



STATE OF IOWA

IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD
MINUTES
October 25-26, 2012
Conference Room
400 S.W. 8th St., Suite D
Des Moines, Iowa

Board Members

	October 25, 2012
Michael J. Rovner, D.D.S., Chairperson	Present
Lynn D. Curry, D.D.S., Vice Chairperson	Present
Steven P. Bradley, R.D.H., Secretary	Absent
Steven C. Fuller, D.D.S.	Present
Matthew J. McCullough, D.D.S.	Present
Mary C. Kelly, R.D.H.	Present
Nancy A. Slach, R.D.H.	Present
Diane Meier, Public Member	Present
Lori Elmitt, Public Member	Absent

Staff Members

Melanie Johnson, Christel Braness, Phil McCollum, Brian Sedars, Dee Ann Argo, Janet Arjes

Attorney General's Office

Theresa Weeg, Assistant Attorney General

Other Attendees

Jane Slach, R.D.A., Iowa Dental Assistants Association
Carol Van Aernam, Iowa Dental Hygienists' Association
Chelsea Larson, DMACC Dental Hygiene Student
Heather Kinger, DMACC Dental Hygiene Student
Jeannene Veenstra, R.D.A., Iowa Dental Assistant Association
Tracy Rodgers, R.D.H., Iowa Department of Public Health
Larry Carl, Iowa Dental Association
Lori Pelke, Midwest Dental
Stephen Thies, D.D.S., Iowa Academy of General Dentistry
Eileen Cacioppo, Iowa Dental Hygienists' Association

CALL TO ORDER FOR OCTOBER 25, 2012

Chairman Rovner called the open session meeting of the Iowa Dental Board to order at 11:39 a.m. on Thursday, October 25, 2012. A quorum was established with 7 members present.

Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Present		x		x	x	x	x	x	x
Absent	x		x						

PUBLIC COMMENT

Chairman Rovner allowed time for public comment.

Mr. Carl, Iowa Dental Association, on behalf of the Iowa Dental Foundation, wanted to thank the Board and all of the other organizations, who supported the 2012 Iowa Mission of Mercy (IMOM). The event provided dental care to over 1300 patients. The next IMOM event is scheduled for October 18-19, 2013. The Iowa Dental Association hopes to hold it in Des Moines in 2013; however, details have not been finalized to date.

APPROVAL OF MINUTES

- *July 12-13, 2012 Minutes*
- ❖ MOVED by FULLER, SECONDED by KELLY, to approve the minutes of the July 12-13, 2012 meeting, with a correction on page 11 to amend the reference from Medicare to Medicaid. Motion APPROVED unanimously.
- *April 24-25, 2012 Minutes – Correction*

Ms. Johnson reported that the correction was adding another citation to the Iowa Code as the basis of going into closed session. The added reference is to Iowa Code section Section 21.5(1) “c” - to discuss matters presently in litigation or where litigation is imminent.

- ❖ MOVED by FULLER, SECONDED by KELLY, to approve the corrections of the minutes of the April 24, 2012 meeting as submitted. Motion APPROVED unanimously.

REPORTS

EXECUTIVE DIRECTOR’S REPORT

Ms. Johnson reported that the Board’s new website has been launched.

Ms. Johnson reported that the AMANDA project is currently scheduled to “go live” on June 1, 2013, based on the current status of the project.

Ms. Johnson provided an overview of the statistical data for this last renewal including dental licenses, faculty permits, and sedation permits. There are currently over 10,000 licenses, registrations, and permits. Ms. Johnson also provided an overview on complaints, IPRC and monitoring.

LEGAL REPORT

Ms. Weeg thanked the Board for the opportunity to attend the attorney's round table at the meeting of the American Association of Dental Boards (AADB). Ms. Weeg provided an overview of the meetings, which she attended.

Ms. Weeg reported that there was some discussion about D-PREP. Dr. Guy Champaine provided the overview with some information that included some model cases. The program appears to be a very comprehensive, useful program in evaluating dentists for a number of alleged problems. The Iowa Dental Board, currently, uses the University of Illinois for competency cases. The initial D-PREP evaluation has been calibrated so that the evaluations are the same across the spectrum of cases. Remediation is completed at a site other than where the initial evaluation was completed. The program is expensive; however, it appears to be very useful. Ms. Weeg stated that most states continue to utilize continuing education as a way of dealing with competency cases.

Ms. Weeg also reported that corporate practice is becoming a much bigger issue across the nation. States with prohibitions against corporate practice are finding themselves in litigation more frequently. The negative issues with corporate dentistry are the same as any other type of complaint. The primary question is how to remedy these issues.

Ms. Weeg indicated that some states have attempted to shut down corporate practices. This also results in litigation. Meanwhile, other states have proposed ideas to address these concerns without prohibiting corporate practice. One state requires licensed dentists be on site at least 40% of the time. Another state requires dentists to sign their own insurance forms. While a third state requires documentation of who performed each procedure. A fourth state requires a licensed dentist perform the final portion of the treatment. These may, or may not, be good ideas; however, they are proposals for addressing the issue of corporate dentistry without action that results in litigation.

There was some discussion regarding Groupon coupons and whether this violated fee-splitting agreements.

Ms. Weeg also indicated that there was some discussion about the Federal Trade Commission (FTC) case against the state of North Carolina regarding teeth whitening. The case is currently in the Circuit Court of Appeals awaiting a decision.

There was also some discussion related to human trafficking. Ms. Weeg noted that the JADA recently ran an article, which addressed this topic and its impact on dentistry, and how dentistry interacts with this issue.

Ms. Weeg reported that there was discussion about the use of PMPs. There was some discussion about what states are requiring the use of PMPs, what states are recommending their use, and what states are doing to gather information for their investigations.

Dr. Curry reported that in October 2012, the state of New York filed a federal lawsuit about Aspen Dental for operating illegally. Ms. Weeg indicated that this is an issue everywhere.

Ms. Kelly thanked the Board for attending the AADB as well.

Ms. Kelly reported that there was a report about a task force that was established to look at the use of portfolios and trying to establish a national template. A statement was made at the meeting that there was no bigger issue facing dentistry apart from dental therapists. Ms. Kelly stated that the ADA reported that there was some confusion on its proposal for portfolio examination. The ADA did not intend to be the testing agency. A sub-group made a request for proposal (RFP). Only one response was received and it was from a group within the ADA. The task force decided to see what the state of California does.

Ms. Kelly reported that the ADA will change the National Examination for dentists; the examination will become a one-part examination. The change will go into effect in 2017. There is a distribution list to provide updates to interested parties. The AADB stated that the executive director or other designated representative will receive emailed updates concerning changes to the National Examination.

The ADA is also looking for representatives to the Commission on Dental Accreditation (CODA). Resumes are being accepted.

The AADB also indicated that they also provide a written report to the agencies. Ms. Kelly feels that this would be beneficial to the Board members.

EXPANDED FUNCTIONS

Dr. Rovner moved this agenda item ahead in the schedule to accommodate Dr. Kanellis, with the University of Iowa College of Dentistry, was unable to stay for the entire meeting.

Dr. Rovner indicated that he would like to put together a task-force to further address the matter of expanded functions for dental hygienists and dental assistants. Dr. Rovner requested that the task force make recommendations to the Board by January 31, 2013, if possible. If not, Dr. Rover asked the task-force to report to the Board in January 2013 about its progress.

Dr. Rovner appointed Dr. Kannellis, as chairperson; Dr. Mary Mariana, IDA; Ms. Jane Slach, IDAA; Ms. Eileen Cacioppo, IDHA; Lori Elmitt, Board Member; Ms. Kelly, Board Member; Dr. Bradley, Board Member; Dr. North, former Board member; and Ms. Arjes, Board staff; to the task force*.

*Following the October 2012 Board meeting, the Board chairman decided that it would be best to have all Board staff serve as support to the Expanded Functions Task Force, rather than have a Board staff member serve on the Committee. Therefore, the Chair subsequently rescinded Ms. Arjes' appointment as a task force member.

Mr. Cope asked that the meetings be posted and noticed so that interested parties can attend. Dr. Rovner stated that this should not be a problem.

Ms. Cacioppo asked about who the voting members would be. Dr. Rovner replied by stating that he does not wish to make this a matter that polarizes the group. Dr. Rovner would defer to Dr. Kanellis to handle these decisions.

EXAMINATIONS – PORTFOLIO

Dr. Rovner reported that this is a matter that has been under discussion for some time. Dr. Rovner indicated that the Board does not wish to pursue this matter further at this time; and that while the current process is imperfect; it appears to meet the Board's current needs. Dr. Rovner stated that the Board will always welcome further information as provided.

COMMITTEES

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Dr. Curry reported that Committee met on October 18, 2012 by teleconference. The Committee has six recommendations regarding applications for moderate sedation application. A list of the recommendations has been provided to the Board.

Dr. Curry provided an overview of the recommendations and indicated that some of the applications have been recommended with limitations. For example, the Anesthesia Credentials Committee has recommended that ketamine not be used as a moderate sedative.

❖ **MOVED** by KELLY, **SECONDED** by MCCULLOUGH, to approve the Committee's recommendations as submitted. Motion **APPROVED** unanimously.

CONTINUING EDUCATION ADVISORY COMMITTEE

Dr. Rovner asked Ms. Cacioppo what the basis was for denying the course about Invisalign, which was indicated on the list of Committee recommendations. Ms. Jane Slach reported that the course appeared to focus on marketing, as opposed to the use and application of the product.

Dr. Curry provided an overview of the Committee recommendations. Dr. Curry clarified that most of the course denials were based on course content, which focused on practice management or marketing techniques.

Dr. Curry reported on the request for reconsideration from Dr. Gene Fortman regarding the course, "Setting Your Team on Fire for Patient Care". The request for reconsideration did not provide sufficient information to justify a change in credit hours awarded. The Committee voted to stand

by the original recommendation for partial credit. The original Committee recommendation was approved by Board in July 2012.

Dr. Curry provided an overview of the Committee's recommendation for sponsor applications.

Dr. Curry reported that the Committee tabled a decision on a Dental Assisting National Board course, until additional information could be reviewed.

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the Committee's recommendations for continuing education credit of the courses as submitted. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MEIER, to approve the Committee's recommendations for sponsor status as submitted. Motion APPROVED unanimously.

BUDGET REVIEW COMMITTEE REPORT

▪ *FY12 BUDGET REVIEW*

Dr. Curry reported that Budget Review Committee met earlier in the month and that the meeting was very useful. Dr. Curry indicated that there have been some changes in regards to budget reports and ways in which money is accounted for over the last several fiscal years. Dr. Curry reported that the format currently being utilized presents a clearer picture of how items are budgeted and accounted for.

Dr. Curry indicated that the Committee, among other things, reviewed a fee history, which proved to be very informative. Dr. Curry reported that there have been few fee increases in recent years; however, spending in some areas, especially in the area of information technology, have been increasing almost every year. Dr. Curry indicated that the Board may need to look at increasing fees in the future in order to cover these increased costs. Dr. Curry reported that the last fee increases were implemented in 2005.

Ms. Johnson reported that the Committee met for approximately three hours on Friday, October 19, 2012. Ms. Johnson reported that Board staff went over past, current, and proposed future budgets. Ms. Johnson indicated that the Committee will make recommendations concerning the spending plans as they deem appropriate. Any recommendations made by the Committee will be forwarded to the Board for review and final approval.

- ❖ MOVED by MCCULLOUGH, SECONDED by CURRY, to continue moving forward with the spending plans as previously approved by the Board. Motion APPROVED unanimously.

Board staff indicated that there are sufficient funds to cover budgeted expenses through June 30, 2012.

Dr. Rovner decided to table to the discussion of the annual fee review for a later date.

- *REIMBURSEMENT FOR AMERICAN ASSOCIATION OF DENTAL BOARDS (AADB) MEMBERSHIP DUES*

The Board received a request to have the Board cover the cost of individual membership to the AADB for current Board members.

Ms. Kelly provided a brief explanation on the fees owed if a member of the American Association of Dental Boards (AADB) or when a meeting of the AADB is attended. Dr. Rovner indicated that he was a member of the AADB for a short time; however, he later found that he did not benefit sufficiently to warrant continued membership.

It was noted that the key difference between members and non-members is that the registration fees for the mid-year meetings are approximately \$200 higher for non-members. These fees apply only if attending an AADB meeting.

Ms. Kelly stated that, in her opinion, the decision to be a member of the AADB is a personal one.

Ms. Braness informed the Board members that the State of Iowa may consider the Board's payment of individual memberships as a form of income.

Dr. Rovner is inclined to leave the matter alone for now and not pursue reimbursement of membership dues.

- ❖ *MOVED* by MCCULLOUGH, *SECONDED* by KELLY, to deny the request for fee reimbursement. Motion *APPROVED* unanimously.

- *FEES*

Ms. Slach asked about the differences in late fees between the dental professions. Ms. Johnson stated that the Board previously tried to change this last year when the Board tried to implement fee changes. Ultimately, the Governor's office chose to deny the original request for fee increases. Ms. Braness reported that staff is aware of the disparity in late fees; however, the Board was not granted the authority to make any changes in this area.

EXECUTIVE COMMITTEE REPORT

LIST OF APPROVED PROVIDERS FOR EVALUATION

Dr. Rovner reported that after the last Board meeting the Executive Committee reviewed several requests to authorize a number of new organizations for use in clinical assessments. The members of the Executive Committee were asked to review and consider the addition of two providers to the Board's list of as prior-approved facilities for purposes of Board ordered evaluations. The Executive Committee reviewed and approved of including the following two facilities: Professionals Program, Elmhurst Memorial Healthcare (Elmhurst, IL) and Acumen Assessments, LLC (Lawrence, KS). The Committee requested that the Board ratify their action to authorize the inclusion of these two facilities to the Board' "List of Resources for Assessments and Evaluations."

Ms. Weeg provided an overview of why the courses were added. Ms. Weeg indicated that other boards with which she works have used these providers in the past. The Executive Committee has tentatively approved these providers. Ms. Johnson indicated that the Board should ratify these decisions.

- ❖ **MOVED** by MEIER, **SECONDED** by CURRY, to ratify the Committee's actions to add the evaluation sites as submitted. Motion **APPROVED** unanimously.

OTHER COMMITTEE RECOMMENDATIONS, IF ANY

Ms. Johnson reported that the Executive Committee voted to allow Ms. Johnson attend a CLE course for government attorneys, sponsored by the Attorney General's office, to be held on November 16, 2012 and be reimbursed for that cost (\$30).

- ❖ **MOVED** by KELLY, **SECONDED** by CURRY, to approve the Committee's recommendation to reimburse Ms. Johnson's fee to attend the continuing legal education course sponsored by the AG's office.. Motion **APPROVED** unanimously.

LICENSURE/REGISTRATION COMMITTEE REPORT

ACTIONS TAKEN BY COMMITTEE ON APPLICATIONS

Dr. Rovner reported that the Board was provided with a listing of applications reviewed by the Licensure/Registration Committee for their information.

DENTAL HYGIENE COMMITTEE REPORT

Ms. Kelly reported that the Board received copies of the public health supervision agreements. The agreements have been scanned for electronic access. An initial review confirms that the initial requirement for examination prior to receiving continued services was 12 months. While the initial

requirement was 12 months for an exam, there was a rule process, which reflected that each agreement has to determine the amount of time allowed for further services prior to an exam.

FLOURIDE TREATMENT

Representatives of the Iowa Dental Hygiene Association will continue to meet with Ms. Weeg and the Board to discuss matters concerning the scope of practice and other legal interpretations.

ACTIONS TAKEN AT DENTAL HYGIENE COMMITTEE MEETING

Ms. Kelly reported that the Committee recommended approval of an application for license for Ms. Van Vliet.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

Dr. Rovner indicated that there was a request for approval of expanded functions courses. Staff referred him to information available online for courses, which have been prior-approved. Dr. Rovner noted, that of the nine expanded functions currently allowed by rule, only four of the expanded functions have course material accessible online for training. Dr. Rovner stated that he would like to see course information made readily available for the remaining expanded functions.

Ms. Cacioppo, Iowa Dental Hygienists' Association, noted that some of the expanded functions courses are also available through the community colleges online. Ms. Jane Slach stated that the Educators Council developed courses, which are available to the public. Ms. Jane Slach indicated that there is usually an in-person orientation and assessment. Following this, the dental assistants train under the supervision of a licensed dentist. Later, the dental assistant training in expanded functions will complete the required examinations prior to completing the course and receiving certification.

Dr. Rovner continued to question why there is not more course material available for the remainder of the expanded functions. Ms. Arjes stated that the expanded functions courses available for download from the Board's website were developed in conjunction with Minnesota. Ms. Kelly indicated that it could be a matter of who developed and sponsored the course, and whether they choose to make that information available for public use.

Ms. Braness stated that the more course information can be posted to the Board's website if it is made available to the Board.

Ms. Arjes reported that nitrous oxide monitoring courses probably could not be provided "in-house" and still meet the requirements for approval.

Dr. Rovner asked for clarification regarding the requirements for training in expanded functions. Since registration is not required in all states, the Board may want to look at revising the rule, IAC

650—20.15 regarding registration for non-DANB certified dental assistants. Currently, the rule requires DANB-certification or a minimum of two years of clinical experience as a *registered* dental assistant. Dental assistants, who have more than two years of clinical experience, but were not registered in another state must either wait two years after becoming registered in Iowa or another state, or submit a rule waiver for approval to start training sooner.

Ms. Weeg and Ms. Johnson suggested that the Board look at revising the rule.

- ❖ MOVED by ROVNER, SECONDED by KELLY, to draft language to revise the requirements for expanded functions training as established in Iowa Administrative Code 650—20.15.

PUBLIC HEALTH SETTING – DENTAL HYGIENE COMMITTEE

Ms. Kelly reported that the Dental Hygiene Committee voted to recommend the proposed changes to IAC 650—Chapter 10, concerning the definition of allowed settings under public health supervision agreements. This item was discussed further later in the meeting under Administrative Rules/Rule Waivers.

EXAMINATION REPORTS

CRDTS STEERING COMMITTEE

Dr. Rovner stated that there was no report since Dr. Bradley was absent from the meeting. Dr. Curry indicated that he intended to attend on Dr. Bradley's behalf; however, CRDTS informed Dr. Curry that he would be ineligible to vote.

CRDTS DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Ms. Kelly reported that the Committee met in July 2012. Ms. Kelly reported that some states are limiting the amount of expanded functions per dentist. Ms. Kelly also provided an overview about the requirements.

Ms. Kelly reported that CRDTS has indicated a willingness to visit anytime the Board would need.

Ms. Kelly reported that CRDTS provided standard equipment for the examinations. Ms. Kelly also reported that the CRDTS is now using tablets for scoring the dental hygiene examinations.

Ms. Kelly reported that the dental and dental hygiene examination fees will be increasing. These fees are established and collected by CRDTS.

CRDTS DENTAL EXAMINATION REVIEW COMMITTEE

There was no report.

IOWA PRACTITIONER REVIEW COMMITTEE REPORT

Mr. Sedars provided the Board with updated statistics for the IPRC. There was one (1) self-report. There are currently 13 participants. There are no new contracts under review; and two (2) participants were discharged from the program.

ADMINISTRATIVE RULES/ RULES WAIVERS

FINAL ADOPTION

- *Amendments to Chpt. 20, "Dental Assistants" (ARC #0170C – Notice of Intended Action (NOIA)), Adoption of Final Rule Amendments*

Ms. Johnson reported that these rules are eligible for final adoption. The final rule amendments establish a process for starting dental assistant trainee status over. They also put limits on the number of times a dental assistant could reapply for trainee status prior to requiring a rule waiver. The rules would also remove the 7-day rule, and require an active trainee status to begin working. The changes pertaining to the 7-day rule would be delayed to May 1, 2013. The remainder of the rules would be effective January 2, 2013.

Dr. Curry asked for clarification about high school students in a work study program. It was clarified that dental radiography is not allowed for dental assistants under the age of 18 due to federal guidelines.

- ❖ MOVED by SLACH, SECONDED by ROVNER, to adopt the rules with a change to include a requirement for a high school diploma or equivalent. Motion APPROVED unanimously.

NOTICE OF INTENDED ACTION

- *Proposed Amendments to Chpt. 10, "General Requirements"*

Ms. Johnson reported that these are proposed amendments to change the definition of public health settings. This would start the rulemaking process. A public hearing would be scheduled if the Board decides to file a Notice of Intended Action.

- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH, to file a Notice of Intended Action regarding the proposed amendments as drafted.

The discussion continued prior to a final vote being taken.

Mr. Carl, Iowa Dental Association, asked the Board wait moving forward on this proposal until a more thorough review of the Iowa Department of Public Health oversight and processes concerning public health supervision agreements can be completed.

Mr. Cope, Iowa Dental Hygienists' Association, would encourage the review by the Board; however, the Iowa Dental Hygienists' Association sees this proposal as a beneficial addition to the

scope of practice under public health supervision. Mr. Cope stated that there is no current timetable in place for the proposed review to be completed. Mr. Cope would ask that the rulemaking process be allowed to move forward.

Dr. Curry reported having some concerns about the lack of consistency between the public health supervision agreements. Dr. Curry understands the desire to move away from original 12-month requirement regarding dental examinations prior to patients receiving continued services under public health supervision. However, in his review of some of the public health supervision agreements, it appears that most agreements have a requirement of 12-24 months. Some of the agreements vary drastically from the rest. Dr. Curry is concerned about the lack of parameters concerning these basic requirements. Dr. Curry would ask to table this matter until January 2013.

Ms. Slach and Ms. Kelly expressed their disagreement in regards to tabling this discussion. Ms. Slach and Ms. Kelly pointed to the current rules, which establish public health settings and services, which are allowed.

Mr. McCollum stated that he has a question about the time-frame regarding how long public health services can be provided and what specifically is allowed under a public health supervision agreement. Mr. McCollum referenced the current rules in Iowa Administrative Code 650—Chapter 10.5(3) regarding the types of services, which are allowed without an examination. Mr. McCollum would interpret the rule to prohibit therapeutic services, to include, but not limited to, prophylactic services and sealants, without an examination.

Ms. Johnson reported that the review of the agreements stemmed from a request made by the Dental Hygiene Committee members.

Ms. Weeg stated that this discussion was veering outside of the scope of the agenda item. Ms. Weeg reminded everyone that the discussion needs to be limited to the proposed change regarding the addition of day care centers.

Ms. Cacioppo, Iowa Dental Hygienists' Association and former Board member, stated that from a historical view point, the Board, previously, wanted to avoid cookie-cutter public health supervision agreements.

Mr. Carl, Iowa Dental Association, asked about the impact of Executive Order 80 on this rulemaking proposal. Mr. Cope, Iowa Dental Hygienists' Association, stated that his interpretation regarding the executive order is that it may not apply to all rulemaking proposals.

Ms. Weeg provided clarification regarding the open meetings laws. Any matters not on the current agenda need to be discussed at a later meeting.

Mr. Carl asked Ms. Weeg for clarification about Executive Order 80 on this matter. Ms. Weeg stated that she could not fully address that as she was not prepared to discuss it. Ms. Weeg indicated, however, there was nothing in the Executive Order that would prohibit a vote on the request to file a Notice of Intended Action.

Ms. Slach asked that Ms. Johnson read the proposed language.

Dr. Curry again asked that the Board table this matter until the Board members can into this in a more thorough manner, including related topics or consequences of the change.

Ms. Kelly disagreed with the suggestion to table this discussion. Ms. Kelly referenced the prior discussions of this matter, the fact that notice of the discussion was provided on the meeting agenda and related materials.

Ms. Johnson read the proposed language, clarifying where the new language existed.

Ms. Meier pointed out that this simply starts the rulemaking process. The proposed changes are not being adopted at this time.

Mr. Carl, Iowa Dental Association, stated that there is a pattern that language published in a Notice of Intended Action needs to be defended. Mr. Carl's suggestion, while not necessarily in opposition to the proposal, would be that the Board delays the vote on this until a later date so that further discussion regarding the language may occur.

Mr. Cope, Iowa Dental Hygienist's Association, stated his interpretation that the Dental Hygiene Committee recommendations are defined in statute. Mr. Cope wanted it noted that the Board is interpreting this as a suggestion as opposed to a recommendation. Iowa Code requires Board approval of all Dental Hygiene Committee recommendations, whereas, the Board has discretion in accepting Dental Hygiene Committee suggestions.

❖ MOVED by KELLY, SECONDED by MCCULLOUGH, to file a Notice of Intended Action as drafted. Motion APPROVED, 4-3.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes					x	x	x		x
No		x		x				x	
Absent	x		x						

- *Proposed Amendments to Chpt. 11, "Licensure to Practice Dentistry or Dental Hygiene" and Chapter 15, "Fees"*

Ms. Johnson reported that the proposed amendments:

- Correct a cross-reference in the rules applicable to dental hygiene licensure by credentials;
- Streamline the initial registration process for dental assistants applying for registration within three months of the next renewal due date. Dental assistant applicants applying close to a renewal cycle will pay the application fee and the renewal fee at the same time. Their registration will be issued for a period of 24 months plus the amount of time remaining until the next renewal due date. This change will eliminate the need for applicants to submit two separate applications and fees within one three-month period. Similar rule amendments

were adopted for the initial licensure and renewal for dentists and dental hygienists. The proposed amendments extend the same simplified process to dental assistant applicants.

- ❖ MOVED by ROVNER, SECONDED by FULLER, to file a Notice of Intended Action as drafted. Motion APPROVED unanimously.
- *Proposed Amendments to Chapter 35, "Iowa Practitioner Review Committee"*

Ms. Johnson reported that the first few changes related to Committee terms. The proposed amendments would rescind the current term limits. The proposed changes also address committee appointments and elections. Lastly, the proposed amendments would change the requirements for those would be allowed to participate in the IPRC.

- ❖ MOVED by FULLER, SECONDED by ROVNER, to file a Notice of Intended Action as drafted. Motion APPROVED unanimously.

FOR DISCUSSION

- *Plan for Review of IDB Rules & Rulemaking Internet Site*

Ms. Johnson reported that legislation passed last session (HF 2465) requires each agency to conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. HF 2465 also requires each agency to make available to the public a "uniform, searchable, and user-friendly rules database, published on an internet site." Ms. Johnson reported that she learned that the Governor's office staff that they would be developing a 5 year plan for reviewing rules and establishing a uniform format for the website. Additional instructions would be released as soon as information becomes available. This was presented for informational purposes only at this time.

- *Executive Order #80 – Stakeholder Rulemaking Groups*

Ms. Johnson reported that an executive order was issued establishing certain requirements rulemaking. This was provided for informational purposes.

RULE WAIVERS

- *Dr. Shiza Khan – Petition to Waive Subrule 11.4(1) Relating to Graduates of Foreign Dental Schools*

Ms. Braness provided an overview of the waiver request. Dr. Khan is a foreign-trained dentist, who has completed residency training at ADA-accredited dental programs. Dr. Khan is asking the Board to accept his residency training as a sufficient basis on which to grant an Iowa dental license.

- ❖ MOVED by ROVNER, SECONDED by CURRY, to approve the request as submitted. Motion APPROVED unanimously.

Ms. Weeg suggested that the Board may want to look at amending this rule in the future to include general practice residencies as an acceptable form of education to supplement the foreign training given the number of similar rule waivers, which have been approved over the past few years.

- *Kelly Scott – Petition to Waive Subrule 22.4(3) Relating to Requiring Radiography Course within Two Years of Application*

Ms. Braness provided an overview of the waiver request. Ms. Scott is a graduate of an ADA-accredited dental assisting program; however, Ms. Scott completed training in dental radiography more than two years ago. Ms. Scott is asking that the Board approve her prior training as a basis for application for a qualification in dental radiography.

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

- *Desirea Austin – Petition to Waive Subrule 20.15 Relating to Requiring Registration for Two Years Prior to Eligibility for Expanded Functions Training*
- *Heidi Doughman – Petition to Waive Subrule 20.15 Relating to Requiring Registration for Two Years Prior to Eligibility for Expanded Functions Training*

Ms. Braness provided an overview of these requests. Ms. Austin and Ms. Doughman are dental assistants who worked outside of the state of Iowa as dental assistants for several years prior to moving to Iowa and becoming registered. Under the current rule, Ms. Austin's and Ms. Doughman's prior dental assistant experience does not count towards the requirement to train in expanded functions since they were not registered as dental assistants prior to moving to Iowa. Ms. Austin and Ms. Doughman are asking the Board to accept their prior dental assisting experience as a basis to start training in expanded functions.

- ❖ MOVED by MCCULLOUGH, SECONDED by KELLY, to APPROVE the waiver requests for Ms. Austin and Ms. Doughman as submitted. Motion APPROVED unanimously.

PETITION FOR RULEMAKING

- *Petition from the Iowa Dental Foundation – Fee for Temporary Volunteer Permit Applications*

Ms. Johnson reported that this request stemmed from the Iowa Mission of Mercy where requests were made to waive the application fees for temporary permits for volunteers. The request is that the fee be eliminated. The Budget Review Committee looked at this request, and determined that there would be little fiscal impact.

Dr. Curry provided an overview of the number of requests for temporary permits over the last several years. The Budget Review Committee has recommended elimination of the fee for volunteers. These volunteer services are critical and the Committee members would like to encourage participation.

Ms. Slach asked for clarification about the extent of the changes. The rulemaking request has also proposed changes to the application.

Mr. Rovner provided a history of the rules regarding the volunteer permits. Dr. Rovner feels that the benefits vastly outweigh the small fee that is currently required.

- ❖ MOVED by ROVNER, SECONDED by KELLY, to approve the petition for rulemaking. Motion APPROVED unanimously.

LEGISLATIVE UPDATE

There was no report.

OTHER BUSINESS

LETTER FROM AMERICAN ACADEMY OF SLEEP MEDICINE (RE: SCOPE OF PRACTICE)

Dr. Rovner provided an overview regarding this request. They would like the Board's position in terms of what is currently allowed under Iowa law. Dr. Rovner agrees with their position.

- ❖ MOVED by CURRY, SECONDED by MCCULLOUGH, to draft an informal letter advising the American Academy of Sleep Medicine that the Board does not disagree with the ruling, and cannot respond formally without a formal request for a declaratory ruling. Motion APPROVED unanimously.

REVIEW OF ADVERTISTEMENT – RE: DENTAL IMPLANTS

Dr. Rovner indicated that this item would be addressed in closed session.

REVIEW OF LIST OF DENTAL ASSISTANTS GRANTED EXTENSIONS

Ms. Johnson reported that the list provided to the Board was an update. There were no changes.

CLARIFICATION FOR INSURANCE PURPOSES – LICENSE EXPIRATION DATE & LAPSE DATE

Dr. Rovner reported that some insurance companies have denied payment to dentists due to confusion about the difference between expiration dates and lapse dates. MetLife is equating the expiration date with the lapse date.

Lori Pelke, Midwest Dental, said that they have also experienced this same problem. Ms. Pelke stated that it was her understanding that a practitioner can resubmit the claim electronically without having to completely start over. Dr. Fuller has had problems with this issue and has had some difficulty in getting responses.

Dr. Rovner would ask the Board to forward a letter addressing this matter further. Dr. Curry agreed.

Mr. Carl, Iowa Dental Association, asked if there is a prompt-payment statute in Iowa. Board staff was not certain. Mr. Carl would ask Board staff to look into issue prior to responding.

Several Board staff members indicated having interactions with licensees facing these same problems.

DENTAL HEALTH PROFESSIONALS & WORKFORCE DATA

Ms. Johnson reported that this is a project from Delta Dental asking if there was a way to share non-confidential data for workforce information. Dental Dental's foundation has offered to pay for this. Ms. Johnson recommended waiting until the database, AMANDA, is live first to ensure compatibility.

Ms. Arjes indicated that the Iowa Department of Public Health coordinates with the University of Iowa to address some of these needs.

Dr. Curry provided a brief overview of the Delta Dental Foundation and the services the Foundation provides.

Mr. McCollum asked to if Delta Dental is involved with the University of Iowa Dental Tracking System. Mr. McCollum indicated that the Iowa Dental Association has supported the Dental Tracking program in the past.

Ms. Cacioppo, Iowa Dental Hygienists' Association, stated that University of Iowa Dental Tracking System is in place for for dentists, doctors and pharmacists. They looked at doing it for nurse practitioners; however, funding was not available. Some graduate students have recently started looking into information regarding dental hygienists.

Ms. Kelly was not certain if Delta Dental had contacted the University of Iowa; however, she thought that Delta Dental was starting with the Iowa Dental Board. Ms. Kelly stated that they indicated that funding would be available if needed to update the data fields and data sources.

Dr. Curry indicated his support of this request.

Dr. Rovner asked Ms. Johnson to reply to Delta Dental and indicate our willingness to participate and look into the issue of funding.

QUESTION ABOUT FREE HEALTH CLINIC & PATIENTS OF RECORD

Dr. Rovner reported that the Board received a request for clarification as to when patients become "patients of record" in free clinic. There is a question as to what kind of care can be provided if the patients are not considered patients of record.

Ms. Kelly stated that this is very similar to programs, such as Iowa Mission of Mercy (IMOM). Ms. Kelly indicated that she was not sure about the recordkeeping requirements.

Mr. McCollum indicated that there is no difference in requirements between patients of records and patients not of record. The recordkeeping and care requirements are the same pursuant to Board rules.

Dr. Curry asked for clarification about treatment of patients like this. Dr. Rovner indicated that the patients are asked to sign a form clarifying that they are not considered patients of record. Ms. Weeg thinks it may be a good to add information about how these patients should address issues such as follow-up care, if needed.

Mr. McCollum asked who maintains the patient records for IMOM. Mr. Carl, Iowa Dental Association, indicated that the Iowa Dental Foundation maintains those records.

Mr. Fuller indicated that there are number of free clinics that are offering services throughout Iowa.

Ms. Meier pointed out that there is a slightly difference between IMOM and free clinics. Practitioners in free clinics may run into those patients around town; whereas that is less likely in the cases of practitioners volunteering at programs such as IMOM.

Dr. Rovner asked that staff draft a letter thanking Dr. Jones for his service and acknowledge that his proposal is acceptable with the inclusion of recommendations for follow-up as well as a reminder about recordkeeping requirements.

APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS

RATIFICATION OF ACTIONS TAKEN BY EXECUTIVE DIRECTOR SINCE LAST MEETING ON APPLICATIONS

Ms. Johnson reported that the Board was provided a list of licenses, registrations, and permits issued since the last meeting.

- ❖ MOVED by KELLY, SECONDED by FULLER, to ratify the actions taken on licenses, registrations and permits. Motion APPROVED unanimously.

PENDING LICENSURE/REGISTRATION APPLICATIONS

- *Joan van Vliet, Dental Hygiene License by Credentials*

Ms. Kelly reported that Dental Hygiene Committee has recommended approval of Ms. van Vliet's application for dental hygiene license.

- ❖ MOVED by KELLY, SECONDED by CURRY, to accept the recommendation of the Dental Hygiene Committee regarding Ms. van Vliet's application for license. Motion APPROVED unanimously.

PUBLIC COMMENT

Chairman Rovner allowed time for public comment.

No comments were received

CLOSED SESSION

- ❖ MOVED by FULLER, SECONDED by KELLY, to go into closed session pursuant to Iowa Code Section 21.5(1)(d) to discuss and review complaints and investigative reports which are required by state law to be kept confidential.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Yes		x		x	x	x	x	x	x
No	x		x						

Motion APPROVED by ROLL CALL

- The Board went into closed session at 1:52 p.m.
- The Board took a brief recess at 1:53 p.m.
- The Board reconvened at 2:00 p.m.

❖ MOVED by KELLY, SECONDED by CURRY for the Board to go into open session Motion APPROVED unanimously.

OPEN SESSION

OPEN SESSION ACTION ON CLOSED SESSION AGENDA ITEMS

- *In the matter of Jacquelyn L. George, R.D.A. (#11-210)*

Dr. Fuller disclosed a potential conflict of interest, left the room during the discussion and did not vote on this matter.

❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order regarding this matter.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Aye		x			x	x	x	x	x
Nay									
Abstain				x					
Absent	x		x						

Motion APPROVED by ROLL CALL.

- *In the Matter of Jordan N. Crawford, D.D.S. (#12-031)*

Dr. Fuller disclosed a potential conflict of interest, left the room during the discussion and did not vote on this matter.

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order regarding this matter.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Aye		x			x	x	x	x	x
Nay									
Abstain				x					
Absent	x		x						

Motion APPROVED by ROLL CALL.

- *In the Matter of Andrea D. Harryman, D.A. (#12-014)*

Dr. Fuller disclosed a potential conflict of interest, left the room during the discussion and did not vote on this matter.

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order regarding this matter.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Aye		x			x	x	x	x	x
Nay									
Abstain				x					
Absent	x		x						

Motion APPROVED by ROLL CALL.

- *In the Matter of Tony D. Stuntz, D.D.S. (#11-220)*

Dr. Fuller disclosed a potential conflict of interest, left the room during the discussion and did not vote on this matter.

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order regarding this matter.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Aye		x			x	x	x	x	x
Nay									
Abstain				x					
Absent	x		x						

Motion APPROVED by ROLL CALL.

- *In the Matter of Angela R. Karr, D.A. (#11-221)*

Dr. Fuller disclosed a potential conflict of interest, left the room during the discussion and did not vote on this matter.

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Combined Statement of Charges, Settlement Agreement and Final Order regarding this matter.

<u>Member</u>	<u>Bradley</u>	<u>Curry</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Rovner</u>	<u>Slach</u>
Aye		x			x	x	x	x	x
Nay									
Abstain				x					
Absent	x		x						

Motion APPROVED by ROLL CALL.

- *In the Matter of Shea A. McCarte, D.A. (#11-001)*

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Settlement Agreement and Final Order regarding this matter. Motion APPROVED unanimously.

- *In the Matter of Masih Safabakhsh, D.D.S. (#09-211)(#10-059)(#10-101)(#11-031)(#11-127)(#11-142)(#12-068)*

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Settlement Agreement and Final Order regarding this matter. Motion APPROVED unanimously.

- *In the matter of Gene V. Mueller, D.D.S. (#10-115, #11-114)*

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Notice of Hearing and Statement of Charges regarding this matter and schedule a hearing date for February 1, 2013. Motion APPROVED unanimously.

- *In the matter of Irene M. Broyles, D.D.S. (#11-106)*

- ❖ MOVED by KELLY, SECONDED by SLACH, to approve the proposed Notice of Hearing and Statement of Charges regarding this matter and schedule a hearing date for February 1, 2013. Motion APPROVED unanimously.

FINAL ACTION ON NON-PUBLIC CASES LEFT OPEN AND NON-PUBLIC CASES CLOSED

- ❖ MOVED by CURRY, SECONDED by FULLER, to keep open and close the following non-public cases: Motion APPROVED unanimously.

OPEN CASES

CLOSED CASES

07-007	11-001
10-115	10-059
11-114	10-101
11-106	11-031
09-136	11-127
09-137	11-142
11-190	12-068
12-044	08-119
12-045	11-140
12-059	11-200
12-091	10-119
12-119	11-137
12-120	11-150
12-104	12-062
12-102	11-218
12-126	11-219
12-124	11-210
12-134	12-031
12-052	12-015
12-098	12-014
12-111	11-220
12-099	11-221
12-121	12-049
12-122	12-050
12-123	12-124
12-067	12-128
12-090	12-135
12-087	12-132

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for January 30-February 1, 2013, in Des Moines, Iowa.

ADJOURNMENT

Chairman Rovner adjourned the meeting at 7:20 p.m. on October 25, 2012.

Respectfully submitted,

A handwritten signature in cursive script that reads "Melanie Johnson".

Melanie Johnson, J.D.
Executive Director

MJ/cb