



# STATE OF IOWA IOWA DENTAL BOARD

KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

JILL STUECKER  
EXECUTIVE DIRECTOR

## IOWA DENTAL BOARD

### MINUTES

April 3, 2020

Conference Room

400 SW 8<sup>th</sup> St. Suite D

Des Moines, Iowa

#### Board Members

April 3, 2020

Gregory Ceraso, D.D.S.,	Present
Michael Davidson, D.D.S.	Present
Monica Foley, D.D.S.	Present
Lisa Holst, D.D.S.	Present
William McBride, D.D.S.	Present
Mary Kelly, R.D.H.	Present
Nancy Slach, R.D.H.	Present
Bruce Thorsen, Public Member	Present
Lori Elmitt, Public Member	Present

#### Staff Members

Jill Stuecker, Christel Braness, Dee Ann Argo, David Schultz

#### Attorney General's Office

Laura Steffensmeier, Assistant Attorney General

### I. CALL TO ORDER FOR APRIL 3, 2020

Dr. McBride called the meeting of the Iowa Dental Board to order at 9:00 a.m., on Friday, April 3, 2020. The meeting was held by electronic means in compliance with Iowa Code Section 21.8 due to the COVID-19 pandemic.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Present	x	x	x	x	x	x	x	x	x
Absent									

A quorum was established with all members present.

Dr. McBride acknowledged that this has been a difficult time. Dr. McBride expressed his gratitude to those who have provided assistance during this time.

Dr. McBride thanked Ms. Stuecker for her constant work on the response to Covid-19 and her advocacy for the Board. Dr. McBride was grateful for the work and collaboration of Board staff, the Iowa Dental Association (IDA), Iowa Dental Hygienists' Association (IDHA), the Iowa Department of Public Health (IDPH) and to Dr. Russell for his assistance.

Dr. McBride thanked Ms. Kelly and Dr. Davidson for their service to the Board during their tenures as Board members.

Dr. McBride provided an outline for the basic framework for the meeting. Dr. McBride noted that all rulemaking has been tabled indefinitely.

## **II. THE COMMISSION ON DENTAL COMPETENCY ASSESSMENTS (CDCA)**

- *Overview and Discussion on Diagnostic Skills Exam*
- *Update on Future Alternate Exam Constructs*

Mr. Alexander Vandiver, CEO of the Commission of Dental Competency Assessments (CDCA) provided an overview of the intended discussion.

Harvey Weingarten, D.D.S., CDCA Board Chair, provided an overview of the CDCA examination and forthcoming updates. Guy Shampaine, D.D.S., Senior Consultant for CDCA, provided a more detailed explanation of the CDCA clinical examinations, including the CDCA OSCE examination.

Mr. Vandiver stated that the CDCA OSCE examination was available at prometric testing sites. The examination lasts approximately four hours and students can schedule examination times at their convenience. Unfortunately, most prometric sites are currently closed due to COVID-19. Mr. Vandiver did not expect all of the testing centers to reopen at the same time.

Dr. Shampaine allowed the opportunity for questions from the Board members.

## **III. UNIVERSITY OF IOWA COLLEGE OF DENTISTRY**

- *Discussion on Patient-Based Exams*

Dr. Michael Kanellis stated that he originally made the request to speak to the Board in order to request consideration for an OSCE for the 2021 graduating class. Given the current status related to COVID-19, there was a more pressing need to address the concerns of the 2020 graduates. Dr. Kanellis asked the Board to approve the waiver the university submitted to allow alternative non-patient-based testing. The University of Iowa College of Dentistry requested that the Board accept the manikin portions of the CRDTS examination and the OSCE examination administered by CDCA or ADA.

Dr. Kanellis also requested that the Board consider rulemaking going forward to allow future graduating classes to complete similar non-patient options for examination.

Dr. Kanellis thanked the ADA for the development of the DLOSCE examination. Dr. Kanellis understood that no examination was perfect; however, the ADA DLOSCE covers a broad area of

topics. Dr. Kanellis took the exam as part of the ADA DLOSCE Steering Committee. Dr. Kanellis stated that this was a challenging examination. Dr. Kanellis was open to other options; however, he would request that the ADA DLOSCE be considered. Dr. Kanellis clarified that he would not be in favor of OSCE plus a patient-based or hands-on examination since that would effectively require the completion of two examinations.

Dr. Kanellis asked the Board members if there were any questions.

Dr. Davidson asked about Dr. Kanellis' opinion on the new CDCA CompeDont examination. Dr. Kanellis indicated that he would be in favor of this over other patient-based examinations. Dr. Kanellis stated that would like to have access to the samples of the teeth used in the examination to have a better understanding of what it was like to work on those as compared to real teeth. Dr. Kanellis inquired about periodontal cases and how those would be handled as a non-patient option; currently, there did not appear to be a simulation available.

Dr. Kanellis stated that he was in favor of the Board approving several options for non-patient examinations.

Dr. McBride briefly addressed the periodontal examination and indicated that the Board will need to have further discussions about this and it will consider those issues.

Dr. Kanellis asked that all students be included in this discussion and that it not be limited only to the D-4 students. Dr. Howe clarified that there was also a faculty member, who asked to be included and was listed on the waiver. Ms. Stuecker stated that the Board may need to talk through that later in the meeting when the waiver is discussed since as the faculty member may not have completed the manikin portions of CRDTS to date.

- The Board took a brief recess at 10:18 a.m.
- The Board reconvened at 10:26 a.m.

#### **IV. OPPORTUNITY FOR PUBLIC COMMENT**

Dr. McBride allowed the opportunity for public comment and asked that participants introduce themselves when making comments.

Mr. Cope, Iowa Dental Hygienists' Association (IDHA), stated that he would share his comments in the meeting chat.

Ms. Joni Miller, dental assistant and Iowa Western Community College (IWCC) educator, thanked the Board and staff for keeping everyone updated as the COVID-19 information changes. Ms. Miller appreciated the information.

Dr. Bob Russell, Iowa Department of Public Health (IDPH), also thanked the Board and Ms. Stuecker, in particular, for their work and assistance in these matters.

**V. APPROVAL OF OPEN SESSION MINUTES**

- *January 24, 2020 – Quarterly Meeting*

❖ MOVED by ELMITT, SECONDED by HOLST, to APPROVE the open session minutes of the January 24, 2020 meeting as drafted.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

❖ Motion APPROVED unanimously by roll call.

**VI. REPORTS**

EXECUTIVE DIRECTOR REPORT

Ms. Stuecker thanked Ms. Kelly and Dr. Davidson for their service as Board members. Ms. Kelly thanked Ms. Stuecker for her service and her contribution to the Board. Dr. Davidson thanked everyone and stated that it was a pleasure to serve.

Ms. Stuecker reported that the Board offices were closed to the public; however, staff continued to work remotely. Phone call and email volume has been high. Ms. Stuecker indicated that response times may be delayed and asked for everyone’s patience during this time.

Ms. Stuecker stated that the Board’s focus has shifted to being reactive to situations and information as they change. Ms. Stuecker thanked the IDA and the IDHA for their collaboration and partnership. Ms. Stuecker noted that the IDA’s PPE project was greatly appreciated and that their daily resource emails were helpful to everyone affected by this.

Ms. Stuecker thanked Delta Dental of Iowa for their assistance programs to assist dentists and others. Ms. Stuecker received a request about how to implement this program in other states.

Ms. Stuecker thanked Ms. Braness and Dr. McBride for their assistance preparing for meetings, and responding to phone calls and emails during the COVID-19 response. Ms. Stuecker also thanked the Board members for the support.

Ms. Stuecker reported that Dr. Russell at the IDPH has been available as a resource with which to consult on some of these issues. Ms. Stuecker was grateful for his assistance.

Ms. Jami Matice, Delta Dental of Iowa, thanked Ms. Stuecker for sharing the information concerning the Delta Dental of Iowa’s advanced claims program.

BUDGET REPORT

Ms. Stuecker reported that the Board was provided an updated financial status report. Expenditures to date are less than the amounts budgeted.

The Iowa Dental Board is required by statute to complete an annual fee review. The current fees are sufficient to cover the revenue for FY2020. The Board will need to have additional budget discussions going forward.

ANESTHESIA CREDENTIALS COMMITTEE

- *Review of Actions Taken by the Committee on General Anesthesia & Moderate Sedation Permit Applications*

Ms. Braness reported that the Anesthesia Credentials Committee met on March 5, 2020. The committee recommended approval of three moderate sedation permit applications.

CONTINUING EDUCATION ADVISORY COMMITTEE

- *Vote on Committee Recommendations*

Ms. Elmitt provided an overview of the committee’s recommendations.

- ❖ MOVED by ELMITT, SECONDED by KELLY, to APPROVE the recommendations as submitted.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

Motion APPROVED unanimously by roll call.

- *Discussion and Vote on Out-of-State Expanded Functions Training Request*

Ms. Braness provided an overview of the request. Ms. Bailey completed restorative functions training at a CODA-accredited dental school in Tennessee. The training was approved by the Tennessee Board of Dentistry and they issued a restorative functions qualification to her. Ms. Bailey requests that the training completed in Tennessee be approved for practice in Iowa. The Continuing Education Advisory Committee referred this item for discussion and vote by the full Board.

- ❖ MOVED by DAVIDSON, SECONDED by CERASO, to APPROVE the out-of-state training for practice in Iowa.

Ms. Kelly asked about the training that Ms. Bailey completed and whether it was the same as what was required in Iowa. Dr. Foley stated that it appeared that Ms. Bailey had not yet completed training stainless steel crowns. Iowa Administrative Code 650—Chapter 23 requires training in all Level 2 expanded functions.

The Board members continued to discuss the training and requirements of the rule. Ms. Kelly recommended that Ms. Bailey be allowed to complete training in the functions for which she did not receive in Tennessee. Dr. McBride clarified that the University of Iowa College of Dentistry would need to provide the training. Dr. Davidson hoped that they would be willing to work with her to complete the training that is still needed.

The Board continued to discuss the implications of the request. Dr. McBride noted that with the new additions to Level 2 expanded functions, there may be one or two other functions in which she would need to complete training such as adjustment to acrylic dentures pursuant to Iowa Administrative Code 650—Chapter 23.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes									
No	x	x	x	x	x	x	x	x	x

Motion FAILED unanimously by roll call.

Ms. Braness asked the Board to clarify whether Ms. Bailey’s training from Tennessee would be accepted if she were to complete training in the functions that she has not trained in to date. The Board members indicated that this would be acceptable.

REGISTRATION APPLICATIONS FOR CONSIDERATION

- *Vote on Joey Brown, Application for Registration as a Dental Assistant*

Ms. Braness provided an overview of the information reported on the application. Ms. Brown has applied for registration as a dental assistant. On her application, Ms. Brown reported a number of criminal history convictions. The application was referred to the Board for a discussion and vote.

Ms. Steffensmeier provided an overview of the options available to the Board. The Board may approve the registration, approve the registration with a letter of warning, approve the registration with stipulations or issue an intent to deny registration.

Ms. Slach asked if the applicant could be required to report to the Iowa Practitioner Review Committee (IPRC) for monitoring. Ms. Stuecker stated that this was an option; though, the costs of the monitoring associated with that can be overwhelming for a dental assistant.

Dr. Davidson was inclined to issue a registration with a stipulation that Ms. Brown report this information to her employers. Ms. Kelly indicated that this was line with historical precedent.

Ms. Braness noted that Ms. Brown was currently on probation until April 2021 in case the Board wanted to consider that when deciding how to proceed. Ms. Steffensmeier asked for confirmation that Ms. Anna Morgan, another dental assistant recently offered a stipulated registration, was placed on probation concurrent with the criminal probation. Ms. Braness confirmed this to be the case.

The Board members discussed the possible stipulations. Ms. Steffensmeier stated that it appeared that the Board preferred to have Ms. Brown be placed on probation to run concurrent with her criminal probation.

- ❖ MOVED by KELLY, SECONDED by THORSEN, to OFFER a Stipulated Registration Agreement to Ms. Brown to require reporting to all employers which would run concurrent with her probation.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

Motion APPROVED unanimously by roll call.

- ❖ *Vote on Anna Morgan, Application for Registration as a Dental Assistant*

Ms. Braness provided an update of the application. The Board discussed Ms. Morgan’s application at the January 2020 meeting and directed staff to offer Ms. Morgan a Stipulated Registration Agreement. Ms. Morgan has agreed to the stipulations and signed a draft of the order.

- ❖ MOVED by ELMITT, SECONDED by FOLEY, to APPROVE the Stipulated Registration Agreement as drafted.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

Motion APPROVED unanimously by roll call.

## DENTAL HYGIENE COMMITTEE

- *Committee Meeting Overview*

Ms. Kelly reported that the committee met earlier this morning. The agenda was brief and focused on the implications of COVID-19, including the effects on dental hygiene programs that have been temporarily closed due to the closure of the schools and clinics. Ms. Kelly has been discussing these issues with the dental hygiene programs in Iowa. Of particular concern is the issue of examinations that are required for graduation and licensure. Ms. Kelly will continue to discuss these issues and concerns with the dental hygiene programs.

Ms. Stuecker thanked Ms. Kelly for reaching out to the programs and for the follow up on these matters.

## **VII. ADMINISTRATIVE RULE WAIVERS**

- *Rule Waiver Request: Sergio Palacios, D.D.S., Iowa Administrative Code 650 – Chapter 11.4(1), Regarding Graduates of Foreign Dental Schools*

Ms. Braness provided an overview of the waiver request. Dr. Palacios first submitted a waiver request for consideration in August 2019. Dr. Palacios completed a CODA-accredited residency in oral and maxillofacial radiology at the University of Florida.

At the time of the first waiver, Dr. Palacios had participated in the We-Care program with the Florida Department of Health. Dr. Palacios provided a number of dental services, including general dentistry, as part of the program. At the August 2019 meeting, eight Board members were in attendance and the vote was evenly split.

Dr. Palacios submitted an updated waiver request. Since July 2019, Dr. Palacios reported that he works full-time as a senior dentist for the Correctional Institutions for the State of Florida. Dr. Palacios indicated that his current duties include routine general dental services, developing dental treatment plans and evaluating outcomes. Dr. Palacios stated that he currently holds dental licenses in Florida, Texas and Vermont.

Dr. Palacios requested that the Board approve a rule waiver based on his postgraduate education, successful completion of the ADEX examination, licensure in multiple states, and practice as a dentist in Florida.

Ms. Stuecker asked Ms. Braness to explain the difference between this and past rule waivers. Ms. Braness reported that the Board has previously required a minimum of one year of a general practice residency at a CODA-accredited dental school. Historically, residency training in specialty areas has not been accepted for the purposes of licensure in Iowa since the state does not issue specialty licenses.

Ms. Kelly and Ms. Slach asked to confirm the status of the ADEX examination and licenses held in other states. Ms. Braness confirmed the information and indicated that this would be verified further if an application were received.

Dr. McBride asked Ms. Braness to provide more information regarding the historical precedents of past waivers. Ms. Braness spoke further about past waivers that the Board has historically denied. Ms. Braness referenced Dr. Kaaren Vargas whose first request for waiver was denied. Dr. Vargas completed a general practice residency thereafter in order to be eligible for licensure. Ms. Braness also summarized a request from Dr. Axel Ruprecht, who also specialized in oral and maxillofacial radiology. Although, Dr. Ruprecht graduated from a CODA-accredited program, he had not completed a clinical examination.

Ms. Braness reported that the Board recently discussed reviewing the foreign graduate rules for updates; however, those discussions have been delayed.

Mr. Thorsen asked about hiring at the Iowa Department of Corrections (IDOC). Ms. Stuecker reported that the IDOC has difficulty finding licensees to practice at the prisons.

Ms. Kelly asked about licensure for applicants who are licensed out of state and if there are any concerns with that. Ms. Kelly was not sure to what extent Governor Reynolds had issued directives on this. Ms. Stuecker stated that she was not aware of anything that would affect this discussion. Although there was a proposal at the legislature to address applications for licensure from out-of-state practitioners, the session was temporarily suspended before action was taken on the proposal. Ms. Steffensmeier agreed with Ms. Stuecker's comments. Ms. Steffensmeier was not aware of any outstanding issues that would affect this discussion.

Ms. Kelly recommended approval of the waiver for a number of reasons, which she discussed.

❖ MOVED by KELLY, SECONDED by SLACH, to APPROVE the waiver.

Dr. Holst asked whether the Board could approve the waiver with a stipulation that he practice at the prison for a minimum period of time. Ms. Kelly asked for a clarification for the practice period including his previous practice. Ms. Braness clarified that foreign graduates have to comply with two sets of rules: foreign graduate requirements and the requirements for license by exam or credentials. In this case, Dr. Palacios requested that the educational requirement be waived.

Dr. McBride expressed concern about the precedent that approval of the waiver would set. Dr. McBride thought it would be best to address this via rulemaking rather than approve individual requests for waiver. Ms. Kelly believed that the Board should consider approving the request if the Board intended to move in that direction.

Ms. Slach agreed with Ms. Kelly in light of the fact that Dr. Palacios successfully completed a clinical examination.

Ms. Steffensmeier addressed Dr. Holst's earlier suggestion about issuing a license to practice with stipulations. Ms. Steffensmeier indicated that the Board can put conditions on the approval. Historically, the Board has not appeared to have done this. To Dr. McBride's point, Ms. Steffensmeier noted that these exceptions can change the nature of the licensing requirements for those who have completed specialty training.

Ms. Kelly referenced the limitation of a faculty permit holder and an instance wherein the Board restricted practice. Ms. Braness provided more information about the previous case of the faculty permit holder with the stipulated license. In that case, the doctor was restricted from all clinical practice due to a medical condition. Ms. Braness also clarified that faculty permit holders can still practice the full range of dentistry; the primary limitation applies to the location of practice. Faculty permit holders may only practice in conjunction with the school's affiliated programs.

Dr. McBride asked about the effect that a rule waiver such as this would have on faculty permit holders in Iowa. Ms. Slach stated that the faculty members were teaching the dental students and it did not make sense to have them go back to school in order to obtain a full license. Dr. McBride understood; however, he did not believe that individual waivers were the best way to address these concerns.

Dr. Ceraso asked about the weight of the licensure in Florida. Ms. Braness clarified that Dr. Palacios met the requirements for verification of out-of-state licenses; however, in this case, the primary issue was the primary source of his education.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes			x			x	x		x
No	x	x		x	x			x	

Motion FAILED by roll call, 5-4.

The Board members agreed to review the foreign graduate rules when rulemaking is again permitted.

- *Rule Waiver Request: University of Iowa College of Dentistry on behalf of D4 Students, Iowa Administrative Code 650 – 11.2, Dental Licensure by Exam*

Ms. Stuecker provided an overview of the waiver request. The University of Iowa College of Dentistry submitted a request for rule waiver given the limitations on clinical examinations due to the COVID-19 pandemic. Ms. Stuecker stated that Dr. Kanellis and Dr. Howe may need to provide more information about the faculty member who asked to be included with this waiver.

The university requested that the Board accept the manikin portions of CRDTS and an OSCE examination. Ms. Stuecker noted that the Board would need to decide which OSCE examination(s) would be accepted for the purposes of the waiver.

Dr. Ahmed Mahrous, who is currently a faculty member, asked to be included with the D4 students in the request for waiver. Dr. Howe provided some background information about Dr. Mahrous, whose primary area of specialty is prosthodontics.

Ms. Slach stated that she has worked with him over the last several months and did not have concerns regarding his abilities.

Dr. Kanellis reported that Dr. Mahrous decided to pursue full licensure prior to the COVID-19 outbreak. Dr. Mahrous was not able to complete the integrated version of the examination to date.

Ms. Kelly asked whether Dr. Mahrous has completed a general practice residency. Dr. Kanellis was not certain. Dr. Howe thought that Dr. Mahrous might have and referenced another faculty member who went to Texas to meet licensing requirements.

Ms. Stuecker thought that the request for Dr. Mahrous may need to be handled separately since his situation was a different from the D4 students. Ms. Steffensmeier agreed. The agenda item referenced D4 students. Ms. Steffensmeier recommended that Dr. Mahrous submit a separate request for waiver. Dr. McBride stated that a separate request could be considered by teleconference. Dr. Howe stated that he will let Dr. Mahrous know.

Ms. Kelly asked about the portability of licensure for the students if the waiver is approved. Dr. Howe indicated that the students have discussed these concerns. Most students intended to stay in Iowa to practice. Students who intend to practice in other states have reached out to those dental boards to determine examination requirements.

Dr. Foley asked if a make-up date would be rescheduled for CRDTS for those who may want to complete the traditional examination. Dr. Howe reported that he was trying to reschedule a date with CRDTS. Dr. Howe hoped that they would be able to reschedule the make-up date for May or June 2020.

Ms. Stuecker reported that she has discussed these issues with other state licensing boards. Many states were still working through how to handle these issues. Dr. Howe expressed his appreciation to the Board for their work on this issue.

Ms. Elmitt asked what the students were doing in the interim. Dr. Howe stated that they are participating in regular meetings and classes, such as reviewing case studies with faculty via Zoom.

Dr. Foley asked whether the students had completed the clinical requirements. Dr. Howe stated that he would need to check on the exact number; however, he believed at least 22 students had completed their requirements. If there were students who had not completed their clinical requirements, it would likely be a small number. Dr. Kanellis believed that there were eight students who still needed to pass some additional competency examinations. The university was working through the details of that. They were considering the use of simulation clinics in the event the clinic is not an option.

Ms. Stuecker stated that the Board would need to decide which of the OSCE examinations to approve for the purposes of the waiver. Ms. Kelly asked for clarification if this would need to be voted on by dentists only. Ms. Stuecker confirmed that a majority of the dentists would need to approve the examinations that are accepted for the purposes of licensure as a dentist.

Ms. Slach was inclined to leave the decision up to the dental school given its historical success rates. Dr. Howe indicated that the University of Iowa College of Dentistry would be in favor of approving both the ADA DLOSCE and the CDCA OSCE examinations given the uncertainties at this time.

Dr. Davidson was in favor of issuing conditional licenses without requiring an OSCE. Dr. Davidson was not certain examinations are ideal measures of competency, particularly, in light of the current situation.

Dr. McBride was also inclined to approve both versions of the OSCE examinations. Ms. Slach stated that this may allow for better portability to other states.

Ms. Steffensmeier addressed the question of precedent based on the emergency. If the Board were to approve the waiver request, the Board may need to consider the approval of other non-patient examinations in the future via rulemaking.

- ❖ MOVED by FOLEY, SECONDED by HOLST, to APPROVE the waiver and to APPROVE the ADA DLOSCE and the CDCA OSCE examinations for the purposes of meeting the examination requirements established in the waiver.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

Motion APPROVED unanimously by roll call.

## VIII. LEGISLATIVE UPDATES

Ms. Stuecker reported that the Board’s bill was one of the few pieces of legislation signed into law before the session recessed abruptly due to COVID-19.

Ms. Stuecker thanked the IDA and the IDHA for collaboration. Ms. Stuecker referred to a subcommittee meeting wherein the Board and the associations were commended for their joint efforts. Ms. Stuecker also thanked the other individuals and organizations involved in this effort. The statutory changes will be effective July 1, 2020.

### OTHER BUSINESS

- *Discussion on the Governor’s Proclamation*
- *Discussion on Additional Items related to COVID-19*

Ms. Stuecker reported that Governor Reynolds extended the mandate to cease non-essential dental services through April 30, 2020. A press release was issued yesterday evening updating licensees and registrants of the extension.

Additionally, Governor Reynolds issued a separate proclamation, which provides regulatory relief to licensees who are affected by COVID-19. The Iowa Dental Board has implemented the relief by allowing CPR recertification to be completed online and to waive the self-study continuing education limit for the 2020 and 2021 renewals.

Ms. Stuecker reported that the regulatory relief also affects the background check requirement for new applications for license. Board staff were still working through this; however, the background check packet may not be required in its entirety prior to issuance of a license. Ms. Stuecker asked if there were questions.

Dr. Davidson asked for clarification on the proclamation. Dr. Davidson thought the language in the proclamation was confusing. Dr. McBride stated that the Board was in the position to offer guidance. Ms. Steffensmeier concurred with Dr. McBride and noted that the Proclamation authorizes the Board to offer more specific direction.

Dr. Foley asked if there were concerns about certain procedures or if the concern was more general. Dr. Davidson stated that some of the concern was the language used. Dr. Davidson has less concern

if the Board’s direction takes the precedent for how to practice. Ms. Steffensmeier indicated that the Proclamation required to the Board to offer guidance. That guidance would be binding to licensees. That is what would be enforceable.

Ms. Stuecker asked if there were additional guidelines and information that should be provided. Ms. Stuecker acknowledged that the CDC guidance took some effort to review and understand. Ms. Stuecker has consulted with Dr. Russell on some of this to try to clarify. It may take the CDC some time to put together updated guidance for the practice of dentistry during the COVID-19 response.

Ms. Kelly has participated in a number of the CDC Zoom meetings about this and agreed with Ms. Stuecker’s comments. Ms. Kelly offered to work with Ms. Stuecker on this as needed.

- *Vote on Expanded Function Training Course by the University of Iowa College of Dentistry: Update to Level 2 Training, Acrylic Denture Adjustment*

Dr. McBride provided an overview of the request. The curriculum submitted for review includes the last of the new procedures added to the Level 2 expanded functions.

❖ MOVED by HOLST, SECONDED by KELLY, to APPROVE the course as submitted.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

Motion APPROVED unanimously by roll call.

- *Vote on Dr. Davidson Expanded Function request to Modify Clinical Experiences*

Dr. McBride provided an overview of the request. Dr. David Davidson stated that some of the individuals training in expanded functions were having difficulty obtaining the required number of clinical experiences in the placement of Class 1 temporary filling materials. Dr. David Davidson requested that the Board allow a modification to the clinical experiences required by Iowa Administrative Code 650 – 23.7(3) to accept experiences completed on models.

Dr. Davidson stated that he may be able to answer questions if there were any since his father was teaching the course. They were having difficulty getting sufficient experiences for Class 1 temporary fillings. In his practice, this was not a procedure that is regularly done in general practice offices.

❖ MOVED by HOLST, SECONDED by CERASO, to APPROVE the request.

Dr. McBride asked those who had served on the expanded functions committee and were in attendance if there were any comments or questions.

Ms. Joni Miller, IWCC, asked if this would be done in a lab or on models. Dr. Davidson clarified that they would be done on models if approved.

Ms. Kelly believed that the committee tried to anticipate these concerns. Dr. Davidson stated that they have had no options to offer real experiences. Ms. Miller understood Dr. Davidson’s concerns, particularly for offices that do not perform endodontic procedures. Ms. Miller encouraged the Board to approve the request and review the rule in the future.

Dr. Holst reported that she has an expanded function dental hygienist in the same position and she’s been able to complete one clinical experience to date. This could be more difficult than the committee anticipated.

Ms. Stuecker asked if the rule was wrong. Ms. Miller did not believe that the rule wrong per se; however, it may need to be reevaluated. Dr. Davidson thinks that the rule was wrong now that the rules are in effective.

Dr. McBride stated that not all Level 1 functions need to be completed right away. The functions may be completed as needed or available. Dr. Davidson stated that there are those who want to obtain the Level 1 certification. Ms. Miller agreed. Ms. Slach noted that to train in Level 2 expanded functions, Level 1 certification is required.

Dr. McBride asked if it would be better to review the rules versus granting a single exception.

Ms. Steffensmeier stated that the rule requires the patient experiences. A waiver would be more appropriate; though, the Board could handle this as a waiver. If the Board were to approve this request, the Board would need to decide whether to grant future rule waivers or review the rule.

Ms. Braness noted that the updated rules require one year of practice as a certified Level 1 expanded function provider before being eligible to train in Level 2 expanded functions. Therefore, delays could be a concern to some.

Dr. Holst thought it might be confusing to consider requests individually.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes									
No	x	x		x	x	x	x	x	X
Abstain			x						

Motion FAILED by roll call.

Dr. McBride stated that staff will review the rules for consideration by the Board when it can resume rulemaking.

Ms. Stuecker stated that she would like to schedule a teleconference for the morning or afternoon of April 8, 2020. After checking with the Board members, the meeting was scheduled for April 8, 2020, 8:30 a.m.

Additionally, Ms. Stuecker requested that the Board schedule standing weekly teleconferences on Friday mornings to address Board business related to COVID-19. If the Board does not have any business, meetings can be cancelled. The regular Friday meetings will begin on April 17, 2020 at 8:30 a.m.

Dr. Holst asked for clarification of the approvals for the new Level 2 expanded functions. Ms. Braness noted that the Continuing Education Advisory Committee recommended approval for an earlier request for a separate function. The Board approved the recommendation of the committee earlier in the meeting. Ms. Stuecker stated that staff will follow up and confirm the status of all new Level 2 functions. If needed, this could be included in a future teleconference.

- The Board took a brief recess at 12:08 p.m.
- The Board reconvened at 12:33 p.m.

**CLOSED SESSION**

- ❖ MOVED by MCBRIDE, SECONDED by ELMITT, to go into CLOSED SESSION pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A.

Roll Call:

<u>Member</u>	<u>McBride</u>	<u>Foley</u>	<u>Davidson</u>	<u>Ceraso</u>	<u>Holst</u>	<u>Kelly</u>	<u>Slach</u>	<u>Elmitt</u>	<u>Thorsen</u>
Yes	x	x	x	x	x	x	x	x	x
No									

Motion APPROVED by roll call.

- The Board convened in closed session at 12:34 p.m.
- ❖ MOVED by KELLY, SECONDED by HOLST, to RETURN to OPEN SESSION. Motion APPROVED unanimously.
- The Board reconvened in open session at 2:19 p.m.

**OPEN SESSION**

**IX. ACTION, IF ANY, ON CLOSED SESSION AGENDA ITEMS**

*a. Closed Session Minutes*

- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to APPROVE the closed session minutes for the January 24, 2020 quarterly meeting. Motion APPROVED unanimously.

*b. Compliance*

- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to REMOVE this licensee from probation in the Matter of Gene V. Mueller, D.D.S., file numbers 10-0115, 11-0114. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to CLOSE as he completed his Board ordered remediation course in the Matter of Jacob L. Hopper, D.D.S., file numbers 17-0004, 17-0010, 17-0118. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to APPROVE his proposed guidelines and lift his prescribing restriction in the Matter of Chadwick A. Johnson, D.D.S., file number 19-0062. Motion APPROVED unanimously. Dr. Ceraso recused himself.

*c. Disciplinary Orders*

- ❖ MOVED by FOLEY, SECONDED by ELMITT, to APPROVE the Combined Statement of Charges, Settlement Agreement and Final Order as proposed in the Matter of Michael S. Hipp, D.D.S., file number 19-0111. Motion APPROVED unanimously. Dr. Davidson recused himself.
- ❖ MOVED by FOLEY, SECONDED by ELMITT, to APPROVE the Combined Statement of Charges, Settlement Agreement and Final Order as proposed in the Matter of Robert F. Lothrop, D.D.S., file number 20-0009. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to APPROVE the Combined Statement of Charges, Settlement Agreement and Final Order as proposed in the Matter of Lisa B. Heckman, R.D.H., file number 20-0003. Motion APPROVED unanimously.

*d. Action on Cases*

- ❖ MOVED by FOLEY, SECONDED by DAVIDSON, to KEEP OPEN file number 19-0187. Motion APPROVED unanimously. Dr. McBride recused himself.
- ❖ MOVED by FOLEY, SECONDED by DAVIDSON, to CLOSE file number 20-0030. Motion APPROVED unanimously.
- ❖ MOVED by FOLEY, SECONDED by DAVIDSON, to CLOSE file number 20-0032. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0158. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0184. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0186. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0188. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0192. Motion APPROVED unanimously. Dr. McBride recused himself.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0193. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 19-0195. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0007. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0008. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0010. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0012. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0013. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0014. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0015. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0017. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0025. Motion APPROVED unanimously.
- ❖ MOVED by ELMITT, SECONDED by HOLST, to CLOSE file number 20-0035. Motion APPROVED unanimously.

- ❖ MOVED by ELMITT, SECONDED by THORSEN, to CLOSE file number 20-0049. Motion APPROVED unanimously. Dr. Holst recused herself.
- ❖ MOVED by DAVIDSON, SECONDED by SLACH, to CLOSE file number 19-0065. Motion APPROVED unanimously.
- ❖ MOVED by DAVIDSON, SECONDED by SLACH, to KEEP OPEN file number 19-0122. Motion APPROVED unanimously.
- ❖ MOVED by DAVIDSON, SECONDED by SLACH, to CLOSE file number 19-0162. Motion APPROVED unanimously.
- ❖ MOVED by DAVIDSON, SECONDED by SLACH, to CLOSE file number 20-0002. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to CLOSE file number 20-0004. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to CLOSE file number 20-0005. Motion APPROVED unanimously.
- ❖ MOVED by SLACH, SECONDED by DAVIDSON, to CLOSE IPRC referral for noncompliance. Motion APPROVED unanimously.

**X. ADJOURN**

- ❖ MOVED by KELLY, SECONDED by THORSEN, to ADJOURN. Motion APPROVED unanimously.

The meeting of the Iowa Dental Board adjourned at 2:27 p.m. on April 3, 2020.

**NEXT MEETING OF THE COMMITTEE**

The next meeting of the Iowa Dental Board is scheduled for June 5, 2020, in Des Moines, Iowa.

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