



STATE OF IOWA

IOWA DENTAL BOARD

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

JILL STUECKER
EXECUTIVE DIRECTOR

IOWA DENTAL BOARD

MINUTES

July 21-22, 2016

Conference Room

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

Des Moines, Iowa

Board Members

	July 21, 2016	July 22, 2016
Steven Bradley, D.D.S.,	Present	Present
Steven C. Fuller, D.D.S.	Present	Present
Thomas M. Jeneary, D.D.S.	Present	Present
Monica Foley, D.D.S.	Present	Present
William G. McBride, D.D.S.	Present	Present
Mary C. Kelly, R.D.H.	Present	Present
Nancy A. Slach, R.D.H.	Present	Present
Diane Meier, Public Member	Absent	Absent
Lori Elmitt, Public Member	Present	Present

Staff Members

Jill Stuecker, Phil McCollum, Christel Braness, David Schultz, Dee Ann Argo, Janet Arjes

Attorney General's Office

Sara Scott, Assistant Attorney General

Other Attendees*

Jane Slach, Iowa Dental Assistants Association
Francisco Olalde, University of Iowa
Michael Kanellis, D.D.S., University of Iowa College of Dentistry
Carol Van Aernam, Iowa Dental Hygienists' Association
Lori Brown, R.D.H., Des Moines Area Community College
Barb Blough, Iowa Dental Association
Shaun O'Neill, University of Iowa College of Dentistry
Melani Fulton, University of Iowa College of Dentistry
Jeff Chaffin, D.D.S., Delta Dental of Iowa
Stephen Thies, D.D.S., Iowa Academy of General Dentistry
Molly Driscoll, Brown Winick
Stephanie Chickering, R.D.H., Iowa Department of Public Health

I. CALL TO ORDER FOR JULY 21, 2016

Dr. Bradley welcomed Dr. Foley to the Board, and asked Dr. Foley to introduce herself.

Dr. Bradley called the meeting of the Iowa Dental Board to order at 11:33 a.m. on Thursday, July 21, 2016.

Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Foley</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McBride</u>	<u>Meier</u>	<u>Slach</u>
Present	x	x	x	x	x	x	x		x
Absent								x	

A quorum was established with eight (8) members present.

II. LEGISLATIVE UPDATES

- *Overview of Progress – HF2387*

Ms. Stuecker provided an update on the progress made to date. At the last Board meeting the Board agreed to continue exploring the California Portfolio Exam. As a result, several meetings have occurred between the Board and the University of Iowa to discuss the specifics of this exam. The California Board of Dental Examiners will be participating in this meeting to discuss the portfolio examination in further detail and to answer questions. Given the timeframe, and the report due to the Legislature on December 15, 2016 Ms. Stuecker would like the Board to determine, at the end of this discussion, whether or not to continue moving this concept forward.

- *Presentation on Exams from the University of Iowa*

Dr. Kanellis provided an overview of the potential examination options, to compare side-by-side. Dr. Kanellis stated that there may be a pathway for a modified curriculum-integrated model from CRDTS, in addition to the portfolio examination.

Dr. Kanellis discussed enrollment at the University of Iowa College of Dentistry. The University of Iowa College of Dentistry is the fifth largest in terms of revenue in the country. Dr. Kanellis referenced this to demonstrate the quantity of patient experiences the dental students get.

Dr. Kanellis provided some data about the CRDTS testing results. Only one (1) student from the University of Iowa College of Dentistry in the last five (5) years has failed to pass CRDTS.

Dr. Kanellis provided a brief overview of the breakdown of faculty who completed their dental education at an ADA-accredited dental school, versus those who received their dental education abroad. Of the faculty with foreign dental degrees, 87% have completed specialty training through an ADA-accredited program.

Dr. Kanellis hoped that some of the faculty with specialty training will be allowed to participate in the evaluation of the portfolio examinations. For example, Dr. Teixeira would be valuable for evaluation of endodontics.

Dr. Kanellis provided some comparisons of CRDTS examination versus the proposed portfolio examination. The portfolio examination provided more experiences; though, those are on patients instead of a manikin. Dr. Kanellis believed that both a modified CRDTS examination and the California portfolio examination would be valid examinations.

The Board members asked Dr. Kanellis some questions related to the proposed examinations. The questions focused on the examiners and whether the competences would be completed as a part of the school's curriculum. Dr. Kanellis stated that some of these factors would need to be decided by the Board.

Ms. Kelly believed that implants should be a required competency. Dr. Kanellis stated that dental schools vary about how implants are addressed in dental school. Dr. Kanellis stated that at least one (1) implant procedure is observed in conjunction with other faculty at the University of Iowa College of Dentistry.

Dr. Bradley asked about bridges. Dr. Kanellis stated that implants are increasingly popular. The costs between a bridge and the implant are virtually the same at the University of Iowa College of Dentistry. Therefore, there are not enough patients who want 3-unit bridges. Though, this may vary by school.

Ms. Slach asked about periodontal portion of the portfolio examination and what is required. Dr. Kanellis stated that the California portfolio examination requirements are very specific about which CDT-code procedures must be completed as part of the examination.

Dr. Bradley stated that the Board could consider changing some of the portfolio requirements. Dr. Kanellis strongly suggested complying with the California requirements since they have validated that examination.

Dr. Kanellis did not believe that the portfolio examination will be a highly used option due to the lack of portability; though, he likes this as an alternative option.

- *Presentation and Q&A on California Portfolio Exam*

- The call with the California Board of Dental Examiners started at 12:02 p.m.

Dr. Morrow thanked the Board for the opportunity to discuss this. Dr. Morrow reported that detailed information was provided to the Board.

Dr. Morrow began with a brief overview of how the portfolio examination came to be. High failure rates of the California clinical examination were a factor in the change.

Dr. Morrow explained how California's portfolio examination varies from other portfolio examinations. The competencies are completed during dental school, and review of the completed portfolio occurs during the final year of dental school. Dr. Morrow summarized the requirements.

Dr. Morrow reported that Colorado and Kentucky accept the results of the California portfolio examination for the purposes of licensure. Dr. Bradley asked who completed the psychometrics for the examination. Dr. Morrow reported that COMIRA completed the validation.

Ms. Elmitt asked how California addresses issues of bias when selecting the examiners. Dr. Morrow stated that bias cannot be completely eliminated, and dental schools have to address these issues of bias on an ongoing basis. CODA establishes requirements for addressing issues such as these.

Dr. Morrow stated that in California there are minimum requirements for becoming an examiner:

- Full time faculty at the school;
- Calibrated by and with calibration instruments developed by the Board, and distributed to the schools; and
- Recalibrated on an annual basis.

Ms. Slach asked about how grading is handled on the portfolio examination. Dr. Morrow stated that there are individual grading factors. Dr. Morrow provided an overview of the criteria. Periodontal treatment is based on the full treatment, not just a quadrant at a time. In some cases, this will require multiple appointments for a patient. Each examiner selects a quadrant of their choice. The student and the other examiner do not know which quadrant(s) are being graded.

Each factor has established critical failures. Critical failures means the end of the examination.

Dr. Bradley asked if any candidates have failed to date. Dr. Morrow stated that this would be based on submissions. There is a distinction between a completed examination and a completed portfolio.

Dr. Bradley asked about testing on implants and other restorations. Dr. Morrow stated that implants would be acceptable; though not required. Restorations can be performed on primary or permanent teeth.

There was further discussion about the requirements for the portfolio examination, and the requirements of the dental school. Dr. Kanellis stated that there were some key differences. The portfolio currently requires more than is required as part of the curriculum.

Dr. Kanellis asked how many dental schools in California were utilizing the portfolio examination. Dr. Morrow stated that six (6) schools currently use it.

There was further discussion about the examiners. Dr. Morrow stated that each section requires two (2) independent examiners. Most schools have decided that the examiners for periodontics will be periodontal specialists and not general practitioners. Specialty work is graded by specialists.

There was some discussion about competencies, and instruction. Dr. Woo reported having attended all but the periodontal and endodontic calibrations. Most faculty was trained in 1-2

sessions. Dr. Kanellis asked if an examination would be required to be an examiner. Dr. Morrow stated that this was not currently required in California.

An inquiry was made as to how many licenses were issued based upon portfolio process. In 2015, seven (7) applicants submitted portfolios, and all were licensed. In 2016, to date, there have been 32 applications; 25 have been licensed, and the others were pending licensure.

To date, the examination was meeting expectations. Dr. Morrow stated that this was an alternative, and that they were aware that not everyone would do this. Portability is a limitation; however, as more states continue to review the examination and accept the results, this may lessen.

The portfolio examination addressed some of the concerns related to clinical testing.

Dr. Bradley asked if California would license Iowa graduates who use the examination. Dr. Morrow stated that this would require a legislative change; however, he would be in favor of pursuing this. Dr. Morrow would be open to sharing legislative language.

Dr. Morrow indicated that the examination material is not copyrighted.

Ms. Slach asked if any changes were made to the examination from the first year to the second. Dr. Morrow stated that the major stumbling block was completing the entirety of the periodontal treatment within the last 9 months of school. There has been some discussion about allowing the periodontal treatment to begin in the third year of dental school, and completing the treatment in the fourth year.

They have written into the examination a process so that if a patient cannot return for post-treatment assessment, it can be completed on another patient.

Ms. Slach asked how frequently they would review the examination. Dr. Morrow anticipated reviewing it on an annual basis. It would be relatively easy as compared to changing regulations.

The Board members inquired whether the periodontal portion of the examination could be used for dental hygienists. Dr. Morrow stated that California has a separate licensing board of dental hygiene. Though, there have been some discussions about integrating curriculum for use with dental hygienists and dental assistants.

Ms. Slach asked about a split vote with two (2) examiners. Dr. Morrow stated that the final score is a cumulative score of the entire examination; the only time it would be an issue would be if one examiner marked a critical failure.

Dr. Bradley thanked Dr. Morrow and Dr. Woo for their time.

- The Board took a brief recess at 12:42 p.m.
- The Board reconvened at 12:48 p.m.

- *Discussion and Vote to Pursue Portfolio Exam*

Ms. Stuecker stated that she noticed this as a vote because staff needed further instruction about how to proceed. For example, rulemaking would be required if the Board intended to pursue this pathway.

Ms. Slach believed that it was a good alternative. Dr. Bradley stated that he was not as pleased with the idea of faculty completing the grading of the examination; he would prefer uninterested parties to grade the work of the students. Ms. Slach stated that grading competencies are a requirement of faculty currently, and not all students pass.

❖ **MOVED** by KELLY, **SECONDED** by JENEARY, to **RECOMMEND** proceeding with this portfolio examination.

Dr. Jeneary expressed some concerns of allegations of impropriety on behalf of faculty examiners, and preferred independent examiners. Dr. Kanellis addressed some of the concerns. Dr. Kanellis welcomed anyone to visit the college and observe their procedures and processes.

Ms. Kelly stated that when considering current passing rates, there was not as much concern. Also, if an audit system were implemented, it would further reduce these fears. Dr. Kanellis stated that the California process utilizes the audit after licensure is issued. Dr. Kanellis stated that there could be some attempt to plan evaluation dates and invite Board members to observe the evaluations.

Dr. McBride believed that the Board needed to keep move forwarding on this. Ms. Stuecker agreed. The Board must report to the state legislature by December 15, 2016.

Dr. Kanellis stated that implementation of a portfolio examination would be easier if the California model were implemented as currently established. Dr. Kanellis stated that the number of students who may opt for this are hard to predict since they have not discussed this option with the students. Students could also opt to do both a portfolio and a clinical examination.

Ms. Kelly amended the motion to direct staff to draft rules based on the California model and to consider issues related to examination and oversight. Concerns could be addressed via the rulemaking process.

Dr. Bradley stated again that changes could be implemented to the current model. Dr. McBride expressed some trepidation with that since the changes would not have been validated by a psychometrician.

Mr. McCollum provided a summary as to what he understood the Board's position to be. Including audits of the examinations, and an open-door policy with the college. Dr. Kanellis was happy with that proposal as long the Board members go through the calibration process, with 1-2 weeks' notice whenever possible.

➤ Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Foley</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McBride</u>	<u>Meier</u>	<u>Slach</u>
Yes		x	x	x	x	x	x		x
No									
Absent								x	
Abstain	x								

➤ Motion carried.

- *Discussion on Other Alternate Testing Methods*
- *Discussion and Vote to Permit Alternate Curriculum Integrated Format (Buffalo Model)*

Dr. Bradley asked Dr. Kanellis to comment on his observations of the Buffalo model. Dr. Kanellis stated that the examination attempted to address some of the ethical concerns of testing on patients. The model looked good on paper; though, a lot of the problems on the East coast have not existed in Iowa. The biggest advantage was that if the patient does not show up, it would not count as a failure. Dr. Kanellis believed that this will yield good results if CRDTS were able to develop a similar examination with some modifications. Dr. Kanellis suggested allowing an extra day for retests, as this would solve some issues with students needing to travel to retest under the current format.

Dr. Kanellis also stated that allowing patients of record to serve as the examination patients will eliminate a number of concerns related to the current testing methods.

Dr. Bradley reported that the hope was to implement the modified version of the examination in 2017-2018.

Mr. McCollum noted that this would not require a rule change since CRDTS is already an established and accepted testing agency for licensure.

- ❖ **MOVED** by JENEARY, **SECONDED** by KELLY, to **APPROVE** the implementation of the alternate-curriculum integrated format as an acceptable standard.

➤ Roll Call:

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Foley</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McBride</u>	<u>Meier</u>	<u>Slach</u>
Yes		x	x	x	x	x	x		x
No									
Absent								x	
Abstain	x								

➤ Motion carried.

III. 1st OPPORTUNITY FOR PUBLIC COMMENT

Dr. Bradley asked everyone to introduce themselves. Dr. Bradley allowed the opportunity for public comment.

Dr. Kanellis thanked the Board for the discussion on this matter. Dr. Kanellis welcomed questions and further discussion.

IV. APPROVAL OF OPEN SESSION MINUTES

- *April 28, 2016 – Quarterly Meeting Minutes*
- ❖ MOVED by JENEARY, SECONDED by KELLY, to APPROVE the open session minutes as submitted. Motion APPROVED unanimously.
- *May 12, 2016 – Teleconference Minutes*
- ❖ MOVED by FULLER, SECONDED by MCBRIDE, to APPROVE the open session minutes as submitted. Motion APPROVED unanimously.
- *June 16, 2016 – Teleconference Minutes*
- ❖ MOVED by KELLY, SECONDED by JENEARY, to APPROVE the open session minutes as submitted. Motion APPROVED unanimously.

V. REPORTS

EXECUTIVE DIRECTOR'S REPORT

Ms. Stuecker reported that dental license renewal began July 1, 2016. To date, approximately 500 licenses have been renewed. The paper applications take more time to process since staff must complete all of the data entry. At the time of the Board meeting, it took 10-14 days following receipt to process the paper renewals.

Ms. Stuecker reported that this has been a busy quarter with new graduates. Ms. Stuecker provided an overview of the number of licenses, permits and registrations issued. Ms. Stuecker thanked staff for the time spent processing those applications.

Ms. Stuecker provided a preview of the new website, which is still under development. There are still a number of things to complete prior to going live. The state decided not to renew the contract with the original vendor. This has put staff slightly behind schedule. Staff believed that the navigation of the new website will be easier.

BUDGET REPORT

Ms. Stuecker provided a financial status update to the Board, for both FY2016 and FY2017. Ms. Stuecker provided an overview of ongoing and pending expenses for FY2016. Ms. Stuecker provided an overview of the FY2017 budget.

Dr. Fuller asked about the lease for the office space. Ms. Stuecker reported that the Department of Administrative Services (DAS) was negotiating with Hubbell to renew the lease. Ms. Stuecker stated that DAS was hoping to cut costs; though, if an agreement was not reached, a move would be likely.

LEGAL REPORT

Ms. Scott reported that Dr. Buckley filed a request for judicial review the previous week. A certified record of the hearing will go to the district court for review. The ruling could take 6-12 months for a final decision depending upon the court's schedule.

Ms. Scott stated that she may provide a brief training for Board members at the October 2016 meeting. Ms. Scott may implement brief, ongoing training on a more regular basis.

ANESTHESIA CREDENTIALS COMMITTEE REPORT

Ms. Braness reported that the Anesthesia Credentials Committee met recently to review and consider applications for general anesthesia permit.

Ms. Braness reported that the committee had been asked to weigh in on how to define hospitalization as referred to in Iowa Administrative Code 650—29.9(1). The committee recommended interpreting hospitalization, as it relates to reporting adverse occurrences, to mean in-patient treatment in a hospital or clinic. Out-patient treatment at an ER or clinic would not be subject to reporting.

Ms. Scott recommended that the Board consider rulemaking to formally define the term.

- ❖ MOVED by ELMITT, SECONDED by FULLER, to ACCEPT the interpretation, and DIRECTED staff to draft rules for review at a later date. Motion APPROVED unanimously.

CONTINUING EDUCATION ADVISORY COMMITTEE REPORT

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

Ms. Elmitt reported that the Continuing Education Advisory Committee met recently. Ms. Elmitt provided an overview of the committee's recommendations.

- ❖ MOVED by ELMITT, SECONDED by FULLER, to APPROVE the committee's recommendations as submitted. Motion APPROVED unanimously.
- *Other Committee Recommendations, If Any*

There weren't any other recommendations.

EXECUTIVE COMMITTEE REPORT

Dr. Bradley reported that the committee met earlier that morning. Dr. Bradley stated that the committee discussed the CDC's guidelines regarding hand pieces, clinical examinations, and other topics.

LICENSURE/REGISTRATION COMMITTEE REPORT

- *Actions Taken by Committee on Applications*

Dr. Jeneary reported that a list of actions taken by the committee was included in the Board members' folders.

DENTAL HYGIENE COMMITTEE REPORT

Ms. Kelly reported that the committee met earlier that morning. Ms. Kelly reported that Indian Hills Community College has received initial accreditation for the 1+1 dental hygiene program.

Ms. Kelly stated that there was also some discussion about combining fees for dental hygiene licenses and local anesthesia permits.

Ms. Kelly reported that the committee discussed the use of suffixes by dental hygienists, R.D.H. versus D.H., in response to an email received about this topic. Staff will look into this further.

The Dental Hygiene Committee recommended allowing an open-book examination, and moving towards proctored online functionality.

Ms. Kelly reported that Board staff will look further into the uses of silver diamine fluoride, and whether this could be implemented in public health settings.

- *Pending Dental Hygiene Applications*
 - *Heidi Watson, R.D.H.*

Ms. Kelly reported that the committee recommended issuance of the license for Ms. Watson. The Board will vote on this later in the meeting.

- *Actions Taken at Dental Hygiene Committee Meeting*
 - *Vote on Notice of Intended Action – Iowa Administrative Code 650—Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene”*

This will be discussed later in the meeting.

- *Vote on Notice of Intended Action – Iowa Administrative Code 650—Chapter 12, “Dental and Dental Hygiene Examinations”*

This will be discussed later in the meeting.

- *Discussion and Vote on Testing Format for Jurisprudence Examination*

This will be discussed further later in the meeting.

- *Vote on Local Anesthesia Course – Southwestern College*
- ❖ MOVED by KELLY, SECONDED by SLACH, to APPROVE the local anesthesia course through Southwestern College. Motion APPROVED unanimously.
- *Other Committee Recommendations, If Any*

There weren't any other recommendations.

DENTAL ASSISTANT REGISTRATION COMMITTEE REPORT

- *Committee Update*

Dr. Bradley reported that the committee has not met since the last Board meeting, and had nothing new to report.

EXAMINATIONS REPORT

- *CRDTS – Dental Steering Committee Report*

Dr. Bradley reported that there was discussion about Iowa and how the Board will proceed with the examination issue.

- *CRDTS – Dental Hygiene Examination Review Committee Report*

Ms. Kelly reported that there aren't any recommended changes to the current examination.

Ms. Kelly reported that there was discussion about Iowa and its ongoing discussion about examinations. The committee also discussed teledentistry and regional examining boards. The committee recommended removing references to names of examining boards, and listing required competencies.

Ms. Kelly reported that there was some discussion about expanded functions. CRDTS has a restorative component for dental hygienists that would allow testing on a manikin as an expanded function. Ms. Kelly indicated that there was also discussion about infection control and hand pieces.

- *CRDTS – Dental Examinations Review Committee Report*

Dr. Bradley reported that this position is vacant with Dr. Vargas' exit from the Board. Dr. Bradley has recommended that Dr. McBride serve in this position.

QUARTERLY IPRC REPORT

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

EXPANDED FUNCTIONS COMMITTEE REPORT

- *Vote on Recommendations: RE: Expanded Functions Course Applications*
- *Other Committee Recommendations, If Any*

Ms. Braness reported that the Board received a request from Iowa Western Community College asking that they be allowed to provide the didactic training via a learning management system. The students would view Power Points and watch pre-recorded lectures prior to completing their clinical and laboratory training in the office. The request was received too late to forward to the committee for review, and was brought directly before the Board for discussion.

The Board members had some questions and discussion about the quality of the education if instructors were not present. The Board members preferred a proctored examination to ensure the validity of the testing.

Ms. Kelly asked Ms. Jane Slach to weigh in on this. Ms. Jane Slach stated that each school presents the information differently. At Kirkwood, the tests are proctored at the testing centers; though, quizzes are provided online. Ms. Kelly asked if the information retained varied with online learning. Ms. Jane Slach stated that she had not found to be true since they still have to pass the examinations.

Ms. Stuecker reported that expanded functions are on the list of regulatory review, and will likely be addressed again going forward.

- ❖ MOVED by ELMITT, SECONDED by FULLER, to DENY the request at this time. Motion APPROVED 7-1. Ms. Slach dissented.
- The Board took a brief recess at 2:05 p.m.
- The Board reconvened at 2:14 p.m.

VI. ADMINISTRATIVE RULES/PETITIONS FOR RULE WAIVER

- *Update on Previously Noticed Rules*

Mr. McCollum provided an overview of the pending rules. The supervision rules for dental assistant and dental hygiene programs will go into effect on July 27, 2016.

- *Review of 2017 Regulatory Plan*

Mr. McCollum provided an overview of the proposed regulatory plan. The Board members did not have any changes.

- *Vote on Notice of Intended Action – Iowa Administrative Code 650 – Chapter 11, “Licensure to Practice Dentistry or Dental Hygiene”*

Mr. McCollum provided an overview of the proposed Notice of Intended Action. The intent was not to change the examinations that are accepted for licensure. Rather the focus was on the establishment for the pathway for licensure. This will make the pathway more equitable.

Applicants who have been licensed in another state or territory for one year or longer would be required to apply on the basis of credentials. The results of the NPDB self-query would become required only for applicants by credentials. This would remove that requirement for applicants by examination who may not have practiced at all, or for periods of less than one year. The proposed changes would remove language for the transitional period for licensure by examination.

Ms. Kelly reported that the Dental Hygiene Committee recommended approval to file the Notice of Intended Action.

- ❖ **MOVED** by KELLY, **SECONDED** by MCBRIDE, to file the Notice of Intended Action as drafted.

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

- Motion APPROVED unanimously.

- *Vote on Notice of Intended Action – Iowa Administrative Code 650 – Chapter 12, “Dental and Dental Hygiene Examinations”*

Mr. McCollum provided an overview of the changes. This chapter is dependent upon chapter 11 to establish the examinations accepted for licensure. The language would list each prospective testing agency and clarify examination requirements. Examinees must take all parts offered by the prospective testing agency. These changes would make mandatory portions of an examination offered as an option by a testing agency.

- ❖ **MOVED** by ELMITT, **SECONDED** by KELLY, to file Notice of Intended Action as drafted.

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

- Motion APPROVED unanimously.

- *Discussion on Rulemaking Draft: Chapter 25, “Continuing Education”*

Mr. McCollum provided an overview of the draft proposals. There was the introduction of additional requirements, and the clarification of some definitions at the beginning of the chapter.

There is a proposed requirement for courses in infection control or jurisprudence at least once every four years. The hope was to mitigate future complaints. The Dental Hygiene Committee noted that OSHA requires annual updates, and inquired as to whether this would be conflicting or confusing. Staff will look at this issue further.

There was some other discussion regarding the drafted proposals, along with a suggestion to allow 50% of continuing education hours to come from self-study courses, to make it more equitable for all professions.

- *Discussion on Rulemaking Draft: Chapter 14, “Renewal and Reinstatement”*

Mr. McCollum reported that the primary proposed change would be to move the requirements for reactivation of an inactive license or registration from chapter 25 to chapter 14.

- *Discussion on Rulemaking Draft: Chapter 27, “Standards of Practice and Principles of Professional Ethics”*

Mr. McCollum provided an overview of the proposed draft and related changes. The intent was to clarify when practitioners need to notify patients when they are leaving a practice. The purpose was to establish better continuity of care.

Ms. Kelly questioned the use of “regularly” practicing in the language. Mr. McCollum stated that the full time and part time practice was included to clarify those who would be included. Ms. Kelly recommended removing the term “regularly.”

- *Discussion on Rulemaking Draft: Chapter 15, “Fees”*

Mr. McCollum provided an overview of the proposed changes. The maximum fees owed for dental assistants reinstating a lapsed registration and/or qualification would be reduced. There were additions to clarify the difference between written certifications and online verification. The proposed changes would make notification of the public information subscription service free if notification were provided by email. The rules would be updated to better reflect the information provided in the data/ mailing lists.

Ms. Stuecker reported that the change to reduce the maximum fees for reinstatement of a dental assistant resulted from a recommendation from the Dental Assistant Registration Committee, in addition to a number of telephone calls received about this.

- *Discussion on Rulemaking Draft: Chapter 20, “Dental Assistants”*

Mr. McCollum provided an overview of the proposed changes. Definitions and terminology would be updated for clarification. The proposed changes would also better establish the date on which

dental assistant trainee status would expire, as well as clarify when an application for dental assistant registration would need to be submitted by a dental assistant trainee.

- *Rule Waiver Request: Dr. Sima Zitouni – Iowa Administrative Code 650—11.4(1) and 11.4(3)e, “Graduates of Foreign Dental Schools”*

Ms. Braness provided an overview of the Dr. Zitouni’s waiver request. Ms. Stuecker provided an overview of the past waiver requests related to foreign-trained dentists, and a summary of the Board’s decisions. Overall, ten (10) requests have been approved, and four (4) have been denied. Generally, the Board has approved waivers in cases where the practitioner had completed a minimum of one (1) year of a general practice residency at an ADA-accredited dental school. Practitioners who had less general practice training than that were denied their requests.

- ❖ MOVED by MCBRIDE, SECONDED by SLACH, to APPROVE the request as submitted. Motion APPROVED unanimously.
- *Rule Waiver Request: Catia Atienza – Iowa Administrative Code 650—20.5(1)b(4), “Categories of Dental Assistants: Dental Assistant Trainee, Registered Dental Assistant”*

Ms. Braness provided an overview of the request. Ms. Atienza was not yet eligible to apply for registration. Rules prevented her from applying for a start-over trainee status without a request for waiver. This was the first such request received by the Board.

- ❖ MOVED by JENEARY, SECONDED by KELLY, to APPROVE the request. Motion APPROVED unanimously.
- *Rule Waiver Request: Dr. Robert Hurley, Dr. David Jones & Dr. Melissa Nensel– 650-29.5(1), “Permit Holders”*

Ms. Braness provided an overview of the request. Dr. Hurley, Dr. Jones and Dr. Nensel wish to offer moderate sedation in their dental office; however, they would prefer to have an anesthesiologist or a nurse anesthetist provide those services. The Board has approved at least two (2) other similar waiver requests in the past.

- ❖ MOVED by FOLEY, SECONDED by JENEARY, to APPROVE the request. Motion APPROVED unanimously.

VII. OTHER BUSINESS

- *Discussion on IDB Consultant Contracts*

Ms. Stuecker reported that the current reimbursement rates for Board consultants are low; and the contracts have not been reviewed in quite some time. This discussion was intended to address the issue of reimbursement. Ms. Stuecker provided an overview on the current rates of reimbursement. There has been a struggle to retain and recruit dentists to serve as consultants for this reason. Ms. Stuecker recommended a system of reimbursement similar to what the Iowa Board of Medicine

offers. The Iowa Board of Medicine rates cases in terms of level 1, level 2, and priority. Level 2 cases would address issues related to standard of care, or specialty practice; and would be reimbursed at a higher rate.

Ms. Stuecker reported that the proposed increases could double the amount budgeted for this; though it may be a worthwhile investment. Ms. Stuecker asked the Board members if they would be willing to pay a premium of 15-20% for cases that required a more urgent review. Ms. Scott stated that she may have to look into the limitations on what can be paid to consultants. The Board may not have total discretion over this. Staff will look into this further and bring it back to the October 2016 meeting.

- *Discussion and Vote on Testing Format for Jurisprudence Examinations*

Ms. Stuecker reported that staff has been trying to streamline the testing process, including looking at online testing options. There are potential procurement considerations involved in this. Staff will continue to look into those options.

Ms. Stuecker asked if the Board members would be comfortable allowing an open book examination. Currently, the examination is closed book. The Dental Hygiene Committee recommended continuing to have the examinations proctored.

- ❖ MOVED by ELMITT, SECONDED by JENEARY, to ALLOW open book testing format. Motion APPROVED unanimously.

- *Discussion on Examination Resources and Materials for Dental Assistants*
 - *Jurisprudence*
 - *Infection Control*
 - *Radiography*

Ms. Stuecker reported that the Board currently provides study materials for dental assistants. Ms. Stuecker stated that the Board did not have the resources to update these materials. This issue was being brought before the Board for a discussion about how to address this.

For the jurisprudence examination, Ms. Stuecker indicated that a copy of Iowa Administrative Code 650, along with a study guide indicating which chapters to focus on may be sufficient.

As to the infection control/hazardous materials examination, Ms. Stuecker recommended providing a copy of the CDC's MMWR report from 2003 that updated the requirements for infection control standards in dental offices.

Ms. Stuecker reported that there did not appear to be a clear standard available for study materials in dental radiography. Iowa Administrative Code 650—Chapter 22 does not require the Board to develop and provide educational materials. Ms. Stuecker recommended allowing outside organizations and licensees to provide this training. There would be a transitional period; though, the Board could review and approve courses submitted for continuing education review.

There was further discussion about resources and how to best make those available. Ms. Slach suggested asking the dental assistant programs for their resources. Ms. Stuecker stated that copyright laws may prevent this.

Ms. Stuecker recommended getting rid of the other study materials immediately, and keeping the radiography manual and examination in place until other resources and options are available.

- *Discussion on Dental Hand Piece Regulations*

Ms. Stuecker reported that a statement was emailed to licensees clarifying the requirements regarding the sterilization of hand pieces. Ms. Stuecker noted that these are not new requirements, rather they are clarifications of previously-existing requirements. Licensees need to comply with the national standard.

- *Review of Public Health Supervision Reports from IDPH*

Ms. Stuecker reported that Iowa Department of Public Health provided updated annual reports regarding public health supervision. Ms. Stuecker thanked the Iowa Department of Public Health for the information.

Ms. Stuecker reported on some of the data.

- *Retired Volunteer License Update*

Ms. Stuecker reported that one retired volunteer dentist license has been issued to date. Ms. Stuecker stated that some licensees have expressed disinterest due to the limitations and restrictions imposed on the retired volunteer license.

- *Committee Review and Committee Appointments*
 - *Continuing Education*

Ms. Elmitt proposed leaving the committee as was currently established.

- *Expanded Functions*

Ms. Stuecker reported that new courses are not being regularly submitted. Dr. Bradley preferred to disband the committee, and to refer new requests to the Continuing Education Advisory Committee. The Board members did not object.

- *Iowa Practitioner Review Committee*

Dr. Bradley reported that Dr. Marsh would be a good member to appoint to this committee.

- ❖ **MOVED** by BRADLEY, **SECONDED** by KELLY to appoint Dr. Marshall, M.D. to the Iowa Practitioner Review Committee. Motion **APPROVED** unanimously.

Ms. Scott asked about the submission from Ms. Hancock-Much. Ms. Stuecker stated that there were sufficient committee members with her credentials, and recommended that Ms. Hancock-Muck not be appointed at this time. The Board members agreed.

- *CRDTS Dental Examination Review*

- ❖ MOVED by BRADLEY, SECONDED by JENEARY, to APPOINT Dr. McBride to serve on this committee. Motion APPROVED unanimously.
- *Follow-Up on Teledentistry Discussion with Dr. Paul Glassman*

Ms. Stuecker provided an overview on the presentation that Dr. Glassman made to the Iowa Dental Board and interested parties. Ms. Stuecker would like to continue discussing this further. In the future, the legislature could mandate that boards write rules on telehealth. Ms. Stuecker would like to look into a small pilot project; though, this would take time to discuss further and develop.

Ms. Kelly provided an overview of the means of communications available as part of these programs.

- *Strategic Planning Update*

Dr. Bradley reported that a strategic planning meeting was scheduled for September 30, 2016 and October 1, 2016. Ms. Stuecker reported she procured a good provider to facilitate the strategic planning.

Ms. Stuecker reported that Dr. Bradley, Ms. Elmitt, Dr. McBride, and Ms. Kelly will participate in the two day strategic planning session. The full report and plan will be brought to a subsequent board meeting for discussion and adoption. The facilitator will be interviewing each Board member to gather information for this process.

VIII. APPLICATIONS FOR LICENSURE/REGISTRATION & OTHER REQUESTS

- *Ratification of Actions Taken on Applications Since Last Meeting*
- ❖ MOVED by KELLY, SECONDED by SLACH, to APPROVE the application for Ms. Heidi Watson as recommended by the Dental Hygiene Committee. Motion APPROVED unanimously.

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

- ❖ MOVED by ELMITT, SECONDED by SLACH, to APPROVE the list as submitted. Motion APPROVED unanimously.

IX. 2nd OPPORTUNITY FOR PUBLIC COMMENT

Dr. Bradley allowed the opportunity for public comment.

Dr. Thies commented on the proposed discontinuation of practice rules, and inquired as to whether the medical community has comparable requirements. Mr. McCollum reported that the Board receives a lot of phone calls about this issue since, increasingly, practitioners are moving more frequently.

Ms. Scott reported that there was a similar obligation for medical professions. Ms. Scott believed that the main reason was to allow patients to know how to access their records. Mr. McCollum noted that the requirements would not be new, the proposals only serve to clarify who would be subject to the requirement.

Ms. Jane Slach commented on the study materials. Ms. Jane Slach reported that DANB was a good resource for materials. Ms. Stuecker indicated that there may be limitations due to costs, and other factors. Ms. Jane Slach stated that there are also good radiography text books available.

Ms. Jane Slach asked about remedial education and how to facilitate that. Ms. Stuecker acknowledged that this will require further discussion.

- The Board took a recess at 3:36 p.m.
- The Board reconvened at 3:45 p.m.

CLOSED SESSION

- ❖ **MOVED** by BRADLEY, **SECONDED** by JENEARY, for the Board to go into closed session at 3:46 p.m., pursuant to the following:

CLOSED SESSION MINUTES: Closed session pursuant to Iowa Code § 21.5(1)(a) “to review or discuss records which are required or authorized by state or federal law to be kept confidential...”, specifically to review or discuss information that is confidential under Iowa Code § 21.5(4).

COMPLIANCE WITH BOARD ORDERS: Closed session pursuant to Iowa Code § 21.5(1)(a) to review information required by state or federal law to be kept confidential, specifically Iowa Code § 272C.6(4) and Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

INVESTIGATIVE REPORTS: Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).

NEW COMPLAINTS: Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).

ADDITIONAL INFORMATION ON PREVIOUS COMPLAINTS: Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).

COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER: Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings, and Iowa code § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

NOTICE OF HEARING AND STATEMENT OF CHARGES: Closed session pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

HYGIENE COMMITTEE (DISCIPLINARY ONLY): Closed session pursuant to Iowa Code § 21.5(1)(a) to review information required by state or federal law to be kept confidential, specifically Iowa Code § 272C.6(4) and Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

REVIEW OF INFECTION CONTROL EXAM AND JURISPRUDENCE EXAM: Closed session pursuant to Iowa Code §21.5(d) to discuss the contents of a licensing examination.

<u>Member</u>	<u>Bradley</u>	<u>Elmitt</u>	<u>Foley</u>	<u>Fuller</u>	<u>Jeneary</u>	<u>Kelly</u>	<u>McBride</u>	<u>Meier</u>	<u>Slach</u>
Aye	x	x	x	x	x	x	x		x
Nay									
Absent								x	

Motion APPROVED by ROLL CALL.

OPEN SESSION

- ❖ MOVED by FULLER, SECONDED by MCBRIDE to RETURN to open session. Motion APPROVED unanimously.
- The Board reconvened in open session at 10:30 a.m. on July 22, 2016.

ACTION ON CLOSED SESSION ITEMS

1. Closed Session Minutes

- ❖ MOVED by JENEARY, SECONDED by SLACH, to APPROVE the closed session minutes for the April 29, 2016 quarterly meeting. Motion APPROVED unanimously.
- ❖ MOVED by JENEARY, SECONDED by SLACH, to APPROVE the closed session minutes for the May 12, 2016 teleconference meeting. Motion APPROVED unanimously.
- ❖ MOVED by JENEARY, SECONDED by SLACH, to APPROVE the minutes for the 2016 Jay Buckley, DDS hearing. Motion APPROVED unanimously.

2. *Compliance with Board Orders*

- ❖ MOVED by MCBRIDE, SECONDED by SLACH, to KEEP OPEN until she pays her civil penalty in the Matter of Taylor R. Brommel, Q.D.A., file number 16-0044. Motion APPROVED unanimously.
- ❖ MOVED by MCBRIDE, SECONDED by SLACH, to APPROVE Blanche Riordan, D.H., for infection control monitor and Henry Schein to provide the infection control course in the Matter of Jay R. Buckley, D.D.S., file numbers 13-0087, 15-0127. Motion APPROVED unanimously.

3. *Requests to Modify Board Orders*

- ❖ MOVED by MCBRIDE, SECONDED by SLACH, to APPROVE the Board Ruling Denying Motion to Stay Iowa Dental Board Decision Pending Judicial Review in the Matter of Jay R. Buckley, D.D.S., file numbers 13-0087, 15-0127. Motion APPROVED unanimously. Dr. Foley recused herself.

4. *Final Action on Cases*

- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file number 16-0029. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0185. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0003. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0015. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0016. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0028. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0036. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0038. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0039. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0040.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file number 16-0050.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0051.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0052.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0053.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0056.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0057.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0058.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0062.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0065.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0073.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0094.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 15-0172.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0013.
Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0034.
Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0041. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0049. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to KEEP OPEN file number 16-0059. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0068. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0069. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0070. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0071. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by JENEARY, to CLOSE file number 16-0075. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 13-0059. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 15-0046. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 15-0055. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 15-0084. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 15-0090. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 15-0157. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file number 16-0031. Motion APPROVED unanimously.

- ❖ MOVED by SLACH, SECONDED by FOLEY, to KEEP OPEN file numbers 11-190, 16-0005. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by FULLER, to CLOSE file numbers 12-175, 14-0028, 14-0055. Motion APPROVED unanimously.
Foley recused.
- ❖ MOVED by SLACH, SECONDED by FOLEY, to CLOSE file numbers 13-0056, 13-0064. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to CLOSE file number 16-0066. Motion APPROVED unanimously.
- ❖ MOVED by KELLY, SECONDED by MCBRIDE, to KEEP OPEN file number 16-0048. Motion APPROVED unanimously.
- ❖ MOVED by JENEARY, SECONDED by ELMITT, to APPROVE the infection control exam and the jurisprudence exam for dental assistants with the edits as discussed. Motion APPROVED unanimously.

XVII. ADJOURN

- ❖ MOVED by ELMITT, SECONDED by KELLY to ADJOURN the meeting. Motion APPROVED unanimously.

The Board adjourned its meeting at 10:46 a.m. on July 22, 2016.

NEXT MEETING OF THE BOARD

The next quarterly meeting of the Board is scheduled for October 13-14, 2016, in Des Moines, Iowa.

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