



# 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

May 18, 2012

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

#### **Board Members**

	<b>May 18</b>
Michael J. Rovner, Vice Chairperson	Present
Matthew J. McCullough, D.D.S.	Present
Steven 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
Nancy A. Slach, R.D.H.	Present
Diane Meier, Public Member	Absent
Lori L. Elmitt, Public Member	Present

#### **Staff Members**

Melanie Johnson, Christel Braness, Phil McCollum

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

Theresa O'Connell Weeg, Assistant Attorney General

#### **Other Attendees**

Larry Carl, Iowa Dental Association  
Tracy Rodgers, Iowa Department of Public Health

#### **CALL TO ORDER FOR MARCH 18, 2012**

Vice chairperson Rovner called the open session of the Iowa Dental Board meeting to order at 1:00 p.m. on Friday, May 18, 2012. A quorum was established with 8 members present.

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 elect officers, appoint committees, 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.

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	x
Absent							x		

**PUBLIC COMMENT**

Vice-chairman Rovner allowed the opportunity for public comment.

No comments were received.

**ELECTION OF OFFICERS**

❖ MOVED by FULLER, SECONDED BRADLEY, to appoint Dr. Rovner as the chairperson of the Board.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

❖ MOVED by FULLER, SECONDED BRADLEY, to appoint Dr. Curry as the vice-chairperson of the Board. Motion APPROVED unanimously.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

❖ MOVED by FULLER, SECONDED MCCULLOUGH, to appoint Dr. Bradley as the secretary of the Board. Motion APPROVED unanimously.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

**COMMITTEE APPOINTMENTS – APPOINTED BY BOARD**

EXECUTIVE COMMITTEE

- ❖ MOVED by ROVNER, SECONDED FULLER, to appoint Ms. Kelly to the Executive Committee. Motion APPROVED unanimously.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

DENTAL HYGIENE COMMITTEE

- ❖ MOVED by ROVNER, SECONDED FULLER, to appoint Dr. Bradley as the dental member to the Dental Hygiene Committee.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

IOWA PRACTITIONER REVIEW COMMITTEE (IPRC)

Ms. Johnson reported that all IPRC members have agreed to continue serving. Ms. Johnson stated that all of the members are actively involved in the committee. Ms. Johnson indicated that the Board may want to review the IPRC rules and consider removing the term limits for IPRC members and possibly expanding the size of the committee to include more dental practitioners. Dr. Rovner proposed discussing that at the next meeting.

- ❖ MOVED by CURRY, SECONDED ROVNER, to reappoint the members currently serving on the IPRC.
  - Dr. Bradley left the call 1:10 p.m.

<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									
Absent	x						x		

Motion APPROVED by roll call.

ANESTHESIA CREDENTIALS COMMITTEE (ACC)

- ❖ MOVED by ROVNER, SECONDED KELLY, to appoint Dr. Curry as the chairperson of the Anesthesia Credentials Committee and Dr. Roth to replace Dr. Lowman.

- Dr. Bradley rejoined the 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>
Yes	x	x	x	x	x	x		x	x
No									
Absent							x		

Motion APPROVED by roll call.

CONTINUING EDUCATION ADVISORY COMMITTEE

- ❖ MOVED by ROVNER, SECONDED BRADLEY, to appoint Lori Elmitt to the Continuing Education Advisory Committee. Motion APPROVED unanimously.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

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

CRDTS STEERING COMMITTEE

- ❖ MOVED by ROVNER, SECONDED KELLY, to appoint Dr. Bradley to the CRDTS Steering Committee. Motion APPROVED unanimously.

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

## CRDTS EXAMINATION REVIEW COMMITTEES

- ❖ MOVED by ROVNER, SECONDED BRADLEY, to reappoint Dr. P.T Grimes to the Dental Examination Review Committee and to appoint Ms. Kelly to the Dental Hygiene Examination Review Committee. Motion APPROVED unanimously.

## **OTHER COMMITTEE APPOINTMENTS – APPOINTED BY BOARD CHAIR**

### CONTINUING EDUCATION ADVISORY COMMITTEE

Dr. Rovner appointed Dr. Curry the chairperson of the Continuing Education Advisory Committee.

### LICENSURE/REGISTRATION COMMITTEE

Dr. Rovner appointed Dr. McCullough to the Licensure/Registration Committee to fill the vacant position previously held by Kimberlee Spillers whose term ended April 30, 2012. Dr. Rovner will continue to serve as the chairperson.

### DENTAL ASSISTANT REGISTRATION COMMITTEE

Dr. Rovner reappointed Dr. North as the chairperson of the Dental Assistant Registration Committee.

### AD-HOC EXAMINATION COMMITTEE

Dr. Rovner stated that he wanted to maintain the Ad-Hoc Examination Committee in order to review other alternatives to examination for licensure. Dr. Rovner also appointed Dr. Fuller to the Committee to fill the vacant position previously held by Dr. Roth whose term ended April 30, 2012.

## **ADMINISTRATIVE RULES**

- *June 5, 2012 – Public Hearing – ARC 0128C*

Ms. Johnson reported that the rules approved in December are currently working through the rulemaking process after being pre-cleared, in part, by the Governor's Office. A public hearing will be held June 5, 2012 at 2:30 p.m. to receive comments.

- *Chapter 20 – Dental Assistants*

Ms. Johnson indicated that the proposed filing would address the issue of how to handle dental assistant trainees who do not complete the requirements for registration within 12 months as required by Iowa Code Chapter 153. These amendments establish a process by which a dental assistant trainee who does not become a registered dental assistant within 12 months of the first date of employment as a dental assistant may reapply to become a dental assistant trainee;

clarifies that out of state dental assistants applying for an Iowa dental assistant registration must have at least six months of prior dental assisting experience under a licensed dentist within the past two years; and requires that dental assistant trainees must have a certification of dental assistant trainee status issued prior to beginning work as a dental assistant trainee.

- ❖ MOVED by KELLY, SECONDED CURRY, to approve the Notice of Intended Action as drafted.

Mr. Carl, with the Iowa Dental Association, addressed the provision for temporary permit holders using their own dental assistants for volunteer programs. Mr. Carl would like to expand the language to include Iowa-licensed dentists at volunteer programs or other qualifying events.

- ❖ Ms. Kelly amended the motion to include the language as proposed by Mr. Carl. Curry seconded. Motion APPROVED unanimously.

- *Chapter 15 – Fees*

Ms. Johnson reported that the Board is proposing filing and adopting these rule amendments on an emergency basis. These amendments would allow the Board to combine the application and renewal process for those applicants who apply within three months of the due date of the biennial licensure expiration date. These amendments do not increase the total fees owed. Ms. Johnson reported that she has notified the Governor's office of the draft emergency rule amendments and the time-sensitive nature of the filing. The Board will still need to receive final pre-clearance approval from the Governor's Office before the rulemaking proceeds.

- ❖ MOVED by CURRY, SECONDED KELLY, to approve and adopt these proposals on an emergency basis as drafted. Motion APPROVED unanimously.

### **PETITION FOR RULE WAIVER**

- *Dr. Niels Oestervemb – Waiver Petition for Subrule 11.4(1)*

Ms. Johnson reported that Dr. Oestervemb has requested a waiver of subrule 11.4(1). Dr. Oestervemb is asking that the Board accept his prior education and training, including two years at the University of Iowa College of Dentistry.

- ❖ MOVED by CURRY, SECONDED MCCULLOUGH, to approve the waiver as submitted.

Ms. Weeg questioned the nature of Dr. Oestervemb's fellowship. Previous requests were denied if the training was not in the area of general practice. Since the Board does not have much information on the fellowship, this may require further review.

The Board decided to table this discussion to closed session.

## PUBLIC COMMENT

Chairman Rovner allowed time for public comment.

## CLOSED SESSION

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

<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	x
No									
Absent							x		

Motion APPROVED by roll call.

- The Board convened in closed session at 1:38 p.m.
- ❖ MOVED by CURRY, SECONDED KELLY, to return to open session. Motion APPROVED unanimously.
- The Board reconvened in open session at 2:17 p.m.

## OPEN SESSION

### REVIEW OF NOTICE OF HEARING & STATEMENT OF CHARGES

- *Robert Benson, D.D.S. (11-156)*

Dr. Rovner disclosed a potential conflict of interest, did not participate during the discussion and did not vote on this matter.

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

- *Erna McSwain, D.A. (12-007)*

Dr. Rovner and Dr. Fuller disclosed potential conflicts of interest, did not participate during the discussion and did not vote on this matter.

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

- *Amy L. DeVries, R.D.H. (12-030)*

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

### **ADJOURNMENT**

❖ MOVED by FULLER, SECONDED CURRY, to adjourn the meeting of the Board. Motion APPROVED unanimously.

Chairman Rovner adjourned the meeting at 2:20 p.m.

Respectfully submitted,



Melanie Johnson, J.D.  
Executive Director

MJ/cb