



# STATE OF IOWA

## IOWA DENTAL BOARD

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

MELANIE JOHNSON, J.D.  
EXECUTIVE DIRECTOR

### IOWA DENTAL BOARD

#### MINUTES

May 9-10, 2013

Conference Room

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

Des Moines, Iowa

<b>Board Members</b>	<b>May 9, 2013</b>	<b>May 10, 2013</b>
Steven Bradley, D.D.S.,	Present	Present
Steven C. Fuller, D.D.S.	Present	Present
Matthew J. McCullough, D.D.S.	Present	Present
Thomas M. Jeneary, D.D.S.	Present	Present
Kaaren G. Vargas, D.D.S.	Present	Present
Mary C. Kelly, R.D.H.	Present	Present
Nancy A. Slach, R.D.H.	Absent*	Absent
Diane Meier, Public Member	Present	Present
Lori Elmitt, Public Member	Present	Present

\*Participated briefly by phone at the start of the meeting on May 9, 2013.

#### **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.H., Iowa Dental Assistants Association  
Lori Brown, R.D.H., Iowa Dental Hygienists' Association  
Carol Van Aernam, R.D.H., Iowa Dental Hygienists' Association  
Stephanie Chickering, R.D.H., WCHS, I-SMILE  
Lynh Patterson, Delta Dental of Iowa  
Miriam Burk, Iowa Dental Hygienists' Association  
Lori Pelke, Midwest Dental  
Larry Carl, Iowa Dental Association  
Stephen Thies, D.D.S., Iowa Academy of General Dentistry  
John Frank, D.D.S., Iowa Association of Oral & Maxillofacial Surgeons  
Michael Kanellis, D.D.S., University of Iowa College of Dentistry

**I. CALL TO ORDER FOR MAY 9, 2013**

Dr. Bradley called the open session meeting of the Iowa Dental Board to order at 11:16 a.m. on Thursday, May 9, 2013. A quorum was established with eight members present.

Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
Present	x	x	x	x	x	x	x		x
Absent								x	

Dr. Bradley reported that the Board would be going into closed session briefly to address some items, which are confidential by law.

**II. CLOSED SESSION**

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

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

Motion APPROVED by ROLL CALL

- The Board went into closed session at 11:17 a.m.
- The Board reconvened in open session at 11:44 a.m.

Dr. Bradley asked everyone to introduce themselves.

- Dr. Bradley announced that he was going to take some agenda items out of order to address matters that may affect the election of officers.

**X. OTHER BUSINESS**

*g. Discuss Board Membership If Disciplinary Action Is Taken*

Ms. Weeg provided an overview of the legal requirements for serving on the Board. Ms. Weeg reported that the Senate reviews disciplinary action when determining Board appointments;

however, that is the only provision under the law for the consideration of disciplinary action when considering Board appointments.

Ms. Slach reported that she intended to attend the Board meeting; however, she is absent due to a death in the family.

Ms. Slach apologized for stirring up such controversy by sending the letter to the Governor's office. Ms. Slach stated that she sought out input from some others prior to sending the letter to the Governor's office.

Dr. Bradley agreed that the letter caused a bit of turmoil.

Dr. McCullough stated that he understands where Ms. Slach was coming from; however, he indicated that it may have been handled better in other ways. Dr. Bradley agreed.

Ms. Meier stated that Ms. Slach was within her rights to express her opinion.

Ms. Slach reiterated that this was simply her opinion, and she had not intended to create undue commotion.

- Ms. Slach ended the call and left the meeting at 11:53 AM.

### **III. ELECTION OF OFFICERS**

Ms. Johnson reported that she had received several requests from Board members that she provide an overview of the roles and responsibilities of each elected position and of the Committees.

- *Board Chair*

Dr. Bradley asked Ms. Johnson to provide an overview of the Chair position.

Ms. Johnson described the roles and responsibilities of the Board Chair.

- ❖ MOVED by MCCULLOUGH, SECONDED by KELLY, to nominate Dr. Bradley as Board Chair. Motion APPROVED unanimously.

- *Board Vice-Chair*

Ms. Johnson provided an overview of this position.

- ❖ MOVED by MEIER, SECONDED by ELMITT, to nominate Ms. Kelly as Vice-Chair.
- ❖ MOVED by VARGAS, SECONDED by JENEARY, to nominate Dr. McCullough as Vice Chair.

- ❖ Moved by MCCULLOUGH, SECONDED by BRADLEY, to nominate Dr. Fuller as Vice-Chair.

Each nominee was invited to offer a statement concerning their interest in the position and their qualifications for the position.

Ms. Kelly stated that she was interested in being Vice Chair given her prior experiences on the Board and professionally.

Dr. McCullough indicated that he is in his second year on the board and has learned a lot. Dr. McCullough reported that he would bring new insight

Dr. Fuller chose not to make any comments.

- Results of 1<sup>st</sup> vote on Vice Chair nominees:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
KELLY		x			x		x		
MCCULLOUGH				x					x
FULLER	x		x			x			
Absent								x	

Ms. Kelly – 3 votes; Dr. McCullough – 2 votes; Dr. Fuller – 3 votes

- Results of 2nd vote on the two Vice Chair nominees with the most votes :

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
KELLY		x			x		x		
FULLER	x		x	x		x			x
Absent								x	

- Dr. Fuller was elected vice-chairman, 5-3, with one Board member absent.

- *Board Secretary*

- ❖ MOVED by FULLER, SECONDED by VARGAS to nominate Dr. McCullough as Secretary.

- ❖ MOVED by MEIER, SECONDED by ELMITT to nominate Ms. Kelly as Secretary.

- Results of vote on Secretary nominees:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
MCCULLOUGH	x		x	x		x			x
KELLY		x			x		x		
Absent								x	

- Dr. McCullough was elected Secretary, 5-3, with one Board member absent.

**IV. 2013-2014 COMMITTEE APPOINTMENTS**

a. **Elected by Vote of Full Board**

1. *Dental Hygiene Committee*

- ❖ MOVED by KELLY, SECONDED by VARGAS, to nominate Dr. McCullough to the Dental Hygiene Committee.
- ❖ MOVED by BRADLEY, SECONDED by JENEARY, to nominate Dr. Fuller to the Dental Hygiene Committee
- Results of vote on the nomination to serve as dentist member of the Dental Hygiene Committee:
  - The vote on the nomination for Dr. McCullough to serve as the dental member of the Dental Hygiene Committee was taken first. The vote was taken by a raise of hands.

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
MCCULLOUGH		x			x	x	x		x
FULLER									
Absent								x	

- Dr. McCullough was elected to the Dental Hygiene Committee with five (5) votes.

2. *Iowa Practitioner Review Committee*

Ms. Johnson reported that there was not any need for changes, as the members were appointed last year, and the members are appointed for three (3) year terms.

3. *Anesthesia Credentials Committee*

Ms. Johnson provided an overview of the roles and responsibilities of the Committee.

Dr. Bradley recommended that Dr. Curry continue to serve on the Committee if willing. The Board was in consensus with the recommendation. A motion and vote were not taken on this recommendation at the May 2013 meeting of the Board.

Dr. Bradley appointed Dr. Vargas as Chair of the Committee since she is the current Board member serving on the Committee.

4. *Continuing Education Advisory Committee*

Ms. Johnson provided an overview of the roles and responsibilities of the C and the information that they review for the Board.

- ❖ MOVED by MEIER, SECONDED by BRADLEY, to KELLY to appoint Dr. Fuller to fill the vacancy on the Committee. Motion APPROVED unanimously.

Dr. Bradley appointed Ms. Elmitt to serve as Chair of the Committee since she is the Board member on the Committee that has served the longest. Ms. Elmitt agreed.

#### 5. *CRDTS Representatives*

- *CRDTS – Steering Committee*

Dr. Bradley reported his preference to continue serving as on the Steering Committee.

- *CRDTS – Examination Review Committee – DDS*

Ms. Johnson reported that Dr. Grimes indicated he would no longer be able to serve on the Examination Review Committee.

Dr. Vargas stated that she was willing to serve on the Committee.

- *CRDTS – Examination Review Committee – DH*

Ms. Kelly stated that she was willing to continue serving on the Committee.

- ❖ MOVED by FULLER, SECONDED by MEIER, to approve the recommendations for appointments to the CRDTS Committees. Motion APPROVED unanimously.

#### b. *Appointed by the Board Chair – Dr. Bradley*

##### 1. *Continuing Education Advisory Committee – Committee Chair*

This matter was discussed previously during the Continuing Education Advisory Committee appointments. Dr. Bradley appointed Ms. Elmitt as Chair.

##### 2. *Executive Committee*

Dr. Bradley asked Ms. Kelly to continue to serve on the Committee in addition to the elected officers. Ms. Kelly agreed to serve on the Committee.

##### 3. *Licensure/Registration Committee*

Ms. Johnson provided an overview of the roles and responsibilities of the Committee. Dr. McCullough and Ms. Meier are the current members. Dr. McCullough provided a brief overview of what the Committee typically reviews.

Dr. Bradley appointed Dr. Jeneary to file a vacancy on the Committee.

Dr. Bradley appointed Dr. McCullough as Committee Chair.

#### 4. *Dental Assistant Registration Committee*

Ms. Johnson provided an overview of the roles and responsibilities of the Committee. Dr. Bradley appointed Dr. Jeneary to file a vacancy on the Committee.

Dr. Bradley reappointed Dr. North as Committee Chair.

### **V. 1<sup>st</sup> OPPORTUNITY FOR PUBLIC COMMENT**

Dr. Bradley allowed the opportunity for public comment.

Mr. Cope, Iowa Dental Hygienists' Association (IDHA), thanked the Board for reaching out to interested parties to provide input, comments, and thoughts on public health supervision, and how it may be improved. Mr. Cope would ask that data be provided in support of any recommendations.

Dr. Kanellis reported the University Of Iowa College Of Dentistry has a down period during June and July. In the past, they have registered graduates as D-9 students to work during these periods, while waiting for licensure. It has since to come the College of Dentistry's attention that the D-9 classification did not qualify the practitioners as students since they had already been granted their degrees in dentistry. Since these practitioners they have graduated, they are subject to licensure. Dr. Kanellis asked the Board to expedite processing of the applications for these practitioners.

Larry Carl, Iowa Dental Association (IDA), reminded everyone the Iowa Mission of Mercy (IMOM) program is coming up in October 2013. Mr. Carl asked that volunteers, if available, help out setting up for the event on October 16, 2013. The event will be held at the Varied Industries Building at the state fairgrounds.

Mr. Carl reported that the IDA is in support of the proposed changes concerning the proposed response to the FAQ concerning oral surgeons.

Jeannene Veenstra stated that she was speaking on her own behalf. Ms. Veenstra expressed her dismay that Dr. Fuller, who has been charged for allowing a dental assistant to work on a lapsed registration, is still serving on the Board. Ms. Veenstra feels that Dr. Fuller should be removed from the Dental Assistant Registration Committee. Ms. Veenstra would also ask that they reconsider the election of Dr. Fuller to vice-chair.

Ms. Patterson-Rahn, I-SMILE coordinator, expressed some hope that any proposed public health supervision changes would not discourage dentists from entering into these agreements. Ms. Patterson-Rahn thinks that some of the suggestions, such as the annual submission of agreements, are good; however, she asked the Board that they not make the program more difficult for practitioners to enter into.

Dr. Frank, Iowa Association of Oral and Maxillofacial Surgeons (IAOMS), addressed the FAQs regarding the oral surgeons. Dr. Frank stated that he was available for questions if there should be any. Dr. Frank confirmed that the physical examinations are standard to the practice of oral surgery.

Mr. McCollum asked how examinations would be billed (medical versus dental). Dr. Frank indicated that there are codes established that are used in hospital settings. Dr. Frank indicated that oral surgery is a blend of dentistry and medical work.

Following public comment, Ms. Johnson notified the Board Chair of two remaining Committee appointments that needed to be made.

- *Budget Review Committee*

Dr. Bradley appointed Dr. Jeneary to fill a vacancy on the Committee. Dr. Jeneary agreed to serve on the Committee.

Dr. Bradley appointed Dr. Fuller as Committee Chair.

- *Ad-Hoc Examination Committee*

Ms. Johnson inquired if the Board Chair wanted to keep or disband this Committee that was originally appointed to review the various options for clinical examinations.

Dr. Bradley indicated that that he wanted to retain this Committee and he reappointed the current members.

## **VI. APPROVAL OF OPEN SESSION MINUTES**

- *January 31-February 1, 2013 – Quarterly Minutes*

❖ MOVED by FULLER, SECONDED by MCCULLOUGH, to approve the minutes as submitted. Motion APPROVED unanimously.

- *February 11, 2013 - Teleconference Minutes*

❖ MOVED by KELLY, SECONDED by FULLER, to approve the minutes as submitted. Motion APPROVED unanimously.

Dr. Bradley confirmed that the March 28, 2013 minutes will be forwarded to the next meeting of the Board for approval. Ms. Braness indicated, upon clarification, that she had not been able to finish them in time for the Board to review them at this meeting.

## **VII. REPORTS**

a. Executive Director's Report

Ms. Johnson reported that a copy of the report was provided to the Board in their meeting folder.

- **UPDATE ON DENTAL HEALTH PROFESSIONS DATA COLLECTION PROJECT**

Ms. Johnson reported that she and two of the Board members met with Delta Dental and Iowa Workforce Development (IWD) the previous month. The meeting was used to identify which information would be collected for analysis. Once the list is complete, a meeting will be held with a member of IWD to see how they might be able to assist with the project.

- **ADMINISTRATIVE CHANGES TO MAKE PUBLIC ORDERS AVAILABLE ON WEBSITE**

Ms. Johnson reported that she implemented some administrative changes to improve transparency and increase access to public information on the Board's website. Cease and Desist letters will now be posted along with the Board's public orders (2002 – present). Ms. Johnson reported she will review the rules regarding the fees charged for the public information subscription service and bring recommendations for rule changes to the Board at a future meeting.

- **AMANDA DATABASE**

Ms. Johnson reported that the AMANDA database will be "live" for this renewal period. This will allow licensees and registrants to renew online in addition to other services, which have not been available to date.

Ms. Kelly asked about how disciplinary orders will be posted under AMANDA. Mr. McCollum provided an overview of what information should be available, and how that will be available.

b. Legal Report

Ms. Weeg reported that the matter regarding Dr. Marc Hagen, D.D.S. is still ongoing and is being handled by Ms. Sara Scott, Assistant Attorney General.

Dr. Hagen appealed the District Court's decision. The District Court upheld the Board's decision in his matter. Dr. Hagen has appealed the matter to the Appellate Court.

Ms. Weeg reported that she is retiring in August 2013. Ms. Weeg said a few words about her time working with the Board. Ms. Weeg thanked the Board members, public and staff for their service.

c. Anesthesia Credentials Committee Report

- *Recommendations RE: Moderate Sedation Permit Applications*

There were no recommendations for moderate sedation permit application.

- *Recommendations RE: General Anesthesia Permit Applications*

Ms. Braness provided an overview of the recommendations concerning general anesthesia applications, which had been reviewed by the committee.

- ❖ MOVED by VARGAS, SECONDED by KELLY, to approve the recommendations as submitted. Motion APPROVED unanimously.

Ms. Kelly asked about the use of ketamine. Ms. Braness and Dr. Vargas provided some explanation. Ketamine is more a general anesthetic as opposed to a moderate sedative.

Dr. Frank provided some further clarification about ketamine. It is a dissociative agent where the patient cannot respond purposefully. Moderate sedation requires that the patient respond consciously.

- *Other Committee Recommendations, If Any*

There were no other recommendations.

d. Continuing Education Advisory Committee Report

- Recommendations RE: Continuing Education Course Applications
- Recommendations RE: Continuing Education Sponsor Application(s)

Ms. Johnson reported that the Board has been provided with the detailed recommendations from the Committee for each application.

Ms. Braness provided some clarification on the request for reconsideration of sponsor status for Compliance Training Partners.

Dr. Bradley provided some comments regarding the IDA May meeting course titled “Posture, Pain and Productivity in Dentistry.” Dr. Bradley indicated that the course was very clinical in its presentation. Dr. Bradley feels that the course should have been approved for credit.

Ms. Elmitt and Ms. Braness provided an overview of the Committee discussion and its recommendation.

Ms. Braness indicated that, pursuant to Iowa Administrative Code 650—Chapter 25, the Board has final authority on these decisions.

- ❖ MOVED by BRADLEY, SECONDED by KELLY, to approve the recommendations of the Committee as submitted with the exception to table a final decision on the course, “Posture, Pain and Productivity in Dentistry” to be reviewed at a later date. Motion APPROVED unanimously.

- *Other Committee Recommendations, If Any*

There were no other recommendations from the Committee.

- The Board took a brief recess at 12:53 p.m.
- The Board reconvened at 1:05 p.m.

e. Budget Review Committee Report

Ms. Johnson reported that the Committee met with staff on April 26, 2013.

Dr. McCullough provided an overview of a proposal for a new license category for retired volunteers. Dr. McCullough reported that the Committee reviewed this request, and felt that this was a reasonable compromise on the matter. Dr. McCullough stated that they would defer to legal counsel.

Ms. Weeg advised that a limited license as proposed would require a legislative change.

Larry Carl, IDA, indicated that he hasn't had a chance to fully review this request. However, the IDA would certainly want to cooperate on an issue such as this in order to allow these opportunities. Mr. Carl indicated a willingness to work with the Board on this matter.

- *Review of Quarterly IDB Financial Report*

Dr. Fuller reported that the Committee completed a review of the budget and other concerns. Dr. Fuller reported that the Board may need to look at fee increases in the future in order to address some staffing issues.

Dr. Bradley asked when the fee increases may occur. Dr. Fuller indicated that the increases would not be applied until later. Ms. Braness reported that there is enough revenue to get through FY 13. After FY 13, it would depend upon the priorities of the Board going forward.

Ms. Johnson reported that the Committee will want to meet with other stakeholders prior to implementing any changes.

- *FY14 Projected Budget*

Ms. Johnson reported that the Board members received a copy in their materials of an initial proposed budget and spending plan for FY 2014.

Ms. Braness reported the budget numbers for Personal Services (101) were early projections. The Department of Management (DOM) sets the salary projections for all staff. Therefore, the final numbers could change depending upon the final numbers from DOM.

❖ **MOVED** by MEIER, **SECONDED** by MCCULLOUGH, to approve the proposed budget for FY'14 as submitted. Motion **APPROVED** unanimously.

- *Other Committee Recommendations, If Any*

There were no other recommendations from the Committee.

f. Executive Committee Report

Dr. Bradley indicated that this item will be addressed later.

g. Licensure/Registration Committee Report

- *Actions Taken by Committee on Applications*

Dr. McCullough provided an overview of items reviewed by the Committee since the last Board meeting. A copy of the list of actions taken by the Committee was included in the meeting folder.

❖ MOVED by McCullough, SECONDED by KELLY, to approve the list as submitted. Motion APPROVED unanimously.

- *Other Committee Recommendations, If Any*

There were no other recommendations from the Committee.

h. Dental Hygiene Committee Report

- *Pending Dental Hygiene Applications, If Any – Will be Discussed Under Agenda Item X*
- *Report RE: Actions Taken at Dental Hygiene Committee Meeting*

Ms. Kelly reported the Dental Hygiene Committee has recommended a continuing exemption for Ms. Versluys.

❖ MOVED by KELLY, SECONDED by BRADLEY, to approve the recommendation to grant a continuing education exemption as requested. Motion APPROVED unanimously.

- *Committee Recommendations, If Any*

There were no other recommendations from the Committee.

i. Dental Assistant Registration Committee Report

There was no report.

j. Examinations Report

- *CRDTS – Dental Steering Committee Report*

Dr. Bradley welcomed all interested parties to attend the annual meeting in August 2013. He invited the new members to participate in the CRDTS examinations.

- *CRDTS – Dental Hygiene Examination Review Committee Report*

Ms. Kelly indicated that they will not meet until August 2013.

- *CRDTS – Dental Examinations Review Committee Report*

Dr. Bradley stated that there was no report.

#### k. Ad-Hoc Expanded Functions Committee Report

Dr. Kanellis provided an overview of the Committee and the duties with which it has been tasked.

Dr. Kanellis reported that all procedures being considered would be reversible and would require direct supervision. All dental professions have been represented at the Committee meetings.

There is a meeting scheduled for the end of May; however, Dr. Kanellis may ask that this be rescheduled to June 2013 due to scheduling.

The final recommendations from the Committee will be brought forward at the next meeting of the Board. The Committee is close to finalizing all of the details. Dr. Kanellis reported that Dr. Pete Damiano forwarded a survey asking about expanded functions and which of these services might be utilized.

Initially, the Committee is recommending that the University of Iowa College of Dentistry provide the training in these areas to match the training provided to dental students.

There is some consideration about treatment in nursing homes. Dr. Kanellis would ask that the Board consider a separate task force for oral health in nursing homes settings if the expanded functions task force proves successful. Access to dental care in nursing homes is extremely limited and the options are often limited due to the difficulty in accessing dental care.

When payment is capitated, payment is based on how long patients are patients of record. Capitation rewards prevention as opposed to payment for treatment. Pediatric dentistry is not working in that direction currently; however, it may work for nursing home patients. It would be a way to employ dental hygienists. However, there are a number of areas, such as reimbursement, which would need to be addressed prior to implementation.

Dr. Bradley recommended that Dr. Kanellis chair this new task force. Dr. Kanellis indicated that geriatrics is not his area of specialty, but that he's willing to help out.

#### l. Iowa Practitioner Review Committee Report

- *Quarterly IPRC Report*

Mr. Sedars provided an overview of the current IPRC data.

## **VIII. ADMINISTRATIVE RULES/PETITION FOR RULE WAIVER**

- *Request to Enjoin Rulemaking RE: Expanded Functions for RDHs. – IAC 650—Ch.10*

Ms. Johnson reported that the Board has received a written request from the IDA asking that the Board reconsider the proposed rulemaking. The IDA asked that the Board wait until the Expanded Functions Committee makes final recommendations prior to finalizing any proposed rulemaking in this area.

Ms. Weeg reported that the Board needs to make a decision

1. Proceed pursuant to the rulemaking process as already started/established;
2. Postpone the rulemaking; however, there are still timelines to meet; or
3. Withdraw the rulemaking request.

Ms. Weeg asked the Board how they would like to proceed. Dr. Kanellis indicated that the language from the Ad-Hoc Expanded Functions Committee will be very specific so that the Board can act very clearly. Ms. Kelly indicated that it may depend upon the final recommendations to the Board.

❖ **MOVED** by KELLY, **SECONDED** by MCCULLOUGH, to withdraw the rulemaking process on the proposed rules. Motion **APPROVED** unanimously.

- *Rule Waiver Petition From Ryan Jensen to Waive Rule IAC 650—12.1 Licensure by Examination*

Ms. Johnson and Ms. Braness provided an overview of the request. Dr. Jensen completed the WREB examination and is asking the Board to consider that acceptable for the purposes of licensing by examination.

Dr. Bradley provided an overview of the rulemaking change, which made CRDTS the only Board-accepted exam for license by examination, and the requirements for license by credentials.

Dr. McCullough asked if there is a practice requirement for license by credentials. Ms. Braness explained that with the change in the law regarding licensing by credentials, an applicant needs to have been licensed in another state on the basis of examination, or have a minimum of three years of practice in another state. There is no specific practice requirement if licensed by examination in another state.

❖ **MOVED** by MCCULLOUGH, **SECONDED** by JENEARY, to **DENY** the request for rule waiver. Motion **APPROVED** unanimously.

## **IX. LEGISLATIVE UPDATE**

Ms. Johnson stated that there was nothing to report.

## **X. OTHER BUSINESS**

### Update Re: Dental Assistant Trainees and Trainee Status Expiration Date Extensions

Ms. Johnson provided an update. There were no extensions granted since the last meeting.

### Review of FAQs for Website

Dr. Bradley asked Ms. Kelly to provide an overview of what the Dental Hygiene Committee discussed at its meeting in this regard. Ms. Kelly indicated that the questions were reviewed individually. In some cases, the Committee has asked for more information or further clarification prior to making a final decision.

Questions related to expanded functions will be tabled until further recommendations are received by the Board.

Ms. Johnson indicated approval on some of the questions; however, the committee will review all of the responses prior to posting.

- *FAQ Related to Examinations & Oral Surgeons*

Ms. Johnson asked Dr. Frank for input about how to update the response to the question to better address the practice of oral surgeons.

Dr. Frank recommended clarifying that the training and education for oral & maxillofacial surgeons is sufficient to allow physical examinations and health histories by oral surgeons.

❖ **MOVED** by KELLY, **SECONDED** by MCCULLOUGH, to approve the updated response to the FAQ concerning oral surgeons and physical examinations and health histories. Motion **APPROVED** unanimously.

- *FAQ – Patient Rights – HIPAA*

Ms. Johnson provided an overview and indicated that no comments were received in response to the proposed FAQ and answer.

Dr. Kanellis asked to comment regarding patient records. Dr. Kanellis requested clarification in regards to this question to make it clear that patient records cannot be withheld pursuant to Iowa Administrative Code 650—Chapter 27.

Ms. Elmitt agreed with this recommendation. Ms. Elmitt has seen this issue come up frequently and would recommend this clarification.

Dr. Vargas asked about release forms. Mr. McCollum stated that current rules do not require a release form; therefore, the records would still need to be released whether or not a signed release is on file.

- *FAQs –Teeth Whitening*
- *FAQs – Board information*

No comments or suggestions were made.

❖ **MOVED** by KELLY, **SECONDED** by ELMITT, to approve the proposed FAQs and answers, apart from the dental hygiene-related questions. Motion **APPROVED** unanimously.

- *FAQ – Public Health Supervision Agreement*

Ms. Kelly replied by stating that the proposed answer was appropriate.

- *FAQ – Public Health Supervision Dental Assistants Assisting Dental Hygienists*

Ms. Kelly stated that the proposed answer was appropriate.

- *FAQ – Dental Assistant Services Outside of a Dental Office*

Ms. Kelly indicated that this question is a little more complex. Ms. Kelly wondered if a dental assistant would be working as a dental assistant, or wondered if they have a legitimate job other than dental assisting.

Mr. McCollum provided an overview and history as to why this question was included. There are limits to what a dental assistant is allowed to do under general supervision.

Ms. Kelly recommended changing the sentences.

These proposed FAQs and responses will come back for further review.

- *FAQ – Dental Assistant Working*

Ms. Kelly indicated that the response should direct them to the definition of supervision levels.

Ms. Patterson-Rahn asked for clarification of dental assistant services under general supervision; specifically, she asked about the difference between an “office” and “facility”.

Dr. Frank asked for clarification on regulation regarding radiography. Mr. McCollum replied by stating that the Radiological Health Bureau has oversight over radiology-related matters.

Ms. Kelly and Ms. Weeg indicated that some of the definitions may need to be updated so as to make the rules more clear.

c. Letter from RMBF RE: Pediatric Patient

Ms. Johnson provided an overview of the request. The letter hopes to alert Board in key areas related to emergency preparedness. The letter asks the Board to respond. Ms. Johnson indicated that some of the rules may already address those concerns.

Dr. Vargas indicated that in researching the case, this particular girl was sedated. So, the letter appears to be a bit misleading since sedation requires a high level of care and preparedness. Staff may want to reference those concerns if a response is made.

Mr. McCollum reported that the Board already has a number of requirements in place that may address of these concerns.

d. AADB Chicago Mid-Year Meeting Report

Ms. Kelly reported that she attended the meeting of the AADB. Ms. Kelly stated that the focus of the meeting was continued competency. The distinction was made that continuing education is not the same as continued competency. Suggestions were made to ensure continued competency, including chart reviews and periodic in-office evaluations, among other suggestions.

A representative from an organization for medical doctors, which is the equivalent of the American Association of Dental Boards, talked about a maintenance of license program. Iowa was a part of this program. It was noted that most disciplinary action is taken against physicians who do not have hospital privileges.

The Tulsa, Oklahoma Board president and executive director attended the meeting and reported on the patient-to-patient transmission of Hepatitis C. There is some concern relating to patients who were seen between the time the outbreak was identified and the practice was closed.

Ms. Kelly asked Ms. Weeg to explain more about a proposed pilot program. Ms. Weeg stated that the Iowa Board of Medicine is just exploring concepts for maintenance of physician licensure. Action has not been initiated in Iowa to date. The maintenance of licensure often relates to specialists, whose specialty boards already require ongoing re-certification.. Quite often, hospital privileging requires specialty certification. This has an impact on smaller towns where doctors may be less likely to hold specialty certifications, and hospital privileging may be less rigorous.

Ms. Kelly asked the Board to review requests for mid-year meeting attendance early to avoid late fees for registration. The next meeting is scheduled for October 2013 in New Orleans, Louisiana.

e. Update on the AMANDA Database Project

Mr. McCollum reported that the current status of the database is on track to go live around June 1. Initially, the services may be a little more restricted. However, by July1, licensees and registrants should be able to renew online.

Mr. McCollum reported that rules have been updated to better address the efficiencies of the new database. For example, licenses and registrations can now be issued and renewed jointly if issued within three (3) months of expiration.

Dr. Bradley asked about efficiencies that may result from the new licensing database. Mr. McCollum indicated that it is early to say what efficiencies may result from the new database.

f. 2014 Quarterly Meeting Schedule

Ms. Johnson indicated that the board has the proposed dates for 2014. The Board may finalize these dates on May 10, 2013.

g. Discuss Board Membership if Disciplinary Action is Taken

This agenda item was discussed earlier in the meeting.

**XI. APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS**

a. *Ratification of Actions Taken by Executive Director on Applications Since Last Meeting*

Ms. Johnson reported that the Board was provided an updated list of actions taken in response to applications for license, registration, qualification, and permit.

❖ MOVED by FULLER, SECONDED by JENEARY, to approve the list as submitted. Motion APPROVED unanimously.

b. *Pending Licensure/Registration Applications*

Ms. Johnson stated that there was nothing to report.

**XII. 2<sup>nd</sup> OPPORTUNITY FOR PUBLIC COMMENT**

Dr. Bradley offered the opportunity for public comment.

Mr. Carl asked to clarify that the Board withdrew the rulemaking proposal approved on March 28, 2013.

Mr. Carl thanked the Board for indicating that they would limit teleconference meetings. Mr. Carl would ask that a written response be provided to ensure no problems in terminating this rulemaking provision. Mr. Carl would ask that their law firm be notified in writing be early next week.

Ms. Brown thanked Dr. Kanellis for his suggestion regarding the nursing home task force and offered IDHA support.

➤ The Board took a brief recess at 2:19 P.M.

- The Board reconvened at 2:30 P.M.

## II. CLOSED SESSION

- ❖ MOVED by BRADLEY, SECONDED by FULLER, 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>Elmitt</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McCullough</u>	<u>Meier</u>	<u>Slach</u>	<u>Vargas</u>
Yes	x	x	x	x	x	x	x		x
No									
Absent								x	

Motion APPROVED by ROLL CALL

## OPEN SESSION

- The Board reconvened in open session at approximately 3:30 p.m.

## XII. ACTION, IF ANY, ON CLOSED SESSION ITEMS

### Closed Session Minutes

- ❖ MOVED by FULLER, SECONDED by KELLY, to approve the Board action on the closed session agenda items under **Section I: Closed Session Minutes**.

January 31- February 1, 2013 Quarterly Meeting  
February 11, 2013 Telephonic Meeting

#### 1. *Licensure/Registration Applications*

- *Request for Extension/Exemption of Continuing Education Requirements – Rhonda Versluys, R.D.H.*

The discussion and vote on this matter occurred during the open session meeting of the Board on May 9, 2013.

#### 2. *Statement of Charges*

None.

#### 3. *Combined Statement of Charges, Settlement Agreement and Final Order*

- *In the Matter of Ryan D. Cullinan, D.D.S., (#12-098)*

- ❖ MOVED by KELLY, SECONDED by FULLER, to approve the proposed combined Statement of Charges, Settlement Agreement and Final Order regarding this matter. Motion APPROVED unanimously.

- *In the Matter of Christopher C. Glynn, D.D.S. (#12-136)*

- ❖ MOVED by FULLER, SECONDED by KELLY, to approve the proposed combined Statement of Charges, Settlement Agreement and Final Order regarding this matter. Motion APPROVED unanimously.

#### 4. *Settlement Agreements*

- *In the Matter of Angel J. King, R.D.A. (#12-181)*

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

#### 5. *Final Hearing Decisions*

None.

#### 6. *Final Action on Non-Public Cases Left Open*

- ❖ MOVED by MEIER, SECONDED by ELMITT, to approve the board action on the closed session agenda items under **Section VI**:
- ❖ MOVED by FULLER, SECONDED by ELMITT, to approve the board action on the closed session agenda items under **Section VII**:
- ❖ MOVED by MEIER, SECONDED by Vargas, to approve the board action on the closed session agenda items under **Section VIII**:

#12-173	#13-004
#10-087	#13-014
#11-190	#13-019
#12-021	#13-021
#12-155	#13-024
#12-157	#13-035
#12-184	#13-036

Motion APPROVED unanimously.

#### 7. *Action on Non-Public Cases Closed*

- ❖ MOVED by MEIER, SECONDED by ELMITT, to approve the board action on the closed session agenda items under **Section VI**:
- ❖ MOVED by FULLER, SECONDED by ELMITT, to approve the board action on the closed session agenda items under **Section VII**:

❖ MOVED by MEIER, SECONDED by Vargas, to approve the board action on the closed session agenda items under **Section VIII**:

#12-102, #12-126	#12-186
#11-060, #11-061	#12-185
#12-125, #12-174	#13-038
#12-153	#13-045
#12-156	#13-047
#12-172	#12-054 *Dr. Fuller did not vote on this
#12-177	matter.
#12-183	#11-146
#13-005	#09-227
#13-008	#12-010
#13-011	#12-085
#13-016	#12-180
#13-018	#13-010
#13-020	#13-017
#13-023	#11-181
#13-025	#12-188
#13-026	#12-189
#13-029	#12-191
#13-034	#12-192

### **XIII. ADJOURN**

Chairman Bradley adjourned the meeting at 4:00 p.m. on May 10, 2013.

### **NEXT MEETING OF THE BOARD**

The next meeting of the Board is scheduled for August 1-2, 2013, in Des Moines, Iowa.

These minutes are respectfully submitted by Christel Braness, Program Planner 2, Iowa Dental Board.