

**Open Minutes
Missouri Dental Board
Policy Review Committee**

**Telephone Conference Call
June 3, 2002 7:00 p.m.**

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

The telephone conference call of the Missouri Dental Board's Policy Review Committee was called to order by Dr. Guy Deyton, Chairperson, at approximately 7:05 p.m. on Monday, June 3, 2002. The conference call meeting originated from the Dental Board Office at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

COMMITTEE MEMBERS PRESENT:

Dr. Guy S. Deyton, Committee Chairperson
Dr. Rolfe C. McCoy, Member
Ms. Patricia A. Lepp, Member
Ms. Maxine Thompson, Member

OTHER BOARD MEMBERS PRESENT:

Dr. Larry W. Jackson

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Nanci Wisdom, Attorney At Law
Rikki Jones, Assistant Attorney General

GUESTS:

Dr. Jacob Lippert, Missouri Dental Association
Ms. Lee Ann Turnbaugh, Missouri Dental Assistants Association

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.

APPROVAL OF THE AGENDA

There being no additions, deletions or changes to the agenda, motion by Dr. McCoy and seconded by Ms. Thompson that the agenda be approved as published. Motion carried unanimously.

DENTAL ASSISTING RULE

The Policy Review Committee (PRC) considered its next step with regard to follow up on the discussions of the dental assisting ad-hoc committee meeting that was held on December 9, 2000 to consider changes to the dental assisting rules. The PRC scheduled a telephone conference call on Monday, June 17th at 8:00 p.m. The purpose of the conference call meeting is to establish the agenda for future discussions. Dr. Deyton will try to have an outline for the agenda sent out to the PRC to consider before the next conference call.

LEGISLATION

The PRC reviewed the proposed changes to Section 332.181. This legislation was included in House Bill No. 1689, which did not pass. It clarifies the ability of the Board to discipline a dentist for failure to obtain the mandatory continuing education requirements. Ms. Lepp questioned why the PRC deleted the sentence that gives the Board the ability to waive the continuing education hours for retired or disabled dentists or for other good cause. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the PRC change subsection 4 of Section 332.181 to include the words "waive and/or" before the words "extend the time requirements for completion of continuing education requirements" and delete the words "up to six months" in the same sentence so the Board retains its authority to waive continuing education requirements in specific circumstances. Motion carried unanimously.

The PRC reviewed the proposed changes to Section 332.261. This legislation was also included in House Bill No. 1689 and mirrors the changes from Section 332.181 but for the dental hygienists. A motion was made by Ms. Lepp and seconded by Dr. McCoy that the PRC approve the same changes to Section 332.261 that were made in Section 332.181. Motion carried unanimously.

A motion was made by Dr. McCoy and seconded by Ms. Lepp that the PRC approve the proposed changes to Sections 332.181 and 332.261 and move them on to the full Board for consideration. Motion carried unanimously.

The PRC reviewed the proposed changes to Section 332.321 relating to expedited hearing authority. Mrs. Rimiller noted that this proposal generated some controversy in the past because of Representative Treadway's interpretation and although the Department has approved the proposal, it was not a part of the Board's introduced legislation this year. A motion was made by Dr. McCoy and seconded by Ms. Lepp that the PRC approve the proposal and send it on to the full Board for consideration. Motion carried unanimously.

Mrs. Rimiller informed the PRC that based on her communications with Dr. Russ Harrison, he believes that if a dentist successfully completes an accredited specialty program, that person should be able to advertise his/her specialty to the public, even if that person has not passed an approved examination, or is not licensed by the Board as a specialist. If the PRC agrees with Dr. Harrison in this matter, Mrs. Rimiller noted that Section 332.321.2 (14) (e) and (f) would need amending. The PRC did not agree with

Dr. Harrison in this regard. Even if the specialty examination is eliminated, which the PRC is in support of, the PRC believes that the dentist needs to be licensed as a specialist in order to advertise his/her specialty to the public. Legal counsel was asked to look at the statutes to make certain there are not other places that need to be amended if the PRC moves forward with the change to the specialty statute to eliminate the specialty examination.

The PRC reviewed the proposal to eliminate Section 332.341. Ms. Jones explained that the statute conflicts with the informal settlement authority authorized in Chapter 536, RSMo and it does not give the Board the authority to resolve complaints informally. It serves no useful purpose and has actually caused the Board problems in litigation in the past with a licensee. A motion was made by Dr. McCoy and seconded by Ms. Lepp that the PRC send this proposal on to the full Board for consideration. Motion carried unanimously.

The PRC considered a proposal for a new Section 332.362 that would give the Board clear authority to regulate the administration of anesthesia in a dental office. Dr. Deyton said that he needed to discuss the proposal with legal counsel in a closed session. Further discussion of this proposal was tabled until after the closed session meeting.

The PRC considered a proposal for a new Section 332.070 relating to the unauthorized practice of dentistry. Ms. Jones provided further explanation as to why such a statute is needed. A motion was made by Dr. McCoy and seconded by Ms. Lepp that the PRC send this proposal on to the full Board for consideration. Motion carried unanimously.

The PRC considered a proposal to amend Section 332.327 to allow for some sharing of confidential information with the Well Being Committee. Ms. Jones questioned if the Well Being diversion bill passed. The bill passed but has not been signed into law. When that happens, this proposal will need to be modified to reflect the new changes. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the PRC send this proposal on to the full Board for consideration. Motion carried unanimously.

The PRC considered a proposal to amend Section 332.171 to eliminate the specialty examination. A motion was made by Ms. Lepp and seconded by Dr. McCoy that the PRC use the word "shall" in subsections 1 and 3 instead of the word "may" and delete the words, "and without examination" in subsection 1 and then pass this proposal on to the full Board for consideration. Motion carried unanimously.

The PRC agreed to Dr. Deyton's suggestions on the prioritization of the legislation. The order is as follows: Section 332.341; Section 332.327; Section 332.362; Section 332.070; Sections 332.181 and 332.261; Section 332.321; and Section 332.171.

Dr. Lippert informed the Board that the Missouri Dental Association will likely move forward with the laser bill again next year. With Representative Treadway gone, Dr. Lippert indicated it is possible that the denturist licensing bill will come back. There is also the likelihood that Representative Shields' proposal will be re-introduced. The PRC

agreed that the Missouri Dental Association handle these proposals and that the Board should not take an official position, unless it becomes necessary to do so on Representative Shields' proposal.

CLOSED SESSION

A motion was made by Dr. McCoy and seconded by Ms. Thompson to move into closed session pursuant to section 610.021 (1) 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. Motion carried unanimously.

LEGISLATION

The PRC considered a proposal for a new Section 332.362 that would give the Board clear authority to regulate the administration of anesthesia in a dental office. A motion was made by Dr. McCoy and seconded by Ms. Lepp that the PRC move this proposal forward to the full Board for consideration. Motion carried unanimously.

ADJOURNMENT

There being no further business to be brought before the PRC at this time, a motion was made by Dr. McCoy and seconded by Ms. Lepp that this meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 9:35 p.m.

Respectfully submitted,

Sharlene Rimiller, Executive Director

Approved by Board on: _____.