

**Open Minutes  
Missouri Dental Board**

**Telephone Conference Call  
November 13, 2001                      1:00 p.m.**

**Division of Professional Registration  
3605 Missouri Boulevard  
Jefferson City, Missouri**

The telephone conference call of the Missouri Dental Board was called to order by Dr. Rodney L. Beard, Vice President, at approximately 1:05 p.m. on Tuesday, November 13, 2001. The conference call meeting originated from the Dental Board Office at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

**BOARD MEMBERS PRESENT:**

Dr. Rodney L. Beard, Vice President  
Dr. Rolfe C. McCoy, Secretary  
Dr. Guy S. Deyton, Member  
Dr. Oswald L. Thomas, Member  
Ms. Patricia A. Lepp, Member

**BOARD MEMBERS ABSENT:**

Dr. Larry W. Jackson, President  
Ms. Maxine Thompson, Member

**STAFF MEMBERS PRESENT:**

Sharlene Rimiller, Executive Director

**LEGAL COUNSEL PRESENT:**

Nanci Wisdom, Private Legal Counsel  
Rikki Jones, Assistant Attorney General

**GUESTS:**

Dr. Jacob Lippert, Executive Director, Missouri Dental Association

**NOTE:** Due to the emergency nature of this telephone conference call, the meeting notice and agenda were not posted at least twenty-four (24) hours in advance of the meeting as required by law. The emergency nature of the meeting was to decide on the final order of rulemaking on the Board's Deep Sedation/General Anesthesia Proposed Rule. This is the last possible day to file the final order of rulemaking with the Secretary of State and due to substantive changes suggested to the text of the rule as a result of the hearing before the Joint Committee on Administrative Rules, the meeting was necessary to have full Board consensus of the changes.

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

### **DEEP SEDATION/GENERAL ANESTHESIA PROPOSED RULE**

Dr. Deyton reported on the events of the November 8<sup>th</sup> hearing before the Joint Committee on Administrative Rules (JCAR) regarding the complaint filed by the CRNAs against the Board's proposed rule on Deep Sedation/General Anesthesia. He said there are three issues in the Board's proposed rule that the CRNAs oppose. These three issues are that the Dental Board:

1. surpassed its statutory authority in attempting to regulate CRNAs;
2. was arbitrary and capricious; and
3. used discriminatory language unfairly in requiring CRNAs to be supervised by permitted dentists and not anesthesiologists.

JCAR members agreed with the CRNA position regarding the Board's lack of statutory authority to regulate CRNAs. Dr. Deyton explained that JCAR did not appear to be opposed to the intent of the proposed rule. However, they voted on November 8<sup>th</sup> to disapprove the rule but hold the motion in abeyance until its conference call today to see if there could be compromise language agreed upon between the Board and the CRNAs. The Board reviewed the compromise language in what is now the new subsection (4). Dr. Deyton explained that the term "direct supervision" was deleted in this subsection and the definition of direct supervision was inserted from the Board's definitions rule. This appeared to satisfy the members of JCAR and the CRNAs. That left the language in the Board's former subsection (6) to deal with and try to work out. Mrs. Rimiller clarified the November 8<sup>th</sup> JCAR motion and said that without the resolution of these changes with the CRNAs, subsections (3) and (6) of the rule will be disapproved. This means that there cannot be any changes to the rule other than to subsections (3) and (6).

Dr. McCoy expressed concern with the last sentence in the new subsection (4), "If the primary administrator of deep sedation/general anesthesia is a CRNA, the dentist must also prescribe the anesthesia services." He said this sounds like a dentist has to prescribe the agents for CRNAs to administer deep sedation/general anesthesia, even in a hospital setting. In his local hospital, a dentist cannot prescribe these agents. It must be done by a physician anesthesiologist. Legal counsel agreed that the wording could be a problem in the situation described by Dr. McCoy. The rule, as written, would not prohibit a CRNA from coming into a dental office to administer the anesthesia on the order of a physician. Mrs. Rimiller mentioned that any changes made to the proposed rule by the Board would be given to JCAR who in turn will share them with the attorney for the CRNAs. The only way the rule can move forward at this point is if the CRNAs agree to the changes in subsections (3) and (6). After further discussion, a motion was made by Dr. McCoy and seconded by Dr. Deyton that the Board accept the changes to the Deep Sedation/General Anesthesia proposed rule by including the new subsection (2) in what has become subsection (3) again and by deleting the last new sentence in subsection (3). Motion carried 5 to 0.

**CLOSED SESSION**

Motion was made by Dr. Beard and seconded by Dr. McCoy to move into closed session pursuant to section 610.021 (1) and (3) and section 620.010.14 (7) RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney; investigative reports and/or complaints; and applicants for licensure. Motion carried 4 to 0. Dr. Deyton was not present for the vote.

**ADJOURNMENT**

There being no further business to be brought before the Board at this time, a motion was made by Dr. McCoy and seconded by Dr. Deyton that this meeting adjourn. Motion carried 5 to 0. The meeting adjourned at approximately 1:50 p.m.

**Respectfully submitted,**

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**Sharlene Rimiller, Executive Director**

**Approved by Board on:** \_\_\_\_\_.