conclusion of this discussion.
- *Discussion and Vote on Kirkwood Community College Radiography Course*

Ms. Braness provided an overview of the request. This course, if approved, would be available to dental assistants, who wished to complete training in dental radiography.

Ms. Braness clarified that the course curriculum would be the focus of the discussion and vote at this meeting. Although the Board has initiated rulemaking related to approving other examinations that regulation was not currently in place. Should the proposed rulemaking be approved by the Board and go into effect, the examination will be brought back for discussion and approval.

Ms. Kelly asked about current requirements for training in dental radiography. Ms. Braness provided an overview of current requirements. Ms. Braness noted that under current rules, training must have been completed within two (2) years of the date of application for a radiography

qualification. The approval of this course might also benefit registered dental assistants who were not currently able to apply for a radiography qualification based on the current requirements.

Ms. Slach believed the course was comprehensive.

- ❖ MOVED by MEIER, SECONDED by, MCBRIDE, to APPROVE the course for use in training dental radiography.

Ms. Jane Slach asked for clarification about the clinical training requirement, and the skill sheets included as part of the curriculum. Ms. Slach asked if the skill sheets are necessary. Ms. Jane Slach wondered if it would be sufficient to have the dentist sign off on the clinical training. The Board members believed that successfully completing an examination, and having the dentist sign off on the competency of the dental assistant should be sufficient to demonstrate clinical skill and competency.

- Vote taken. Motion APPROVED unanimously.
- *Update on Examinations and Examination Resources for Dental Assistants*
  - *Jurisprudence*
  - *Infection Control*
  - *Radiography*

Ms. Stuecker provided an overview of the changes. If there were no comments, the updated manual could be finalized and rolled out.

- *Expanded Functions Update*

Ms. Stuecker provided an update on the Level 2 expanded functions courses. The first course recently finished with 19 students, of which one (1) was a dental hygienist. There was a lot of good feedback. Some students needed to remediate prior to completing the course. Dr. Meredith reported to Ms. Stuecker that the final examination was designed to be difficult.

There were ongoing questions about procedures that may need to be looked at further.

The next class was tentatively scheduled for the fall 2017. To date, 20 students were on the waiting list.

Dr. Foley reported that one of her dental assistants completed the course. The final documentation was an emailed Word document that could have been modified. Dr. Foley talked to Dr. Kanellis about modifying that proof of completion to make it more difficult to change.

Ms. Stuecker provided an overview of the previously-approved courses. Most practitioners are no longer teaching the courses, which they previously submitted for approval. There are currently 10 providers for Level 1 expanded functions training. Ms. Stuecker reported that staff will reach out to these trainers to obtain more information.

- *Discussion on ARC 2901C, IDPH Notice of Intended Action to Amend Chapter 41, Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials*

Ms. Stuecker stated that this was provided as information to the Board. Ms. Stuecker will forward to the Iowa Department of Public Health any feedback that Board members may have. The Board members appeared to be in favor of the proposed changes as it would decrease regulations related to radiography.

- *Discussion and Vote on Expanded Functions Frequently Asked Clinical Questions*

Ms. Stuecker reported that the Board received a copy of an updated list of FAQs about clinical questions related to expanded functions. The intent would be to add to this list as additional questions were received.

Ms. Kelly noted that, during the Dental Hygiene Committee meeting, she proposed a slight change in language to the response to question #2 for additional clarification.

Ms. Elmitt asked that these be forwarded to the expanded functions training providers for their information.

- ❖ MOVED by ELMITT, SECONDED by KELLY, to APPROVE the FAQs. Motion APPROVED unanimously.

- *Schedule February/March Teleconference*

Ms. Stuecker proposed scheduling a teleconference for February 16 or 17. The Board members scheduled the meeting for Thursday, February 16, 2017, at 7:00 a.m.

- *Set 2018 Meeting Dates*

Ms. Stuecker reported that she distributed the 2018 meeting dates. Ms. Stuecker reported that a lot of the feedback received was in favor of moving to six (6) scheduled meeting dates per year.

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

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 BRADLEY, SECONDED by KELLY, to APPROVE the list as submitted. Motion APPROVED unanimously.

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

Dr. Bradley allowed the opportunity for public comment.

Ms. Lilly asked for clarification on the action taken by the Board related to the tooth whitening complaint. Ms. Scott clarified that only one (1) complaint had been filed to date. The Board voted to send a letter reiterating the Iowa Code and the definition of the practice of dentistry. The letter will recommend seeking an attorney if there were further questions.

Ms. Lilly asked if they would be contacted related to any future complaint. Ms. Scott stated that most complaints are confidential, and thus aren't listed on a public agenda and the person against whom the complaint is filed is not informed the Board will be discussing the complaint at a particular meeting. This complaint was different because it was against a non-licensee and so must be discussed in open session. Any future complaints against non-licensees, including Smile Labs, will be listed on a public agenda which is posted on the Board's website.

Ms. Veenstra asked about the bleaching procedure they offer and the content of the solution. Ms. Stuecker stated that this would not be discussed at this time.

- The Board took a recess at 3:34 p.m.
- The Board reconvened at 3:40 p.m.

**CLOSED SESSION**

- ❖ MOVED by BRADLEY, SECONDED by FULLER, for the Board to go into closed session at 3:40 p.m., on Thursday, January 26, 2017, 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.

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

Motion APPROVED by ROLL CALL.

**RETURN TO OPEN SESSION**

- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to go into open session at 4:24 p.m. Motion APPROVED unanimously.

*1. Board Appearance*

- ❖ MOVED by MEIER, SECONDED by SLACH, to KEEP OPEN file numbers 13-061, 14-0166, 16-0035. Motion APPROVED unanimously.

- The Board recessed for the day at 4:30 p.m.
- The Board reconvened at 8:50 a.m. on Friday, January 27, 2017.



❖ **MOVED** by BRADLEY, **SECONDD** by FULLER, for the Board to go into closed session at 8:50 a.m., on Friday, January 27, 2017, pursuant to the following:

- a. **Board Appearance** (Closed session pursuant to Iowa Code § 21.5(1)(d) 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)).
- b. **Closed Session Minutes** (Closed session 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 to review or discuss information that is confidential under Iowa Code § 21.5(4)).
- c. **Compliance with Board Orders** (Closed session pursuant to Iowa Code § 21.5(1)(a) 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).
- d. **Investigative Reports** (Closed session pursuant to Iowa Code § 21.5(1)(d) 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)).
- e. **New Complaints** (Closed session pursuant to Iowa Code § 21.5(1)(d) 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)).
- f. **Additional Information on Previous Complaints** (Closed session pursuant to Iowa Code § 21.5(1)(d) 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)).
- g. **Application for Licensure/Registration** (Closed session pursuant to Iowa Code § 21.5(1)(a) to review information required by state or federal law to be kept confidential).
- h. **Combined Statement of Charges, Settlement Agreement and Final Order** (Closed session pursuant to Iowa Code § 21.5(1)(d) 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).
- i. **Hygiene Committee (Disciplinary Only)** (Closed session pursuant to Iowa Code § 21.5(1)(a) 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). specifically Iowa Code § 272C.6(4) and Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings).

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

Motion APPROVED by ROLL CALL.



## **OPEN SESSION**

- ❖ MOVED by FULLER, SECONDED by KELLY, to RETURN to open session. Motion APPROVED unanimously.
- The Board reconvened in open session at 12:10 p.m. on January 27, 2017.

## **ACTION ON CLOSED SESSION ITEMS**

### *1. Closed Session Minutes*

- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the closed session minutes for the July 21-22, 2016 quarterly meeting. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the closed session minutes for the October 13, 2016 quarterly meeting. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the closed session minutes for the December 1, 2016 teleconference meeting. Motion APPROVED unanimously.

### *2. Compliance with Board Orders*

- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to CLOSE in the Matter of Terry L. Thurman, D.D.S., file number 97-076. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to CLOSE in the Matter of Lance P. Forbes, D.D.S., file numbers 12-059, 12-091. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to CLOSE in the Matter of Paul R. Schultz, D.D.S., file number 13-0017. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to CLOSE in the Matter of Nicholas G. Hindley, D.D.S., file number 14-0116. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to CLOSE in the Matter of Jay R. Buckley, D.D.S., file numbers 13-0087, 15-0127. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to KEEP OPEN in the Matter of Miguel Ramirez, Q.D.A., file number 15-0029. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by MCBRIDE, to KEEP OPEN in the Matter of Justin E. Hillock, D.D.S., file numbers 09-0136, 09-0137. Motion APPROVED unanimously.

### *3. Final Action on Cases*

- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 13-0082. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 16-0085. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 14-0018. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 14-0067. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 14-0107. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 14-0175. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 15-0086. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 15-0121. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 15-0141. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 15-0142. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 16-0050. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to KEEP OPEN file number 15-0156. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 16-0054. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 16-0083. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to KEEP OPEN file number 16-0146. Motion APPROVED unanimously.

- ❖ MOVED by SLACH, SECONDED by FULLER, to KEEP OPEN file numbers 11-190, 16-0005. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0091. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0092. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to KEEP OPEN file number 16-0098. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to KEEP OPEN file number 16-0116. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0117. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0118. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0120. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0121. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0122. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0124. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0125. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0126. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0127. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0128. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0143.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0144.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0133.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0136.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0137.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0138.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0139.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0140.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0142.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to CLOSE file number 16-0141.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to KEEP OPEN file number 16-0156.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to KEEP OPEN file number 16-0157.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to KEEP OPEN file number 16-0158.  
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by MCBRIDE, to KEEP OPEN file number 17-0002.  
Motion APPROVED unanimously.
- ❖ MOVED by MCBRIDE, SECONDED by KELLY, to CLOSE file number 16-0077.  
Motion APPROVED unanimously.

- ❖ MOVED by MCBRIDE, SECONDED by KELLY, to CLOSE file number 16-0087. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by SLACH, to CLOSE file number 16-0107. Motion APPROVED unanimously. Ms. Elmitt recused herself.
- ❖ MOVED by MEIER, SECONDED by SLACH, to KEEP OPEN file number 17-0001. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 16-0048. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 16-0148. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 16-0149. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 14-0178. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 14-0179. Motion APPROVED unanimously.

#### 4. *Disciplinary Action*

- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Trevor S. Clemons, D.D.S., file number 16-0146. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Jenna N. Hostetler, Q.D.A., file number 15-0078. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Richard A. Williamson, D.D.S., file number 16-0089. Motion APPROVED unanimously.
- ❖ MOVED by MEIER, SECONDED by SLACH, to APPROVE the combined Statement of Charges, Settlement Agreement and Final Order in the Matter of Marcy L. Zwart, D.D.S., file number 16-0119. Motion APPROVED unanimously.

## **XVII. ADJOURN**

- ❖ MOVED by KELLY, SECONDED by ELMITT, to ADJOURN the meeting. Motion APPROVED unanimously.

The Board adjourned its meeting at 12:17 p.m. on January 27, 2017.

**NEXT MEETING OF THE BOARD**

The next quarterly meeting of the Board is scheduled for April 27-28, 2017, in Des Moines, Iowa.

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