

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

October 16, 2003 7:00 p.m.

**Embassy Suites Hotel
901 North First Street
St. Louis, Missouri**

The open meeting of the Missouri Dental Board's Policy Review Committee (PRC) was called to order by Dr. Larry Jackson, Chairperson, at approximately 7:10 p.m. on Thursday, October 16, 2003, at the Embassy Suites Hotel, 901 North First Street, St. Louis, Missouri.

COMMITTEE MEMBERS PRESENT:

Dr. Larry Jackson, Committee Chairperson
Dr. John L. Sheets, Member
Ms. Patricia A. Lepp, R.D.H., Member
Ms. Maxine Thompson, Member

BOARD MEMBERS PRESENT:

Dr. H. Fred Christman

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Vickie Coffman, Executive I

LEGAL COUNSEL PRESENT:

Nanci Wisdom, Private Legal Counsel

GUESTS:

Dr. Guy S. Deyton, President, Missouri Dental Association
Diann Bomkamp, RDH, Missouri Dental Hygienists' Association
Lori Bruce, RDH, Missouri Dental Hygienists' Association
Deborah Gerecke, Missouri Advisory Commission for Dental Hygienists
Dr. Charles Poeschel, Missouri Dental Association
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. Thompson and seconded by Ms. Lepp that the agenda be approved with the addition of an item to discuss the Well Being Committee rules. Motion carried unanimously.

UPDATE ON PROPOSED FY-04 LEGISLATION

Mrs. Rimiller reported that the Division of Professional Registration and the Department of Economic Development approved all of the Board's legislative proposals, with one exception. On the ownership proposal, the limited subpoena authority language has been deleted. Mrs. Rimiller said that the Department may consider subpoena authority for records only but it could not be limited to any specific group or individual. There is still one more step in the approval process and that will be through the Office of Administration. A full discussion of legislation is scheduled for the Board's open meeting on October 18, 2003.

Mrs. Rimiller questioned the position of the Missouri Dental Hygienists' Association (MDHA) on the ownership proposal. Ms. Bruce stated that the MDHA would be taking a neutral position. She reported that the Hygiene Association had problems with the poverty level requirements in the legislation and their primary concern was that it would eliminate the CHIPS program. Dr. Lippert stated there would not be a problem with changing the language to 200% poverty level excluding those eligible for CHIPS. Ms. Bruce said that she would talk to the MDHA about this at their annual meeting in November.

JURISPRUDENCE EXAMINATION

Ms. Gerecke stated that the Advisory Commission is in the process of developing a bank of questions for the dental hygienist jurisprudence examination. This will enable the Board to have more than just the one examination. Mrs. Rimiller stated that at a previous PRC meeting it was noted that the dentist jurisprudence examination would need to be updated as well and that a member of the PRC was to work with the Commission on this project. It was the consensus of the PRC that Dr. Sheets and Ms. Thompson work with the Advisory Commission on the dentist jurisprudence examination.

RETIRED LICENSURE STATUS

Dr. Lippert addressed the PRC and asked for consideration on a change in the statute to create a licensure status for dentists that want to retire and not have to complete the continuing education requirements but still be able to maintain their license. Dr. Lippert stated that the Missouri Dental Association would be willing to take on the challenge of drafting the legislation. Mrs. Rimiller stated that initially when the retired licensure proposal was presented to the PRC, it was intended for retired dentists who want to do volunteer work and nothing else. Dr. Deyton stated that he would recommend that the Board not use the terms reversible and irreversible as criteria for a retired license nor should age and years of service be considered criteria. He stated that a retired license status should not allow any procedures that could be considered the practice of dentistry. Ms. Thompson stated that she admires the dentists that volunteer to help the

poor or elderly. However, sometimes elderly people do not realize their limitations and she felt that for the sake of consumer protection these doctors should be held to the same standards as any other dentist regardless of whether they are working on the elderly, poor or rich. Dr. Lippert stated that he did not see any problems with creating an emeritus licensure status that would not require the dentist to maintain the required continuing education hours for renewal but would allow them to come into the office occasionally and work as a dental assistant. A motion was made by Ms. Thompson and seconded by Dr. Sheets that the retired licensure status be removed from the PRC Task List and be sent on to the full Board with the recommendation that after careful consideration, it is the Committee's recommendation to take no further action at this time. Motion carried 3-0.

UPDATE ON PROPOSED CHANGES TO DENTAL PRACTICE ACT

Dr. Sheets informed the Committee that he sent a letter to several oral and maxillofacial surgeons and set up a meeting to discuss the need to change the definition of the practice of dentistry. He stated that an adhoc committee has been formed consisting of members of the Missouri Society of Oral and Maxillofacial Surgeons. They plan to discuss the possibility of changing the statutes and/or rules regarding the practice of dentistry to incorporate the definition adopted by the American Dental Association in 1997. Dr. Sheets said that one of the options he wants the Committee to consider is a rule to define "adjacent structures". This would be preferable to opening up the statutes. Nanci Wisdom stated that sometime between 1991 and 1995 the Board addressed this issue and made a resolution or took a position defining the practice of dentistry. The staff was instructed to research the minutes for this information. It was suggested that the adhoc committee work on the definition of adjacent structures and recommend a rule change.

NEW BOARD MEMBER

Dr. Larry Jackson introduced and welcomed Dr. H. Fred Christman as the newest member of the Missouri Dental Board. Dr. Christman is from Columbia, Missouri and replaces Dr. Rodney Beard, whose term expired.

PRC TASK LIST

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

A motion was made by Ms. Lepp and seconded by Ms. Thompson that the item to Review the Rule on Addressing the Public be removed from the PRC task list and referred to the Advisory Commission for Dental Hygienists to study at the same time the Commission is studying their proposed rule on Addressing the Public. Motion carried unanimously.

A motion was made by Ms. Thompson and seconded by Dr. Sheets that the item on New Dental Specialty – Oral and Maxillofacial Radiology be removed from the PRC task list since there are no oral and maxillofacial radiology specialists in Missouri at this time. Motion carried unanimously.

A motion was made by Dr. Sheets and seconded by Ms. Lepp to remove the item on Dental Assisting from the PRC task list. Motion carried unanimously.

A motion was made by Dr. Sheets to remove the task list item to consider a statute/rule change to increase the requirement in which Lab Reports are to be retained from 2 years to 4 years. Motion died for lack of a second. The PRC will find out why Dr. Aubert wanted this changed before taking any further action.

The PRC Task List was revised as follows.

1. Proposed changes to the Dental Practice Act (update definition on the practice of dentistry)
2. Jurisprudence Examination – The PRC will work with the Advisory Commission on creating a bank of test questions.
3. Review of 4 CSR 110-2.240 Continuing Education –Authoring Articles.
4. Retention of Medical Records – Should the Board consider legislation requiring that the licensee retain medical records for a specified period of time?
5. Lab Reports – Currently records must be retained for two years – Consider statute/rule change to increase to four years.
6. Proposed Rule on Deep Sedation/General Anesthesia.
7. Work on statutes and rules relating to Management Service Organizations.
8. Review Dental Treatment by Non-dentists Employed by Insurance Companies. Does it constitute the practice of dentistry?

WELL BEING COMMITTEE RULES

Nanci Wisdom reported that the Division of Professional Registration initially rejected all the Well Being Committee proposed rules. They said there was not a need for the rules as long as there is a contract. After Ms. Wisdom discussed the matter with them they have decided to support the rules with one exception. The definition of dental professional should not include support staff. Ms. Wisdom stated that they did not feel the Board has statutory authority to include support staff because the Board's statutes refer only to dentists and dental hygienists. She stated that she did not have a specific discussion with the Division regarding dental students and residents but the Well Being Committee voted that they would be in agreement to remove support staff from the definition of dental professional. There was also a recommendation from the Division to amend the contract that has the same wording to avoid an audit exception. There was another change considered to the contract in the portion containing the release language. The word "committee" needs to be changed to "program". Ms. Wisdom said that the Division did not have a problem with the Committee continuing to work with support staff provided state funds were not used for that purpose.

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 9:05 p.m.

Respectfully submitted

Vickie Coffman, Executive I

Sharlene Rimiller, Executive Director

Approved by Board on: _____