



STATE OF IOWA

IOWA DENTAL BOARD

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

PHIL MCCOLLUM
INTERIM DIRECTOR

DENTAL HYGIENE COMMITTEE

OPEN SESSION MINUTES

July 31, 2014

Conference Room

400 S.W. 8th St., Suite D

Des Moines, Iowa

Committee Members

Mary C. Kelly, R.D.H.

Nancy A. Slach, R.D.H.

Matthew J. McCullough, D.D.S.

July 31, 2014

Present

Present

Present*

Staff Members

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

Attorney General's Office

Sara Scott, Assistant Attorney General

I. CALL TO ORDER FOR JULY 31, 2014

Ms. Kelly called the meeting of the Dental Hygiene Committee to order at 9:03 a.m. on Thursday, July 31, 2014. A quorum was established with two members present.

Roll Call:

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

Dr. Bradley attended on behalf of Dr. McCullough.

II. 1st OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kelly asked everyone to introduce themselves.

Ms. Kelly allowed the opportunity for public comment.

No comments were received.

III. APPROVAL OF OPEN SESSION MINUTES

- *April 10, 2014 – Quarterly Meeting Minutes*
- ❖ MOVED by SLACH, SECONDED by KELLY, to APPROVE the minutes as submitted. Motion APPROVED unanimously.
- *June 12, 2014 – Teleconference Meeting Minutes*

Ms. Slach did not participate in the June 2014 meeting, and did not think it appropriate to be involved in the vote on this set of minutes. These minutes will be tabled for review until Dr. McCullough is present to vote on them.

IV. LEGAL REPORT

Ms. Scott reported that the Governor signed into law the Home Base Iowa initiative. This action will require the Board to expedite the processing of applications for veterans who apply for, or express interest in working within healthcare, based on their prior experience. The Board will need to create pathways for licensure for veterans, whose military training may not meet current requirements for licensure. Rules will be drafted to be effective January 1, 2015.

Ms. Kelly stated that the Dental Hygiene Committee may need to closely review the proposed rules in the future to determine the effects that they may have on dental hygienists coming out of the military.

V. OTHER BUSINESS

DENTAL HYGIENISTS WORKING WITH DENTAL ASSISTANTS UNDER PUBLIC HEALTH SUPERVISION

Ms. Kelly reported that this was an issue carried forward from the previous meeting. This is an issue that was brought to the Board at its April 2014 meeting. The Board has forwarded this item to the Dental Assistant Registration Committee for further review and recommendation. To date, the Dental Assistant Registration Committee had not met.

VI. ADMINISTRATIVE RULES/ADMINISTRATIVE RULE WAIVERS

- *Draft for Discussion – Proposed Amendments to Ch. 10, “General Requirements”; Ch. 20, “Dental Assistants”; Ch. 23 (new chapter), “Expanded Functions for Dental Auxiliaries” (RE: Current and Newly-Proposed Expanded Functions)*

Ms. Kelly reported that the proposed language was drafted by Board staff based on previous comments and suggestions. Ms. Kelly reported that there were some concerns with the current drafts based on services that dental hygienists can provide in the current scope of practice under general supervision; the proposals would require the functions be performed under direct supervision. Ms. Kelly would like to see language updated to address these concerns.

Ms. Kelly inquired about approval of expanded functions courses. Ms. Braness and Mr. McCollum reported that the Board has always accepted training through ADA-accredited programs. Other training courses would need to be reviewed on a case-by-case basis.

Mr. McCollum reported that if a practitioner was unsure if expanded functions training was completed as part of a formal dental assisting or dental hygiene program, the practitioner would need to contact the schools and ask the school to verify this in writing.

Ms. Kelly asked about the possibility of rule waivers if the school can no longer verify the training. Mr. McCollum stated that waivers would be reviewed on an individual basis, but would be allowed as deemed appropriate by the Board.

Ms. Slach asked about the educational basis on which to provide receive additional training and education within a dental office. Ms. Slach stated that some of these duties are not difficult, and asked if it would be possible for a licensed dentist to provide some of the training. Mr. McCollum stated that the proposals allow for this; though, the training may require prior approval by the Board.

Ms. Kelly stated that the services currently allowed in the scope of practice under general supervision should be acknowledged in the drafts. Mr. McCollum asked for clarification as to which duties, Ms. Kelly was referring. Ms. Kelly made reference to the previously-reviewed and approved FAQs, wherein certain expanded functions were identified to fall within the scope of practice of a dental hygienist. Mr. McCollum stated that the problem, in some cases, is that not all educational programs provide training in those areas, and that hygienists should not perform services without training.

In response, Ms. Kelly gave an example of dental students who receive didactic training in implants, but may never have performed these procedures to clinical competency in dental school. However, their dental license would allow them to perform those procedures.

Ms. Brown, DMACC, asked about those who may have received training in another school, and later move to Iowa. Ms. Brown stated that this would need to be addressed. Mr. McCollum stated that this could be addressed by the school providing written verification of the training. Mr. McCollum stated again that even if the practice act were to allow certain services to be provided, practitioners should not provide services for which they have not received training, or been exposed.

Ms. Brown came back to example of services provided by dentists in cases where they may not have received training in dental school. Mr. McCollum stated that there was some difference in that a dentist bears the ultimate responsibility for everything that takes place within a practice, even for work provided by dental hygienists; dental hygienists, while still responsible for their work, have a lower level of responsibility than dentists.

Dr. Bradley thought the Iowa Dental Hygienists' Association proposed the distinction between the scopes of practice for dental assistants and dental hygienists. Ms. Cacioppo corrected Dr. Bradley

and reported that it was the Iowa Dental Assistants Association, not the Iowa Dental Hygienists' Association, which proposed the distinction between the scopes of practice. Mr. McCollum stated that there is a provision in Iowa Administrative Code 650, which states that a dental hygienist would not be considered a dental assistant for the purposes of registration. The main reason for the restriction against dental hygienists performing those service was a result of the chapter in which expanded functions were included. Ms. Cacioppo also provided some historical background relating to some of these changes.

Ms. Kelly stated that Commission of Dental Accreditation (CODA) has established standards regarding training and education; however, the standards are not always specific about how to teach these standards. There are various ways to address or teach competencies: lab, clinical, didactic. The Board does not regulate CODA, which means that the Board has to rely on CODA standards for training. Mr. McCollum stated a survey of dental hygiene programs in Iowa showed that not all dental hygiene programs provided education and training in some of the duties. Ms. Kelly thought that the responses may change if the questions are posed differently. Ms. Kelly would like to see a more standardized way of surveying these programs.

Ms. Slach stated that there is also significant difference between the duties performed by dental hygienists and dental assistants. For example, dental hygienists perform more work intraorally; whereas, dental assistants perform more work extraorally. Ms. Slach thinks that some of these proposed expanded functions fall within the current scope of practice for dental hygienists.

Mr. McCollum stated that another point of consideration is the scope of education and training. If the training is not adequately provided, and services are poorly performed, a practitioner could potentially be charged for practicing beyond their education and training.

Ms. Scott understands where Ms. Kelly and Ms. Slach are coming from. However, Ms. Scott stated that without an easy standard, it makes regulation and enforcement difficult. Mr. McCollum stated that there is a difference between what the practice act allows, and whether or not someone is qualified to provide those services.

Ms. Kelly wanted to be sure that dental hygienists would not be taking a step back in the level of supervision should the proposed changes be adopted. Mr. McCollum asked if there were proposed duties, which can be performed, currently, under general supervision. Ms. Kelly stated that there were.

Ms. Kelly stated that, for the most part, she is in favor of the proposals with the exception of duties that are currently allowed under general supervision pursuant to the current scope of practice which would require direct supervision per the proposed drafts.

Mr. McCollum stated that prior to the meeting, the Iowa Dental Assistants Association, and Mr. Cope indicated that the Iowa Dental Hygienists' Association were in support of the proposed drafts. Mr. McCollum stated that he is open to reworking these drafts.

Mr. McCollum stated that he wanted to draft proposals in a way that incorporates the requests of the interested parties; however, there also needs to be a mechanism to address problems, which may arise.

Ms. Kelly thanked Mr. McCollum for his work on this.

VII. APPLICATIONS FOR LICENSURE & OTHER REQUESTS

There were no applications or other requests for review.

X. 2nd OPPORTUNITY FOR PUBLIC COMMENT

Ms. Kelly allowed the opportunity for public comment.

Ms. Cacioppo reported that when the dental assistant duties lists were drafted, they were based on declaratory rulings, which have less legal authority than Iowa Code or Iowa Administrative Code.

Ms. Cacioppo commented on the military issue as it relates to dental hygienists. Ms. Cacioppo stated that the military training in the area of dental hygiene is only a 12-week course that does not meet CODA requirements; and therefore, does not meet the Board's requirement for licensure. Ms. Kelly stated that this is the problem. The Home Base Iowa initiative requires licensing boards to develop protocols whereby training completed in the military can be applied to licensure requirements in Iowa.

Ms. Cacioppo reported that the Iowa Dental Hygienists' Association supports a student-faculty meeting in the fall. Ms. Cacioppo felt that this may be an opportunity to meet with the educators to share information with faculty as needed.

Mr. Cope, IDHA, stated that it is important to look at the whole paragraph of the proposed Iowa Administrative Code 650—23.3(3), not only the subsections. The current scope of practice should not be changed when updating the draft language. The proposed language was intended to address a narrow issue. Mr. Cope stated that the issue grew when additional items were added to the list of expanded functions. There are now broader concerns that need to be looked at more closely.

An I-Smile coordinator in attendance, asked about the public health supervision issue related to the use of dental assistants. Ms. Kelly stated that dental hygienists cannot supervise dental assistants. There was a question about who could help with paperwork. Ms. Scott and Mr. McCollum stated that a dentist would need to provide supervision of dental assistants. The use of dental assistants for the purposes of paperwork was discouraged since it may raise questions about what other duties, they may be performing.

Ms. Onnen, I-Smile coordinator, had questions about this same matter. Ms. Onnen would encourage the Board to reconsider this matter, and propose changes, which would allow dental assistants to work in public health settings. There are concerns related to funding when using two dental hygienists to provide sealants. It is not cost-effective.

Ms. Braness and Mr. McCollum stated that the Board is in support of this proposal; however, the Board has referred this to the Dental Assistant Registration Committee for further review prior to moving forward.

Mr. Cope asked if the Dental Assistant Registration Committee is scheduled to meet. Mr. McCollum stated that a meeting will be scheduled following this Board meeting. The Board would be considering committee appointments at this meeting. Dr. Bradley and Ms. Kelly were in favor of expediting this matter.

The I-Smile coordinator asked again about the matter of paperwork in public health settings. Mr. McCollum stated that it is best practice to not have any dental assistants there as there may be an assumption that they may be there as dental assistants, not just to do paperwork.

Ms. Veenstra stated that a lot of dental assistants work in public health settings. Ms. Veenstra stated that the restriction posed some problems. Ms. Kelly stated that when a dentist is involved, this work would be allowed under general supervision. Dental assistants' participation in public health settings is prohibited when a licensed dentist is not directly involved with the public health programs providing either general or direct supervision.

Ms. Onnen asked about dental hygienists, who were trained in another country. Would the foreign-trained dental hygienists be allowed to perform those expanded functions? Mr. McCollum stated that the training would need to be reviewed, to determine if the training meets licensing requirements. Currently, there are provisions for foreign-trained dentists; however, there aren't any current provisions for foreign-trained dental hygienists.

VIII. CLOSED SESSION

- ❖ MOVED by SLACH, SECONDED by KELLY, to go into closed session pursuant to Iowa Code 21.5(1)(a), (d) and (f) 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>McCullough</u>
Yes	x	x	
No			
Absent			x

Motion APPROVED by ROLL CALL.

- The Dental Hygiene Committee convened in closed session at 9:44 a.m.
 - The Dental Hygiene Committee recessed at 9:44 a.m.
 - The Dental Hygiene Committee reconvened at 2:54 p.m.
- *Dr. McCullough was present with the Dental Hygiene Committee reconvened.

IX. IX. RECONVENE IN OPEN SESSION

- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH, to return to open session. Motion APPROVED unanimously.

➤ The Dental Hygiene Committee reconvened in open session at 3:31 p.m.

X. ACTION ON CLOSED SESSION ITEMS

- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH to approve the June teleconference minutes as submitted. Motion APPROVED unanimously. Ms. Slach abstained from this vote.
- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH to approve the closed session minutes as submitted. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCCULLOUGH to close #14-0063. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by SLACH to close #14-0091. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by SLACH to close #13-0073. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by SLACH to close #14-0099. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by SLACH to keep #14-0040 open. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by SLACH to keep #14-0041 open. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by SLACH to keep #14-0049 open. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by MCCULLOUGH to APPROVE the Statement of Charges, Settlement Agreement, and Final Order (combined) in the Matter of Robin M. Kehrl. Motion APPROVED unanimously.

XI. ADJOURN

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

The meeting of the Dental Hygiene Committee adjourned at approximately 3:35 p.m. on July 31, 2014.

NEXT MEETING OF THE COMMITTEE

The next meeting of the Dental Hygiene Committee is scheduled for October 16, 2014, in Des Moines, Iowa.

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