



# STATE OF IOWA

## IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.  
EXECUTIVE DIRECTOR

### IOWA DENTAL BOARD - TELEPHONIC MEETING - OPEN SESSION MINUTES

December 16, 2011

Origination from IDB Conference Room  
400 S.W. 8<sup>th</sup> St., Suite D  
Des Moines, Iowa

#### Board Members

Gary D. Roth, D.D.S., Chairperson	Present
Michael J. Rovner, D.D.S., Vice Chairperson	Present
Marijo A. Beasler, R.D.H., Secretary	Present
Steven P. Bradley, D.D.S.	Present
Lynn D. Curry, D.D.S.	Present
Steven C. Fuller, D.D.S.	Present
Mary C. Kelly, R.D.H.	Present
Kimberlee Spillers, Public Member	Present

#### Staff Members

Melanie Johnson, Christel Braness, Phil McCollum, Brian Sedars, Janet Arjes (portion of the meeting), Dee Ann Argo (portion of the meeting).

#### Attorney General's Office

Sara Scott, Assistant Attorney General  
Theresa O'Connell Weeg, Assistant Attorney General

#### CALL TO ORDER FOR DECEMBER 16, 2011

Chairman Roth called the telephonic meeting of the Iowa Dental Board to order at 4:17 p.m. on Tuesday, December 16, 2011. A quorum was established with eight members present.

#### Roll Call:

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Pursuant to the authority of, and in compliance with Iowa Code Section 21.8(2011), the meeting was held by electronic means. This meeting was held by conference call to consider review complaints and disciplinary orders; and proposed administrative rule amendments. It was

impossible for the Board to schedule a meeting on such short notice and impractical for the Board to meet with such a short agenda.

**ADMINISTRATIVE RULES**

- Notice of Intended Action to amend Chapter 1, “Administration,” Chapter 10, “General Requirements,” Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene,” Chapter 12, “Dental and Dental Hygiene Examinations,” Chapter 14, “Renewal,” Chapter 15, “Fees,” Chapter 20, “Dental Assistants,” Chapter 22, “Dental Assistant Radiography Qualification,” Chapter 25, “Continuing Education,” and Chapter 29, “Sedation and Nitrous Oxide Inhalation Analgesia.”

Dr. Roth reported that this discussion about the proposed rule amendments was to start the rulemaking process and allow the public to start submitting comments regarding the proposed changes. This discussion is not intended to be the only discussion on these proposals.

The Board started the discussion by working through each of the item numbers in the drafted Notice of Intended Action. The Board discussion for the items is as follows:

- *Item 1 – redefines “overpayment.”* The Board proposed moving forward on this item as drafted.
- *Item 2 – adds expanded functions for dental hygienists.* The language mirrors that used for dental assistants.

Dr. Roth reported that the Dental Hygiene Committee voted to recommend approval of these proposed changes, which allow dental hygienists to perform expanded functions.

Dr. Bradley reported that the Iowa Dental Association (IDA) was recommending the addition of new expanded functions to the list. Dr. Roth indicated that comments could be made by the IDA during the public comment period. Following some additional discussion, Dr. Roth felt that this was an item that would be better discussed at a full meeting of the Board to sufficiently address all of their potential concerns.

Ms. Johnson suggested that this Item could be removed from this Notice of Intended Action and submitted as a separate filing at a later time, following additional discussion with the Board, its Committees and other interested parties.

- ❖ **MOVED** by BRADLEY, **SECONDED** by BEASLER, to table further discussion about the proposed changes regarding expanded functions.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Motion APPROVED by ROLL CALL.

- *Item 3 – clarifies the accepted forms of notification in writing for changes in address or name.* The Board proposed moving forward on this Item as drafted.
- *Item 4 – addresses items related to the issuance and expiration date of licenses and local anesthesia permits.*

The Board members did not fully understand the newly drafted language concerning the calculation of expiration for new licensees. Ms. Braness and Mr. McCollum provided further clarification and explanation, noting that the intent was to streamline the process for new licenses, particularly in renewal years.

- ❖ **MOVED** by BRADLEY, **SECONDED** by ROVNER, to approve the portion of Item 4, which addresses the issuance of a new license and calculation of expiration date.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Motion APPROVED by ROLL CALL.

Ms. Johnson reported that the other proposed changes in this Item related to the collection of documentation for an application for license. The intent is to minimize the amount of paperwork collected, while still verifying the necessary education and examinations.

- *Item 5 – updates the examinations accepted for the purposes of licensure.* This Item is intended to update the administrative rules to implement the change in Iowa law as it pertains to licensing on the basis of credentials.

Ms. Johnson reported that these proposed changes clarify which examinations will be accepted for the purposes of licensure by credentials, given the recent change in Iowa law. Dr. Roth clarified that this simplifies the requirements.

- ❖ **MOVED** by BRADLEY, **SECONDED** by BEASLER, to approve the recommended changes in Item 5, which addresses the examinations accepted for the purposes of licensure.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Motion APPROVED by ROLL CALL.

- *Item 8 – Fees.* This item addresses the proposed fee changes as recommended by the Board members at the October 27, 2011 Board meeting.

Ms. Johnson clarified that the proposed changes moves all fees into one chapter. There is also clarification of what a “service charge” is as it relates to charges incurred by payment with credit/debit cards.

There is clarification of initial licensure fee and how those would be calculated. Ms. Johnson provided a brief overview of existing fees versus proposed increases.

Dr. Roth reminded everyone that this simply starts the rulemaking process. The Board members and the public would still have the opportunity to make comments and changes to the proposed rules before they become final.

- ❖ MOVED by BRADLEY, SECONDED by ROVNER, to approve the proposed fee changes as noted in Item 8.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Motion APPROVED by ROLL CALL.

- ❖ MOVED by BRADLEY, SECONDED by CURRY, to approve the remaining proposed rule changes as submitted in the drafted Notice of Intended Action.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Motion APPROVED by ROLL CALL.

Ms. Johnson reported that she would revise the Notice of Intended Action based on the motions and direction given by the Board members. Ms. Johnson described the next steps in the process which included a preclearance of the proposed amendments by the Governor’s office.

**CLOSED SESSION**

- ❖ MOVED by BRADLEY, SECONDED by CURRY, to go into closed session pursuant to Iowa Code Section 21.5(1)(a) to review and discuss records which are required by state law to be kept confidential.

<u>Member</u>	<u>Beasler</u>	<u>Bradley</u>	<u>Curry</u>	<u>Fuller</u>	<u>Kelly</u>	<u>Meier</u>	<u>Roth</u>	<u>Rovner</u>	<u>Spillers</u>
Present	x	x	x	x	x		x	x	x
Absent						x			

Motion APPROVED by ROLL CALL.

- The Board convened in closed session at 4:45 p.m.
- The Board chose to take a brief recess at 4:45 p.m.
- The Board reconvened in closed session at 4:50 p.m.

**OPEN SESSION**

❖ MOVED by ROVNER, SECONDED by BEASLER, to return to open session. Motion APPROVED unanimously.

- The Board reconvened in open session at 5:15 p.m.

***In The Matter of Shawn Petersen, D.D.S.***

❖ MOVED by CURRY, SECONDED by ROVNER, to approve the Combined Notice of Hearing, Settlement Agreement, Statement of Charges and Final Order as submitted. Motion APPROVED unanimously.

***In The Matter of Marc Hagen, D.D.S.***

❖ MOVED by CURRY, SECONDED by ROVNER, to approve the Notice of Hearing and Statement of Charges as submitted. Motion APPROVED unanimously.

***In The Matter of Terri Trumbo, R.D.A.***

❖ MOVED by CURRY, SECONDED by ROVNER, to approve the Notice of Hearing and Statement of Charges as submitted. Motion APPROVED unanimously.

***In The Matter of John Strief, D.D.S.***

❖ MOVED by CURRY, SECONDED by ROVNER, to approve the recommendation allowing Dr. Strief to attend a professional boundary and ethics course provided by Dr. John Hung, as opposed to the PROBE course as previously stipulated. Motion APPROVED unanimously.

The Board members indicated that hearing dates should be set in conjunction with the January 2012 meeting of the Board.

There was some additional discussion as to whether to include the proposed changes regarding the expanded functions for dental hygienists. Ultimately, the Board members decided to table this discussion, as a whole, until the Item can be better addressed.

**ADJOURNMENT**

Chairman Roth adjourned the meeting at 5:27 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Melanie Johnson". The signature is written in black ink and is positioned above the printed name and title.

Melanie Johnson, J.D.  
Executive Director