



# STATE OF IOWA

## IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.  
EXECUTIVE DIRECTOR

### DENTAL HYGIENE COMMITTEE

#### OPEN SESSION MINUTES

January 31, 2013

10:30 A.M.

Conference Room

400 S.W. 8<sup>th</sup> St., Suite D

Des Moines, Iowa

#### Committee Members

Mary C. Kelly, R.D.H.

Nancy A. Slach, R.D.H.

Steven P. Bradley, D.D.S.

January 31, 2013

Present

Present

Present

#### Staff Members

Melanie Johnson, Christel Braness, Brian Sedars, Phil McCollum, Janet Arjes

#### Attorney General's Office

Theresa Weeg, Assistant Attorney General

### I. OPEN SESSION

#### CALL TO ORDER FOR JANUARY 31, 2013

Ms. Kelly called the meeting of the Dental Hygiene Committee to order at 10:50 a.m. on Thursday, January 31, 2013. A quorum was established with all members present.

#### Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Bradley</u>
Present	x	x	x
Absent			

#### APPROVAL OF MINUTES

▪ *October 25, 2012 Open Session Minutes*

- ❖ MOVED by BRADLEY, SECONDED by SLACH, to approve the minutes of the October 25, 2012, Dental Hygiene Committee meeting as submitted. Motion APPROVED unanimously.

## **II. 1<sup>ST</sup> OPPORUNITY FOR PUBLIC COMMENT**

Ms. Kelly allowed the opportunity for public comment.

Ms. Kelly asked the attendees to introduce themselves.

Ms. Brown, DMACC, asked the committee to make a recommendation regarding the addition of daycare centers to the list of allowed sites for public health supervision.

## **III. LEGAL REPORT**

### ***▪ FOLLOW-UP RE: REVIEW OF STATUTORY AUTHORITY OF DENTAL HYGIENE COMMITTEE AND DENTAL BOARD***

Ms. Weeg provided an overview of the duties and historical perspective of the Dental Hygiene Committee and its duties. Ms. Weeg reported that, under Iowa law, the Dental Hygiene Committee is responsible for dental hygiene matters.

Ms. Weeg read the Iowa Code section which addresses the adoption by the Board of recommendations from the Dental Hygiene Committee. Ms. Weeg provided some explanation and interpretation of the statutory language.

Ms. Weeg also read the language in Iowa Code wherein the Board may decline to adopt recommendations from the Dental Hygiene Committee. The Iowa Code specifically states that the Dental Hygiene Committee cannot change the scope of practice of dental hygienists. Ms. Weeg, therefore, interpreted this to mean that the Dental Hygiene Committee could not change the scope of practice of dental hygiene without the approval of the Board.

Several years ago, a process was created whereby these considerations could be addressed. In cases where the law constrained the Dental Hygiene Committee, these matters, typically, went to the Board as suggestions, not recommendations. The Board also needs to act within the constraints of the law and approve Dental Hygiene Committee recommendations in all cases that do not change the scope of practice.

Ms. Weeg reported that the Iowa Dental Hygienists' Association (IDHA) has recently expressed disagreement with this interpretation of the law. There is ongoing research to look into this matter further.

Ms. Slach asked for clarification as to what would be considered the scope of practice and what may be considered a change to the scope of the practice. Ms. Weeg provided some clarification in that respect.

### ***▪ FOLLOW-UP RE: SUBSEQUENT EXAMINATIONS & RDHs UNDER A PUBLIC HEALTH SUPERVISION AGREEMENT***

Ms. Weeg reported that this matter will be discussed at the open meeting of the Board.

#### IV. ADMINISTRATIVE RULES

- *COMMITTEE RECOMMENDATION – PROPOSED AMENDMENTS TO CHAPTER 10, “GENERAL REQUIREMENTS” (Amends Definition of “Public Health Setting”)*

Ms. Kelly reported that there was a suggestion received by the Board office that suggested that terminology within the proposed rule change be amended from “daycare” to “childcare”. Ms. Johnson provided some further clarification on the matter. The change was proposed by the Iowa Administrative Code editor, in addition to another organization, to match language used by other agencies when referring to the same institutions.

Dr. Bradley asked about the difference between “daycare” and “childcare”. Ms. Weeg explained that part of the reason for the change is to conform to other code references. Ms. Kelly clarified that in-home childcares would still be excluded if the proposed rulemaking is adopted.

- ❖ MOVED by KELLY, SECONDED by SLACH, to change the terminology from “daycare” to “childcare” settings. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by SLACH, to suggest adoption of the rule amendments as proposed to include the approved change in terminology from “daycare” to “childcare”. Motion APPROVED unanimously.

There was some discussion as to whether this expands the scope of practice, as opposed to simply expanding the list of allowed locations. Ms. Weeg’s stated that since this would expand the scope of the setting it would be also expand the ability of a dental hygienist to practice. Therefore, it was in her opinion, that it would be considered a change in the scope of practice.

Ms. Weeg reported that there has not been sufficient disagreement in the past about whether a proposal is changing the scope of practice. Therefore, the Board, ultimately, will need to decide whether or not this proposal is deemed to be a change in the scope of practice.

Ms. Slach asked if there is a way to address this without having to change the rules every single time a new proposal arises. Ms. Weeg stated that this was understandable; however, an expansion of an existing list could be construed as a change in the scope of practice.

Dr. Rovner, who was sitting in on the meeting asked Ms. Weeg to clarify how the Board would address the disagreement between a recommendation by the committee and a suggestion. Ms. Weeg indicated that the Board would need to make the final decision as to whether or not to treat it as a recommendation or a suggestion based on whether or not the proposal would change the scope of practice for dental hygiene.

- ❖ MOVED by SLACH, SECONDED by KELLY, bring forward the motion as a recommendation of the Dental Hygiene Committee, and not as a suggestion.

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Bradley</u>
Aye	x	x	
Nay			x

Motion approved, 2-1.

- Chairperson Kelly announced that some items on the agenda would be taken up out of order to accommodate those who were observing the open session of the meeting.

## **V. APPLICATIONS FOR LICENSURE & OTHER REQUESTS**

- *Application for Dental Hygiene License – Jessica M. Koster, R.D.H.*

This matter was tabled until closed session for discussion.

## **X. OTHER BUSINESS**

### **2013 MEETING SCHEDULE**

Ms. Kelly reported that meeting as a committee on the same date as the Board meeting sometimes poses difficulty in a number of ways. Ms. Johnson agreed. Sometimes, this forces committee discussions to be more rushed. This can also be a bit of an issue for review of committee topics.

Dr. Bradley asked about meeting after the quarterly Board meeting. Ms. Johnson pointed out that the main problem with this suggestion is that Dental Hygiene Committee agenda items would need to wait another quarter before the Board could review these matters and act on them.

Ms. Slach indicated that she was willing to meet the evening before the quarterly Board meeting if that would work better. Ms. Braness indicated that staff may have some difficulty in accommodating requests to meet the day before a quarterly meeting since staff will be setting up and preparing for the Board meeting. Ms. Braness indicated, however, that staff would accommodate the committee's decision.

Dr. Bradley indicated that meeting on days other than quarterly Board meeting dates are difficult for him since it means that it is another day that he must be out of the office.

Ms. Johnson reported that a decision does not need to be made today.

Dr. Bradley inquired about potential new appointments in May 2013. Ms. Kelly indicated that she did not intend to meet without a full committee.

### **EXPANDED FUNCTIONS**

Ms. Kelly reported that a former dental assistant, now a licensed dental hygienist, requested approval to perform expanded functions. The interpretation of the Iowa Administrative Code 650, as it is currently written, was that she could not perform these tasks. This prompted the discussion.

about adding expanded functions to the scope of practice for dental hygienists. Ms. Kelly asked that the committee review this request at the next meeting of the committee.

Dr. Bradley asked if dental hygienists could perform these tasks now. Ms. Braness indicated that Board rules, currently, require registration as a dental assistant to perform expanded functions. Historically, licensees have not been allowed to hold both a license and a registration. Mr. McCollum indicated that prior to expanded functions, this was not an issue. The question now is how to address this.

Ms. Kelly indicated that this agenda item should be discussed further at the next meeting of the committee.

### **IX. 2<sup>ND</sup> OPPORTUNITY FOR PUBLIC COMMENT**

Ms. Kelly allowed the opportunity for public comment.

Tom Cope expressed his disagreement with the interpretation of the Iowa law concerning the authority of the Dental Hygiene Committee. Mr. Cope has concerns about Iowa Dental Association attempting to undermine the Iowa Dental Hygienists' Association.

Ms. Brown asked about the scope of practice and how adding childcare settings is different than head start settings. If head start programs are allowed under current rule, why would childcare settings change the scope of practice? Ms. Weeg stated that head start does not include all childcare settings. Ms. Brown indicated that it seems to be a scope of settings issue, not a scope of practice issue.

Ms. Weeg stated that when a list exists, and if the list is expanded, the scope of practice is being expanded.

Ms. Slach expressed her agreement with Ms. Brown's comments.

Ms. Veenstra stated her agreement with Ms. Weeg's interpretation since the proposal is expanding the group of children, which can be seen by dental hygienists without the direct supervision of a licensed dentist. Therefore, Ms. Veenstra believed that this is expanding the scope of practice. In her opinion, it is broadening the practice.

Mr. Cope read a section of the Iowa Code. Mr. Cope feels that this section clearly gives the Dental Hygiene Committee authority over the "practice" of dental hygiene. Mr. McCollum asked if this would grant authority to the dental hygiene members to dictate all dental hygiene decisions. Mr. Cope stated that the law still grants the Board authorities to handle this.

### **VI. CLOSED SESSION**

- ❖ MOVED by SLACH, SECONDED by KELLY, to go into closed session pursuant to Iowa Code 21.5(d) to discuss and review complaints and other information required by state law to be kept confidential.

Roll Call:

<u>Member</u>	<u>Kelly</u>	<u>Slach</u>	<u>Bradley</u>
Yes	x	x	x
No			
Absent			

Motion APPROVED by ROLL CALL.

- The Dental Hygiene Committee convened in closed session at 11:33 a.m.

### **VII. RECONVENE IN OPEN SESSION**

- The Committee reconvened in open session at 12:02 pm.

### **VIII. OPEN SESSION ACTION ON CLOSED SESSION AGENDA ITEMS**

- *In the Matter of Sara J. Lambert, R.D.H. (#12-132) Consideration of Combined Statement of Charges, Settlement Agreement & Final Order*
- ❖ MOVED by BRADLEY, SECONDED by SLACH, to recommend approval of the Combined Statement of Charges, Settlement Agreement & Final Order as submitted. Motion APPROVED unanimously.
- *Request for Approval of Local Anesthesia Course Offered at the University of Minnesota School of Dentistry*
- ❖ MOVED by BRADLEY, SECONDED by SLACH, to recommend approval of the local anesthesia course as submitted. Motion APPROVED unanimously.

### **XI. ADJOURNMENT**

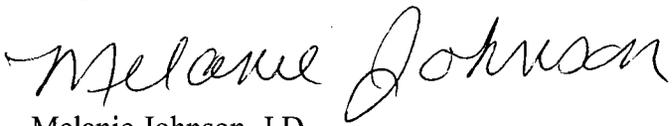
- ❖ MOVED by BRADLEY, SECONDED by SLACH, to adjourn. Motion APPROVED unanimously.

The meeting of the Dental Hygiene Committee was adjourned at approximately 12:02 p.m. on January 31, 2013.

### **NEXT MEETING OF THE COMMITTEE**

The next meeting of the Dental Hygiene Committee is scheduled for May 9, 2013, in Des Moines, Iowa.

Respectfully submitted,

A handwritten signature in cursive script that reads "Melanie Johnson". The signature is written in black ink and is positioned to the right of the typed name.

Melanie Johnson, J.D.  
Executive Director

MJ/cb