

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

**Telephone Conference Call
July 17, 2002 8:00 p.m.**

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

The telephone conference call meeting of the Missouri Dental Board's Policy Review Committee was called to order by Dr. Guy Deyton, Chairperson, at approximately 8:10 p.m. on Wednesday, July 17, 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
Ms. Patricia A. Lepp, Member
Ms. Maxine Thompson, Member

COMMITTEE MEMBERS ABSENT:

Dr. Rolfe C. McCoy, Member

OTHER BOARD MEMBERS PRESENT:

Dr. Larry W. Jackson

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director

GUESTS:

Ms. Lori Bruce, Missouri Dental Hygienists' Association (Late Arrival)
Ms. Lee Ann Turnbaugh, Missouri Dental Assistants Association
Ms. Mary Lou Young, 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, the agenda was approved as written.

DENTAL ASSISTING RULE

Dr. Deyton provided a brief history of the PRC's review of the dental assisting rule. He explained that the purpose of this teleconference is to determine if there are any needed changes to the dental assisting rule and if so, what those changes are. Dr. Deyton also provided a summary of his evaluation of the written comments received before, during and after the December 2000 Ad Hoc meeting. There were 66 people in attendance at the December 2000 open meeting and the prevailing sentiment was supportive of the expanded functions. There were 100 written comments received, 99 of which commented in favor of the expanded functions. The one comment against expanded functions was received by Dr. Leonard Shackles. Dr. Shackles believes that the statute does not allow for these delegations. There were 72 letters recommending no change to the dental assisting rule. Five letters were from individuals that recommended increasing the expanded functions. Four letters were from individuals that recommended licensure and/or registration of dental assistants, one of which was from the Missouri Dental Assistants Association so it represented more than one person's views. Four letters were from individuals specifically against establishing a new category of licensure and/or registration for dental assistants. There were two individuals recommending increasing the experience criteria, two recommended increasing course availability, seven recommended establishing a new criteria for super gingival scaling, and five specifically recommended not considering super gingival scaling for dental assistants. The Missouri Dental Hygienists Association recommended several of the expanded functions be removed from the list and be made eligible for general delegation. All others had one recommendation for removal of one or more of the expanded functions from the list. One recommended that all dental assistants become more familiar with the Dental Board's statutes and regulations. The written comments were fairly representative of the oral testimony received at the December 2000 meeting.

Lee Ann Turnbaugh addressed the PRC and noted that she had the opportunity to attend the meeting and read the comments and agrees with Dr. Deyton's assessment. She believes that making the impressions for the fabrication of removable and fixed prosthesis should be two expanded functions removed from the list. Ms. Turnbaugh has heard some comments that dental assistants should be able to place more surfaces rather than just the ones listed at this time. She has also heard comments from dental assistants that want legislation for some type of registration and/or certification as well as increasing the times and locations where the basic skills examination and the expanded function courses are given. Mary Lou Young agreed with Ms. Turnbaugh's comments. She also mentioned that many dental assistants do not want to restrict expanded functions as they do not like someone coming in and telling them what they can and cannot do.

Dr. Jackson reported that in his district it is pretty much unanimous that dentists do not want licensure or registration for dental assistants. Ms. Young said it is the dental assistants that want registration/licensure. She said there was a significant number (well over two hundred) that signed a petition a couple of years ago that want some type of recognition for the work they do, either through licensure or some type of certification.

Dr. Deyton echoed Dr. Jackson's comments. As he talks to dentists in the state, he does not hear much support for licensing and/or registration for dental assistants. There is more that speak against it because it represents another layer of bureaucracy according to Dr. Deyton. Ms. Young said that she thought dentists might be opposed to the concept because the ADA has taken a position against it. Dr. Deyton didn't think that the ADA's position would have that much of an impact on this issue. The Missouri Dental Association has not taken a position in this matter but Dr. Deyton indicated that it doesn't take much opposition to derail a legislative proposal. Ms. Young said it is difficult to keep dental assistants in the field because they have no status in the profession. Dr. Deyton reported that he conducted a survey (wage and benefit) through the Greater Kansas City Dental Association and in the past four years, the wages for dental assistants have gone up approximately 46% and the survey is showing an increase in tenure. Dr. Deyton said that this is a positive effect and although he is sympathetic to the request, he is not sure what to do to satisfy the dental assistants. He said there must be a compelling reason to amend a rule or pursue a legislative change. Ms. Young said that for the time being, she just wants to make sure all the expanded functions stay in place and agreed that it may not be the best time to pursue legislation. However, Ms. Young indicated that this is something that the dental assistants will pursue in their long range planning efforts. Currently, there are six states that have some type of licensure and/or certification for dental assistants. With regard to the suggestions that dental assistants could be made to pass a jurisprudence examination, Ms. Young mentioned that she sees violations of the Dental Board statutes and regulations all the time and the dental assistants do not know they are violating the law. Dr. Deyton suggested the possibility of looking at a general rule requiring the dentist to have all his/her employees take a jurisprudence examination. Without a statute change, the Board could not establish the jurisprudence examination as a requirement for dental assistants. Ms. Young stated that if dental assistants were required to register with the Board at a minimum, they would at least receive a copy of the dental practice act. Additionally, she thought that dental assistants should be required to take the basic skills review course. Ms. Young informed the Board that at the recent dental assisting meeting in Hawaii, the U.S. Armed Forces joined the American Dental Assistants Association with two thousand members. Ms. Lepp stated that based on the comments, it would appear that the Board might need to work on making the EFDA courses more available. Dr. Deyton mentioned that only 3 of 100 comments received complained about the lack of availability for the EFDA course work.

Dr. Deyton went on to report that 72 of the 100 comments received basically said to leave things unchanged. The oral surgeons recommended, through a petition signed by 26 licensees, that the Board remove the placement of post-extraction and sedative dressing from the rule and make it a generally delegable function. Dr. Deyton questioned if it would be worthwhile to go through the entire rulemaking process for this one change. Ms. Turnbaugh and Ms. Young do not want the rule opened up for any possible challenges for just this one rule change and that was also the general feeling of the Policy Review Committee.

Dr. Deyton brought up the next issue, which is to establish expanded function dental assistants for dental hygienists. There were seven (7) written comments received from dentists in favor of this proposal and five (5) written comments against it coming from a mix of dentists and dental hygienists. It was noted that this would require a statute change. The dental assistants are not in favor of this proposal and the PRC generally agreed that this is not something they want to pass on to the full Board.

The next issue discussed was licensure and/or registration for dental assistants. Dr. Deyton noted that there were a total of about 10 comments out of the 100 received with a pretty even split of those in favor and those not in favor. Dr. Deyton said that the PRC could possibly consider keeping a registration log for the dental assistants that have taken the EFDA courses. It was generally agreed that this is not something the PRC needs to consider at this time. It was believed that the PRC should recommend to the full Board that it preserve the expanded functions for dental assistants and re-visit licensure and/or registration at another time.

It was noted that the Missouri Dental Hygienists Association wrote a letter with very specific recommendations. There were other comments received that were one of a kind as well. The PRC considered the MDHA's comments since they are an organization that represents many licensees. Dr. Deyton summarized the comments received from the MDHA. Dr. Jackson questioned how the MDHA came up with their recommendations because their position is very damaging to the EFDA rule for dental assistants. Ms. Bruce joined the PRC conference call at approximately 9:10 p.m. Ms. Bruce explained that the comments were written based on a MDHA board vote and she recalls that they took up each expanded function one at a time. This was done at a board meeting shortly after the December 2000 meeting and at the request of the PRC. Dr. Jackson suggested that perhaps the MDHA might want to re-visit this issue because of the success of the EFDA program. Ms. Bruce thought that Dr. Neil Riley had provided some comments similar to the position of the MDHA. It was noted that the MDHA comments represented the second most sweeping changes to the rule, next to those suggested by Dr. Leonard Shackles.

The question that the PRC was asked to consider is whether it wants to make any recommendations to the Board regarding the expanded functions for dental assistants, other than to recommend no changes to the rule at this time. According to Dr. Deyton, the other one of a kind comments included adding all classes of restorations to the expanded functions, remove final impressions, remove adjusting of fixed and removable prosthesis, and remove placement of orthodontic brackets and bands. There were approximately 3 to 5 comments received recommending that the jurisprudence examination be offered to the dental assistants. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the PRC, having reviewed all the public testimony in an open hearing as well as all written comments, recommend to the Board that the rule stand as is at this time. Motion carried 3 to 0.

It was suggested that perhaps the PRC might want to consult with legal counsel to see what would be involved to require that dentists be responsible for ensuring that all

his/her employees pass the jurisprudence examination. Mrs. Rimiller was asked to include this item on the Task List and notify legal counsel that this item will be brought up so they can begin thinking about it.

ADJOURNMENT

Dr. Deyton recognized the PRC and the Dental Board for having spent a lot of time and effort in reviewing this process. There being no further business at this time, a motion was made by Ms. Thompson and seconded by Ms. Lepp that this meeting adjourn. Motion carried 3 to 0. The meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

Sharlene Rimiller, Executive Director

Approved by Board on: _____.