

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

July 30, 2003 7:00 p.m.

**Embassy Suites Hotel
220 West 43rd Street
Kansas City, Missouri**

The open meeting of the Missouri Dental Board's Policy Review Committee was called to order by Dr. Rolfe McCoy, Chairperson, at approximately 7:00 p.m. on Wednesday, July 30, 2003, at the Embassy Suites Hotel, 220 West 43rd Street, in Kansas City, Missouri.

COMMITTEE MEMBERS PRESENT:

Dr. Rolfe C. McCoy, Committee Chairperson
Dr. John L. Sheets, Member
Ms. Patricia A. Lepp, Member
Ms. Maxine Thompson, Member

BOARD MEMBERS PRESENT:

Dr. Rodney Beard, Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Vickie Coffman, Executive I

LEGAL COUNSEL PRESENT:

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

GUESTS:

Dr. Guy S. Deyton, President, Missouri Dental Association
Debbie Gerecke, RDH, Missouri Advisory Commission for Dental Hygienists
Deborah Polc, RDH, Missouri Dental Hygienists' Association
Dr. Charles Poeschel, Missouri Dental Association
Dale A. Kunkel, DDS, DOLS
Dr. Jacob Lippert, Missouri Dental 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 AGENDA

A motion was made by Ms. Lepp and seconded by Ms. Thompson that the agenda be approved as printed. Motion carried unanimously.

CONSCIOUS SEDATION PROPOSED RULE

The Committee reviewed the revised draft of the conscious sedation proposed rule. Dr. Guy Deyton provided the suggested revisions to the rule that will reflect the changes made by the PRC at the conference call that was held on July 16, 2003. It was suggested that on page 2 of the Conscious Sedation Manual, in paragraph #12, to remove the words "Deep" and "General Anesthesia". In the rule, paragraph #12, first line, it was suggested that the words "enteral and/or parenteral" be added in front of conscious sedation and that a new section 12 (F) be added requiring a facility inspection. To accomplish this the new section (F) should read, "The dental office shall undergo a facility inspection as set forth in the conscious sedation manual to confirm the adequacy of the dental office and the competency of the sedation team." The facility inspections will need to be done at the time of application and every five (5) years thereafter. Mrs. Rimiller stated that the Division had previously suggested that the renewal not hinge on the completion of the facility inspections. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the changes outlined by Dr. Deyton to both the Conscious Sedation Manual, paragraph #12, and the changes to paragraph 12 of the proposed rule be made and forwarded on to the full Board for approval. Motion carried unanimously.

WELL BEING COMMITTEE

Nanci Wisdom provided the PRC Committee with the July 2, 2003 draft of the Well Being Rules. The following changes were considered to the proposed rules:

1. Rule number 1 on page 2, paragraph 4, line 20, the words "or dental residency program" needs to be added after the word "school";
2. Rule number 2 on page 3, paragraph 4, line 21, delete the words "entity which the member represents" and replace with the word "board";
3. Rule 3 on page 5, paragraph 3, line 15, correct the spelling of the word "professional";
4. Rule 3 on page 6, section 3, paragraph h, change it to be two separate paragraphs, one for those referred and one for those that voluntarily enrolled;
5. Throughout the rules, change dentist or dental hygienist to dental professional;
6. Rule 3 on page 9, paragraphs 10, 11, 12 and 14, change the word "Contractor" to read something like, "The Contractor requires that the Committee Administrator"; and
7. Rule 5 on page 12, paragraph 3, subsections a, b, and c, move to contractor's duties in Rule 3 as new paragraphs 15, 16 and 17.

A motion was made by Ms. Lepp and seconded by Dr. Sheets that the changes to the draft Well-Being rules be made and then forwarded on to the full Board for approval. Motion carried unanimously.

RETIRED LICENSURE STATUS

The Committee discussed the proposal for a Senior licensure status. It was noted that the PRC had met with Dr. Erzell L. Miller at its meeting in May to consider this proposal. It was initially the PRC's understanding at the time that Dr. Miller wanted the Board to consider a new status of licensure that would allow retired dentists to practice in a benevolent situation. However, Dr. Miller conveyed in his meeting with the PRC that he basically wanted to be able to maintain his license to practice without paying a renewal fee or earning CE credit. Dr. Lippert stated that Dr. Miller's intent was that if a dentist held a license for fifty (50) years and was at least seventy-two (72) years of age, he would have the ability to file an application to be granted a limited license to perform only reversible procedures. Dr. McCoy stated that the Committee is considering some type of retired renewal status separate than that proposed by Dr. Miller, but that it would not be pursued during this next legislative session. The retired licensure status will remain on the Committee's prioritized task list.

EDUCATING DENTAL ASSISTANTS ABOUT STATUTES AND RULES

Pat Lepp informed the Committee that a question has arisen regarding how the Board should proceed with educating dental assistants about the statutes and rules. Ms. Lepp stated that she researched this subject and received several suggestions. Some of the ideas included, 1) send out a questionnaire containing approximately 10 questions with the dentist renewal that the dentist could have their assistant help them complete; 2) send out a question on the dentist renewal form asking them if they have reviewed the Missouri dental laws and rules with their dental assistant; 3) have jurisprudence questions on the basic skills test and when the assistants go to take their basic skills test, either a Board member or staff member could be there to give a presentation on the laws and rules; and 4) have a Board member visit dental assisting schools and provide them with a law book. Ms. Lepp stated that the Advisory Commission would be happy to work on this project. Ms. Lepp also suggested that an Ad Hoc Committee be formed consisting of representation from each of the associations, a State Board member and the hygienist representative on the Board. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the PRC recommend that the Board form an Ad Hoc Committee to research ways in which dental assistants can be educated on the laws and rules. Motion carried 4 to 0. The Committee should consist of two Board members (Dr. Beard and Ms. Thompson volunteered), one representative from each of the professional associations, and one member from the Advisory Commission.

PRC TASK LIST

The PRC reviewed its prioritized task list and made the following changes:

1. Rule on Deep Sedation/General Anesthesia.
2. Proposed statute/rule change to create a new category of licensure for retired licensees. Work on renewal rule to include provisions regarding reinstatement of an inactive license and to create a fee for reinstatement.
3. Addressing the Public for Dentists and Dental Hygienists.
4. Proposed statutes and rules relating to Management Service Organizations.

5. Proposed change to the Dental Practice Act (updated definition to the practice of dentistry).
6. Explore the mechanisms for educating dental assistants about statutes and rules regarding the practice of dentistry.
7. Reworking Jurisprudence Examination.
8. Review of 4 CSR 110-2.240 Continuing Education –Authoring Articles.
9. New Dental Specialty – Oral and Maxillofacial Radiology – Establishing a Specialty Committee and Developing a Missouri Written Examination.
10. Review Dental Treatment by Non-dentists Employed by insurance Companies. Does it constitute the practice of dentistry?
11. Dental Assisting – Should the Board require dentists to register their EFDAs – What about legislation requiring registration of all dental assistants.
12. Lab Reports – Currently records must be retained for two years – Consider rule change to increase that to four years.
13. Retention of Medical Records – Should the Board consider legislation requiring that the licensee retain medical records for a specified period of time?

The Committee moved the Well Being Rules and the rules on Conscious Sedation off the task list.

MISSOURI PRIMARY CARE ASSOCIATION

Dr. Deyton updated the members of the PRC on the MDA's meeting with representatives of the Missouri Primary Care Association. The Missouri Primary Care Association will come to the Board and request some type of global exemption that is above and beyond the federally mandated exemption that is written into the proposed legislation. Dr. Deyton stated that they are going to request some type of grandfather clause so that they do not have to reword their corporate documents. They do not want to be licensed or regulated by the Missouri Dental Board. Dr. Deyton stated that he informed the Missouri Primary Care Association that they currently do not have legal authority to practice dentistry in Missouri under the current statutes.

ADJOURNMENT

There being no further business to be brought before the PRC at this time, a motion was made by Dr. Sheets and seconded by Ms. Lepp that this meeting adjourn. Motion carried 4 to 0. The meeting adjourned at approximately 9:20 p.m.

Respectfully submitted

Sharlene Rimiller, Executive Director

Approved by Board on: _____