

## **IOWA DENTAL BOARD**

### **JULY 10-11, 2007, MEETING MINUTES DES MOINES, IOWA**

The open session meeting of the Iowa Dental Board was called to order at 9:05 a.m. on Tuesday, July 10, 2007, in the conference room, 400 S.W. 8<sup>th</sup> St., Suite D, Des Moines, Iowa, by the chairperson of the board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson  
Gary D. Roth, D.D.S., Vice Chairperson  
Lynn Curry, D.D.S.  
Michael Rovner, D.D.S.  
Eileen A. Cacioppo, R.D.H.  
Elizabeth Brennan, Public Member  
Suzan Stewart, Public Member

Also present: Constance L. Price, Executive Director  
Christel Braness, Administrative Assistant  
Phil T. McCollum, Investigator  
Dee Ann Argo, Administrative Assistant  
Theresa O'Connell Weeg, Assistant Attorney General  
Jennifer Hart, Executive Officer  
Janet Arjes, Executive Officer

#### **PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

#### **MINUTES**

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the minutes of the April 17-18, 2007, meeting of the board, minutes of the hearing in the matter of Andre' Q. Bell, D.D.S., and May 10, 2007, teleconference board meeting minutes, as written.

Vote: Unanimous.  
Motion carried.

#### **EXECUTIVE DIRECTOR REPORT**

Ms. Price reported that the new name for the board had gone into effect. The Iowa Board of Dental Examiners shall now be known as the Iowa Dental Board.

#### NEW BOARD MEMBERS

Ms. Price announced that the Governor has appointed and the Senate has approved the appointments of Dr. Lynn Curry, Carroll, Iowa, and Dr. Michael Rovner, Des Moines, to the board, and the reappointment of Dr. Deena Kuempel to the board.

Ms. Price also announced that Governor Culver recently appointed Thomas Newton as the new director of the Iowa Department of Public Health. Ms. Price invited Director Newton to attend the board meeting for introductions. Ms. Price also invited Dr. Bob Russell, Bureau of Oral Health, Department of Public Health to address current dental programs in the state.

#### FISCAL YEAR 2008

Ms. Price reported that the new fiscal year has started. This fiscal year will be different than previous years as the board now has authority to retain 100% of its revenue. In the past, the dental board like other licensing boards experienced problems with funding. The board should now be able to avoid these problems with the new revenue retention policy. Ms. Price reported that sufficient revenue will be carried over from fiscal year 2007 to allow for an appropriate funding level for the beginning of 2008. This revision in revenue retention policy will allow for long-term planning. In addition, rules were revised to have dental hygienists renew in odd numbered years to allow for a more even revenue stream from year to year.

Ms. Price also reported that the board has posted a Request for Information on its website to obtain information on acquiring a new database. The board will later submit a Request for Proposals. The board has been viewing proposals from a number of companies. The agency hopes to implement a new program in the near future that would include online renewal.

#### PEER REVIEW

Ms. Price reported that she sent letters to all of the chairs of the peer review districts thanking them for their commitment to the peer review process. The letter explained that the board would like to increase use of peer review and asked if the districts would be willing to assist the board in reviewing multiple patient record reviews.

Ms. Price reported that the response was overwhelming with eight of the ten committees responding that they would be willing to assist the board in this manner.

#### VISITS WITH DENTAL STUDENTS

The Iowa Dental Board received a request from the University of Iowa College of Dentistry to do another presentation to the senior dental students. Responses from the board indicate that April 30, 2008, will work better than a date in March.

#### ACCREDITATION SITE VISITS

Ms. Price reported that Iowa Western Community College and Des Moines Area Community College have accreditation site visits scheduled for the late summer and early fall. Eileen Cacioppo has agreed to participate in these visits.

#### NATIONAL NEWS

Ms. Price reported that on a national front, it has been reported in the news recently that hepatitis was spread to patients in a dental office.

Ms. Price also reported that some states are already or are considering requiring AEDS in all dental offices.

#### CONSULTANT CONTRACTS

Ms. Price reported that the current dental consultants have agreed to serve another three years as board consultants. The contracts are valid through June 30, 2010.

#### LEGAL UPDATE

Ms. Weeg reported on a number of recent legal cases.

##### SMITH vs. IOWA MEDICAL BOARD

This case centered on a denial of an application for licensure and what information should be made available to the public. The Attorney General's office has discussed how to proceed in similar cases. The Attorney General's office recommends that a board issue an initial letter of intent to deny. This would allow the applicant thirty days to appeal the decision. In the event the applicant does not appeal the decision within thirty days, the denial becomes final. The Attorney General's office is working on a draft that the boards can use as a reference.

##### REVIZ vs. IOWA MEDICAL BOARD

This case centered on Statements of Charges and what information should be available to the public. The district court determined that the factual circumstances should be kept confidential. The Attorney General's office appealed the decision to the Court of Appeals. The appellate court determined that the district court was incorrect in its decision and that all information in a Statement of Charges is public. The Attorney General's office is reviewing this decision.

##### JUDICIAL REVIEW – ANDRE' BELL, DDS.

Ms. Weeg reported that Dr. Bell has appealed the board's decision.

#### MEETINGS SCHEDULED

##### AADA/AADE

These meetings are scheduled for September 2007 in San Francisco, California. These meetings will be addressing, in part, the American Dental Association's (ADA) new guidelines on sedation.

Dr. Roth stated that he would be available to attend the AADE meeting as a representative of the board. Dr. Roth would like to attend because of the new ADA guidelines on sedation.

Ms. Price also expressed an interest in attending the AADA meeting.

Motion by Ms. Cacioppo, seconded Ms. Brennan, to send Dr. Roth and Ms. Price to the AADE and AADA meetings, respectively, as representatives of the board.

Vote: Unanimous.  
Motion carried.

#### CRDTS ANNUAL MEETING

It was reported that Dr. Kuempel and five other members of the board would be attending the annual meeting in Kansas City, Missouri in August.

### **COMMITTEE REPORTS**

#### COMMITTEE APPOINTMENTS

Dr. Kuempel reported that there was a need to appoint the new board members to committees to fill vacancies. Dr. Kuempel recommended appointing Dr. Curry to the Grievance Committee and the Ad-hoc Examination Committee. Dr. Kuempel recommended appointing Dr. Rovner to the Dental Assistant Registration Committee and the Licensure Committee.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the committee appointments as recommended.

Vote: Unanimous.  
Motion carried.

### **CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (CRDTS)**

#### DENTAL STEERING COMMITTEE REPORT

Dr. Kuempel reported that she will serve as the board's representative on the CRDTS' Dental Steering Committee. Dr. Kuempel stated that she would have a report following the August meeting.

#### DENTAL EXAMINATION REVIEW COMMITTEE

No report.

#### DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

No report.

#### DEPUTY EXAMINER REQUEST

The Iowa Dental Board received a request from a licensee to be appointed as an examiner through CRDTS.

Motion by Ms. Cacioppo, seconded Dr. Roth, to keep her name on file for future reference if additional examiners are required.

Vote: Unanimous.  
Motion carried.

#### WREB

After discussion, the members of the board concluded that they would continue to accept the results of the WREB dental and dental hygiene examination and would wait for a period of time before exploring membership in the organization.

Motion by Dr. Roth, seconded Ms. Cacioppo, to not pursue membership in the WREB organization at this time.

Vote: Unanimous.

Motion carried.

#### ADEX – JULY 2007 MEETING

##### DR. GEORGE NORTH

At the request of the board, Dr. George North attended the ADEX meeting as a representative of the Iowa board. Dr. North gave a report of the meeting. His report included the following.

- After two years, ADEX is accepted by forty states and twenty-eight states are members.
- A resolution was submitted to redistrict the member states. The eastern states appeared to be the most affected by this.
- ADEX changed from a fiscal year to a calendar year.
- Nevada has agreed to administer ADEX next year. Other western states may follow.
- All but four states offer some kind of licensure by credentials.
- Dr. North reported that most of the representatives advocated testing while in school.
- The Dental Student Association likes the integrated format.
- Members of the Dental Student Association have expressed an interest in making the clinical examination in the integrated format a requirement for graduation.
- The cost to take ADEX is reasonable as opposed to taking multiple examinations in order to move from state to state.

#### DENTAL EXAMINATION ETHICS

Ms. Price reported that last year at this time we discussed a report of cheating on dental examinations at a dental school. Recently another cheating scandal was reported. The state boards are concerned, noting that state licensing boards are not always made aware of problems prior to graduation. That information is not always documented in the transcript. Ms. Price suggested that the board may consider revising its applications and associated forms to more specifically address this issue.

Motion by Ms. Cacioppo, seconded Ms. Brennan, to amend the applications for licensure as necessary to inquire about ethical problems in school.

Vote: Unanimous.

Motion carried.

**ANESTHESIA CREDENTIALS COMMITTEE**

Dr. Roth reported that the Anesthesia Credentials Committee will review the new ADA sedation guidelines later this year. The sedating of pediatric patients, in particular, is of great concern to the committee.

Dr. Roth reported that the committee recommended approval of deep sedation/general anesthesia permits to two dentists: Dr. John Janulewicz and Dr. Chad Pfohl.

Motion by Dr. Roth, seconded Ms. Cacioppo, to accept the committee's recommendation to approve the issuance of deep sedation/general anesthesia permits to these applicants.

Vote: Unanimous.  
Motion carried.

Dr. Roth recommended that the board maintain current guidelines for pediatric sedation until the committee is able to review the new ADA guidelines on sedation.

**CONTINUING EDUCATION ADVISORY COMMITTEE**

Ms. Cacioppo provided an overview of the continuing education courses submitted to the committee for approval and committee recommendations concerning courses that were eligible for credit according to board rules.

Motion by Ms. Cacioppo, seconded Dr. Roth, to accept the committee's recommendations for board approval of continuing education courses.

Vote: Unanimous.  
Motion carried.

Ms. Cacioppo reported that the Institute for Natural Resources (INR) had submitted forty six courses to the board for review. The INR offers very good courses; however, not all of the coursework is applicable to dentistry. Ms. Cacioppo stated that she would review the courses and submit recommendations to the board office as she completed the reviews.

**DENTAL HYGIENE COMMITTEE**

No report.

At 10:15 a.m., the board took a short recess.

**CONSIDERATION OF RULES**

2007 ANNUAL REGULATORY PLAN

Ms. Hart briefly reviewed with the members of the board the Annual Regulatory Plan of the Iowa Dental Board for fiscal year 2008. This plan is required of all agencies pursuant to Executive Order Number Nine, issued by former Governor Vilsack. Although Vilsack is no longer governor, executive orders remain in effect unless repealed by a subsequent governor. The regulatory plan lists each regulatory action that the agency reasonably expects to make during the upcoming fiscal year. The plan will also be posted on the board's website.

650 IOWA ADMINISTRATIVE CODE  
CHAPTER 10, GENERAL REQUIREMENTS

Ms. Hart reported that these amendments, which added nursing facilities to the list of public health settings where hygienists could work under public health supervision, went into effect April 23, 2007.

650 IOWA ADMINISTRATIVE CODE  
CHAPTER 12, DENTAL AND DENTAL HYGIENE EXAMINATIONS

Ms. Hart reported that these amendments concerning examination failures and remedial education went into effect June 27, 2007.

650 IOWA ADMINISTRATIVE CODE 30.4(14)

The board reviewed a draft Notice of Intended Action to amend subrule 30.4(14). The amendment was discussed at previous board meetings and has been redrafted as requested by the board. The amendment specifies that failure to preserve the confidentiality of patient information may be grounds for discipline. The previous rule applied only to a dental hygienist's use of patient recall lists while the new rule will apply to any licensee or registrant who fails to preserve confidential patient information.

Motion by Ms. Brennan, seconded Dr Roth, to approve the Notice of Intended Action on the proposed subrule.

Vote: Unanimous.  
Motion carried.

650 IOWA ADMINISTRATIVE CODE  
CHAPTER 15, FEES

Ms. Hart reported that the current fee for a temporary permit for volunteer services is \$25. At the request of the Iowa Dental Association, the board was asked to reconsider the need to charge a fee for this permit. Ms. Hart surveyed a number of other states and found that many states have a fee for this application. The current application fee does not cover all of the staff time it takes to process these applications, in addition to the printing and mailing costs. The board reiterated their support for the Mission of Mercy program, which was evident by its specific rule making to allow this service in Iowa. The Board would encourage other entities involved in the program to assist in this effort.

Motion by Ms. Cacioppo, seconded Dr. Roth, to keep the current fee in place.

Vote: Dr. Kuempel, aye; Dr. Roth, aye, Dr. Rovner, aye; Ms. Cacioppo, aye; Ms. Brennan, aye; Ms. Stewart, aye; Dr. Curry, opposed.

Motion carried.

650 IOWA ADMINISTRATIVE CODE  
CHAPTER 20, DENTAL ASSISTANTS

There was discussion proposing to allow dental assistants to take dental radiographs under general supervision.

Dr. Rovner pointed out that the board may wish to distinguish between extraoral and intraoral radiography.

Motion by Ms. Cacioppo, seconded Dr. Roth, to table this discussion until the October 2007 board meeting.

Vote: Unanimous.

Motion carried.

650 IOWA ADMINISTRATIVE CODE  
NAME CHANGE

Ms. Hart stated that the board may want to consider a Notice to Adopt and File Emergency to update board rules to reflect the new board name.

Motion by Ms. Cacioppo, seconded Dr. Roth to explore filing rules in this manner.

Vote: Unanimous.

Motion carried.

650 IOWA ADMINISTRATIVE CODE  
CHAPTER 27, STANDARDS OF PRACTICE AND PRINCIPLES OF PROFESSIONAL ETHICS

The board considered a letter submitted to the board inquiring about radiographic protocols.

Following discussion by the members, the board concluded that the standard of care needs to be met and perhaps a contact with the University of Iowa College of Dentistry would be helpful. The board also concluded that a licensee needs to decide if the patient records support and maintain a standard of care.

Motion by Ms. Brennan, seconded Ms. Cacioppo, to send the licensee a letter expressing the board's views as discussed.

Vote: Unanimous.  
Motion carried.

### **WAIVER REQUESTS**

The board received a request for waiver of 650 Iowa Administrative Code subrule 11.4(1), which requires that graduates of foreign dental schools complete a full-time undergraduate supplemental dental education program of at least two years at an accredited dental college. In lieu of two years of undergraduate dental education, Dr. Vargas asked the board to accept the following education and training: a 2 year AEGD program at Eastman Dental Center in Rochester, NY from 1990-1992; a 2 year master's in Operative Dentistry at The University of Iowa. Both the AEGD program and the Operative Dentistry program give extensive experience in general dentistry treatment planning and rehabilitation.

The board reviewed the criteria for waiver and determined that Dr. Vargas has demonstrated education beyond that required in the subrule. Granting a variance to this subrule would not jeopardize public health, safety, or welfare.

Motion by Dr. Roth, seconded Dr. Curry, to grant the waiver as requested and approve Dr. Vargas to take the clinical licensing exam for Iowa.

Vote: Unanimous.  
Motion carried.

The board received a request for waiver of 650 Iowa Administrative Code subrule 11.2(2)"e", which requires that applicants for dental licensure by examination provide evidence of successful completion of the examination taken in the last five years, with resulting scores, administered by ADEX, CRDTS, or WREB. In lieu of this subrule, Dr. Perry is asking the board to accept results of the WREB exam, taken within the last five years and two months, along with evidence of active dental practice in the state of Wisconsin for approximately two years and four months.

Dr. Blake Perry graduated from the University of Iowa College of Dentistry in 2002. Dr. Perry took the WREB examination in May 2002. He then served active duty in the military from 2002 until 2005. Dr. Perry began private practice in Wisconsin a little over two years ago.

The subrule that Dr. Perry is requesting a variance from helps to ensure that applicants demonstrate their clinical competency by passing a board-approved clinical licensure examination prior to licensure. Dr. Perry has already passed this examination, although in a time period slightly beyond that required by the rule. The alternative pathway to licensure – licensure by credentials – requires applicants to demonstrate three years of active dental practice in another state. Due to his military service, he is short of three years of practice. Dr. Perry has demonstrated his clinical competency by passing the WREB exam in addition to his practice in Wisconsin. The criteria for waiver have been met.

Motion by Dr. Roth, seconded Ms. Brennan, to approve the waiver as requested.

Vote: Unanimous.  
Motion carried.

### **IOWA DEPARTMENT OF PUBLIC HEALTH**

#### **Mr. Tom Newton, Director, Department of Public Health**

Director Newton thanked Ms. Price for giving him the opportunity to introduce himself. Director Newton stated that he plans to keep in contact with the agency and has set up monthly meetings with Ms. Price.

#### **Dr. Bob Russell, Bureau of Oral Health, Department of Public Health**

Dr. Bob Russell attended the meeting to report on the I-Smile program at the board's request. Dr. Russell reported that there are currently twenty-four sites for the Medicare/Medicaid group and that each site has been assigned a dental hygienist. Dr. Russell also discussed the Access to Baby-Child Dentistry program.

The Oral Health Bureau of the Iowa Department of Public Health receives reports daily of difficulty in finding a dentist who will accept Medicaid/Medicare, or new patients. Dr. Russell stated that dentists are limiting the number of Medicaid patients they will accept.

Dr. Russell reported that the public health supervision program has been very successful. Most providers will not see or treat children under the age of three, despite the fact that the ADA and other agencies have recommended check-ups by age one.

### **LEGISLATIVE UPDATE**

Ms. Price reported that the bill that changed the board name was signed into law by Governor Culver. The change was effective July 1, 2007.

### **ELECTION OF OFFICERS**

Motion by Ms. Cacioppo, seconded Dr. Roth, to reappoint Dr. Kuempel chairperson of the board.

Vote: Unanimous  
Motion carried.

Motion by Ms. Cacioppo, seconded Ms. Stewart, to appoint Dr. Roth vice-chairperson of the board.

Vote: Unanimous  
Motion carried.

Motion by Ms. Cacioppo, seconded Dr. Roth, to reappoint Ms. Yossi secretary of the board.

Vote: Unanimous  
Motion carried.

### **APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION**

#### **APPROVAL OF APPLICATIONS**

The board was provided with a list of the applications for licensure, permit, and registration that have been processed since the last meeting.

Between April 17, 2007, and July 9, 2007, the board licensed 45 dentists and 56 dental hygienists; the board issued 5 faculty permits, 12 resident dental licenses, and 65 local anesthesia permits. The board registered 66 dental assistants with the additional qualification in dental radiography and 9 registered without qualification; the board issued 1 qualification in dental radiography without registration, and trainee status to 72 dental assistants.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve issuance of licensure, permits, and registrations to those persons listed.

Vote: Unanimous  
Motion carried.

#### **RENEWAL WAIVER REQUEST**

The Iowa Dental Board received a request to have the CPR requirement for renewal waived due to a previous injury.

Motion by Ms. Cacioppo, seconded Dr. Roth, to grant a thirty day extension beyond August 31, 2007, to complete CPR training.

Vote: Unanimous  
Motion carried.

### **OPPORTUNITY FOR PUBLIC COMMENT**

Dr. Kuempel allowed time for public comment.

### **CLOSED SESSION**

Motion by Ms. Cacioppo, seconded Dr. Roth, for the board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and also to discuss decisions to be rendered in contested cases.

Vote: Ms. Cacioppo, aye; Dr. Curry, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Rovner, aye; Ms. Stewart, aye; Ms. Brennan, aye.  
Motion carried.

**OPEN SESSION**

Motion by Ms. Cacioppo, seconded Dr. Roth, for the board to return to open session.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
MICKIE L. HUFFMAN, R.D.A.

The board considered a proposed combined Notice of Hearing, Settlement Agreement and Final Order in this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, to approve the combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
MARK W. PLATT, D.D.S.

The board considered a proposed combined Notice of Hearing, Settlement Agreement and Final Order in this matter.

Motion by Ms. Brennan, seconded Ms. Cacioppo, to approve the combined Notice of Hearing, Settlement Agreement and Final Order as proposed.

Vote: Unanimous.  
Motion carried.

IN THE MATTER OF  
LYNN A. DES PLANQUE, R.D.A.

The board considered a proposed Stipulation Registration and Consent Order in this matter.

Motion by Ms. Brennan, seconded Ms. Cacioppo, that the board approve the Stipulated Registration and Consent Order as proposed.

Vote: Unanimous.  
Motion carried.

Iowa Dental Board  
Minutes July 10-11, 2007

**NEXT MEETING OF THE BOARD**

The next meeting of the board is scheduled for October 11-12, 2007, in Des Moines, Iowa.

**ADJOURNMENT**

The board adjourned its open session meeting at 11:50 a.m. on July 10, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Price', written in a cursive style.

CONSTANCE L. PRICE  
Executive Director