



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

March 2, 2012

Origination from IDB Conference Room
400 S.W. 8th 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
Steven C. Fuller, D.D.S.	Present
Mary C. Kelly, R.D.H.	Present
Kimberlee Spillers, R.D.H.*	Present

Staff Members

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

Attorney General's Office

Sara Scott, Assistant Attorney General

CALL TO ORDER FOR MARCH 2, 2012

Vice-chairman Rovner called the telephonic meeting of the Iowa Dental Board to order at 12:11 p.m. on Friday, March 2, 2012. A quorum was established with five members present.

Roll Call:

Member	Beasler	Bradley	Curry	Fuller	Kelly	Meier	Roth	Rovner	Spillers
Present		X	X	X	X			X	
Absent	X					X	X		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 complaints, disciplinary Orders, and rule waiver requests. 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.

EXECUTIVE DIRECTOR UPDATE

STATUS OF PROPOSED RULE AMENDMENTS AND PRECLEARANCE PROCESS

Ms. Johnson reported that a few hours before this telephonic meeting the Board office received a copy of the letter sent to Chairman Roth from the Governor's office staff, Michael Boussetot, Policy Advisor, and Larry Johnson, Deputy Legal Counsel, with their decision regarding the proposed rule amendments approved by the Board and filed in December 2011. This was their response following the rule preclearance review process. Ms. Johnson indicated that she forwarded the email to the Board members this morning.

Ms. Johnson reported that the Governor's office staff concluded that the fee increases are unnecessary at this time based on their revised budget numbers. Therefore, the Governor's office is not clearing the fee increases as requested. Ms. Johnson indicated that staff is still reviewing the response as the letter had just been received a few hours ago and it was the first time the Board office had been provided with the Department of Management's budget spreadsheet. Ms. Johnson indicated that the Board needs to review the letter carefully and provide a written response to clarify several inaccurate statements. Board office staff involved with the preparation of the budget numbers question some of the assumptions and statements that the Governor's office made in their response.

Dr. Rovner asked for clarification regarding the reference to revenue as expenses. Ms. Johnson clarified that there are a few ways for the Board to collect and account for revenue. Ms. Johnson indicated that this is one of the issues where the Governor's office draws some conclusions with which the Board office staff disagrees. Ms. Braness provided a description of the accounting practice. It is a difference in accounting methods. The accounting method they say is incorrect has been accepted for many years and is used by other licensing boards as well.

Dr. Rovner expressed his opinion that the Board will be hard pressed to convince them to change the decision based on the tone of the language used. Ms. Johnson reported that the Board office staff will go over the budget numbers provided earlier, review the information in the letter and report back to the Board members.

Ms. Kelly asked about some of the differences between a number of the line items in the Board's proposed budgets and the Governor's office's proposed budgets. Ms. Johnson indicated that this is another issue that staff needs to review in more detail. Staff have only had a few hours before this telephonic meeting to review the budget numbers in the spreadsheet that was included with the letter. Ms. Braness noted that the Governor's office and the Department of Management are budgeting less in the current fiscal year than had already been spent in some of the expenditure classes as of December 31, 2011.

LEGISLATIVE UPDATE

Ms. Johnson reported on SF401, regarding the illegal practice of dentistry. There was a House subcommittee meeting this week that included discussion about the bill. Ms. Johnson and Mr. McCollum attended the meeting. One legislator requested additional information from the legislative services agency about the fiscal impact of the bill. Some legislators question the need

for a felony charge in cases where individuals provide teeth whitening without a license. Ms. Johnson is not certain if this will move forward in the current legislative session.

❖ MOVED by BRADLEY, SECONDED by CURRY, to go into closed session.

<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	
Absent	X					X	X		X

Motion approved by roll call.

➤ The Board convened in closed session at 12:25 p.m.

*12:51 p.m. - Dr. Roth joined the call.

*12:57 p.m. - Ms. Beasler joined the call.

*12:59 p.m. - Ms. Spillers joined the call.

➤ The Board reconvened in open session at 1:04 p.m.

OPEN SESSION

ADMINISTRATIVE HEARING

In The Matter of Marc Hagen, D.D.S. (#11-036)

❖ MOVED by BRADLEY, SECONDED by KELLY, to approve the Final Decision as submitted. Motion APPROVED unanimously.

REVIEW OF APPLICATION FOR LICENSE

Application for License by Credentials – Sean Sullivan, D.D.S.

❖ MOVED by BRADLEY, SECONDED by ROVER, to approve the issuance of a stipulated dental license. Motion APPROVED unanimously.

REVIEW OF COMBINED STATEMENT OF CHARGES , SETTLEMENT AGREEMENT, & FINAL ORDER

In The Matter of Allen Carrell, D.D.S. (#11-139)

❖ MOVED by BRADLEY, SECONDED by SPILLERS, to approve the Combined Statement of Charges, Settlement Agreement and Final Order as submitted. Motion APPROVED unanimously.

REVIEW OF NOTICE OF HEARING & STATEMENT OF CHARGES

In The Matter of Joshua Brower, D.D.S. (#06-128)(#07-126)(#09-171)(#09-214)

- ❖ MOVED by BRADLEY, SECONDED by BEASLER, to approve the Notice of Hearing and Statement of Charges as submitted. The hearing will be scheduled in conjunction with the July 2012 Board meeting. Motion APPROVED unanimously.

REVIEW OF PETITIONS FOR RULE WAIVER

Dr. Walid Abdel Fatah – Petition to Waive Subrule 11.4(1) Relating to the Graduates of Foreign Dental Schools

- ❖ MOVED by BRADLEY, SECONDED by FULLER, to approve the waiver request based on his licensure in Ohio, successful completion of WREB and his AEGD education. Motion APPROVED unanimously.

Dr. Bruce Krook – Petition to Waive Subrule 51.34(2) Re: 1 year Waiting Period Following Voluntary Surrender Before Applying for Reinstatement

- ❖ MOVED by KELLY, SECONDED by BRADLEY, to deny the waiver request asking that Dr. Krook be allowed to reinstate his license early. Motion APPROVED unanimously.

ADJOURNMENT

Chairman Roth adjourned the meeting at 1:08 p.m.

Respectfully submitted,



Melanie Johnson, J.D.
Executive Director

MJ/cb