

## **Meeting Notice**

### **Missouri Dental Board Policy Review Committee**

**April 21, 2005 ~~ 1:00 p.m.**

**Country Club Hotel  
Horseshoe Bend Parkway (HH) & Carol Road  
Lake Ozarks, Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri Dental Board, 3605 Missouri Boulevard, Jefferson City, Missouri 65109 or by calling 573-751-0040 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Policy Review Committee of the Missouri Dental Board is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14 (7) and (8), RSMo.

The Policy Review Committee of the Missouri Dental Board may go into closed session at any time during the meeting. When the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

cc: Members, Missouri Dental Board  
Nanci Wisdom, Attorney-at-Law  
Kristi Flint, Assistant Attorney General  
Laurie Morris, Office of Administration  
Dr. Jacob Lippert, Executive Director, Missouri Dental Association  
President, Missouri Dental Association  
President, Missouri Dental Hygienists' Association  
President, Missouri Dental Assistants' Association

Posted: 04/05/05  
1:00 p.m.

## **Open Agenda**

### **Missouri Dental Board Policy Review Committee**

**April 21, 2005 1:00 p.m.**

**Country Club Hotel  
Horseshoe Bend Parkway (HH) & Carol Road  
Lake Ozarks, Missouri**

- |     |                                                                                                                                         |                              |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1.  | Call to Order                                                                                                                           | Dr. Jackson                  |
| 2.  | Roll Call                                                                                                                               | Pat Lepp                     |
| 3.  | Approval of Agenda                                                                                                                      | Dr. Jackson                  |
| 4.  | Licensure By Credentials                                                                                                                | Dr. Jackson                  |
|     | • Review Section 332.211 and Consider Possible Revision<br>Because of the Christine Lathuras Case                                       |                              |
| 5.  | Licensure Exemption for Residents in Approved Programs                                                                                  | Dr. Sheets                   |
|     | • Review Section 332.081.1 (3) and Consider Possible Revision for<br>Residents in Approved Programs not Connected to a Dental<br>School |                              |
| 6.  | Jurisprudence Examination                                                                                                               | Ms. Thompson &<br>Dr. Sheets |
|     | • Working with the Advisory Commission to Create a Text Bank                                                                            |                              |
| 7.  | Retention of Medical Records                                                                                                            | Dr. Jackson                  |
|     | • Review Proposed Statute Change                                                                                                        |                              |
| 8.  | Lab Reports                                                                                                                             | Dr. Jackson                  |
|     | • Review Proposed Statute Change                                                                                                        |                              |
| 9.  | Prioritize Task List                                                                                                                    | Dr. Jackson                  |
| 10. | Other Agenda Items                                                                                                                      | Dr. Jackson                  |
| 11. | Motion to Close                                                                                                                         | Ms. Thompson                 |
| 12. | Adjournment                                                                                                                             |                              |

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

**April 21, 2005 1:00 p.m.**

**Country Club Hotel  
Horseshoe Bend Parkway & Carol Road  
Lake Ozark, 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 1:15 p.m. on Thursday, April 21, 2005, at the Country Club Hotel, Horseshoe Bend Parkway & Carol Road, Lake Ozark, 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 (late arrival), Member

**STAFF MEMBERS PRESENT:**

Sharlene Rimiller, Executive Director  
Bonnie Mengwasser, Executive I

**LEGAL COUNSEL PRESENT:**

Nanci Wisdom, Private Legal Counsel

**GUESTS:**

Lori Bruce, Missouri Dental Hygienists' Association  
Dr. Guy Deyton, Missouri Dental Association  
Dr. Guy Bates, Missouri Dental Association  
Dr. Jake Lippert, Missouri Dental Association  
Fran Tourdot, Advisory Commission for Dental Hygienists  
Chris Stewart, Oral Health Network of Missouri  
Karen Dent, Oral Health Network of Missouri  
Dr. Rolfe McCoy, Missouri Dental Board  
Anna Lippert

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 Dr. Sheets and seconded by Ms. Lepp to approve the agenda with the addition of an update on the advertising rule. Motion carried 3 to 0.

#### **4 CSR 110-2.110 – ADDRESSING THE PUBLIC - DENTISTS**

Dr. Jackson informed the Policy Review Committee (PRC) that the Missouri Dental Association (MDA) Board of Trustees has some concerns regarding the proposed changes to the advertising rule. Mrs. Rimiller informed the PRC that at its January meeting, the PRC made some changes to the rule which were passed on to the full Board for approval. The full Board reviewed the changes suggested by the PRC and voted to approve them. Mrs. Rimiller began the rulemaking process after the January meeting, but due to some concerns brought to her attention by Dr. Deyton, the rulemaking process was put on hold until after the April full Board meeting.

Dr. Guy Bates with the MDA Board of Trustees presented to the PRC with his concerns regarding the proposed changes to the advertising rule. He informed the Committee that the MDA is requesting more time for testimony to be given by dentists around the state. Dr. Bates would like to see that any changes to the rule are made applicable to both general dentists and specialists alike.

#### **LICENSURE BY CREDENTIALS**

Ms. Wisdom reminded the PRC that the Board denied Dr. Christine Lathuras' license by credentials because she had been licensed for 5 consecutive years in more than one state, and that the Board had always interpreted the statute to mean that an individual applying for licensure by credentials had to be licensed in only one state for the previous 5 years. The PRC talked about how best to draft a change in the statute to clarify that a candidate could be licensed in multiple states as long as there was at least one license current during the entire five years immediately preceding their application. A motion was made by Dr. Sheets and seconded by Ms. Thompson that the PRC not recommend any changes to Section 332.211. Those voting yes: Dr. Jackson, Dr. Sheets, Ms. Thompson. Those voting no: Ms. Lepp. Motion carried 3 to 1.

#### **LICENSURE EXEMPTION FOR RESIDENTS IN APPROVED PROGRAMS**

Dr. Sheets informed the PRC that the Board received a letter from Dr. Stuart Waite with St. John's Mercy Medical Center asking if their residents could practice dentistry without a license pursuant to Section 332.081 if their program is not affiliated with a dental school. The Board's decision at its August 2004 meeting was that residents of an ADA approved program could not practice without a license unless the residency was a part of an accredited dental school. Dr. Deyton directed the PRC to Section 332.011.2, that defines an accredited dental school as "any college, university, school or other institution which teaches dentistry which has been certified by the American Dental Association." Dr. Deyton suggested that according to this definition, a dental school is not limited to an undergraduate degree program, and that if a residency program is accredited

by the Commission on Dental Accreditation (CODA), its residents would not have to be licensed because the program would fall under the umbrella of an accredited dental school. Because Dr. Waite as misinformed, Dr. Sheets will suggest to the Board that he be sent a letter of apology. A motion was made by Dr. Sheets and seconded by Ms. Thompson to recommend to the full Board that no changes be made to Board statute 332.081. Motion carried unanimously.

### **JURISPRUDENCE EXAM**

Ms. Thompson informed the PRC that she and Dr. Sheets reviewed the dental jurisprudence exam and overall, felt it was well done, but had made some minor grammatical changes. There was some discussion about what the Advisory Commission for Dental Hygienists has done to improve the jurisprudence exam for dental hygienists. A motion was made by Dr. Sheets and seconded by Ms. Thompson to allow the Advisory Commission for Dental Hygienists to create a bank of questions for the dentist jurisprudence exam with Ms. Thompson's guidance and assistance. Motion carried unanimously.

### **RETENTION OF MEDICAL RECORDS AND LAB REPORTS**

Mrs. Rimiller informed the PRC that the language for a new statute, 332.052, relating to the retention of medical records and the proposed changes to Section 332.071 (12) deleting the two (2) year retention time for laboratory work orders has already been approved by the Board. It is back on the agenda for the PRC to make a recommendation of whether to pursue this legislation in 2006. Ms. Lepp brought to the PRC's attention that Board statute 332.052 is missing a subsection 4, which states, "Dentists and non-dentists shall maintain copies of laboratory work orders for five (5) years." Ms. Lepp suggested that the wording in subsection 12 in 332.071 be changed to "...does so pursuant to a written uniform laboratory work order in the form prescribed by the board from a dentist registered and..." Ms. Lepp also reminded the PRC that 4 CSR 110-2.190 – Shade Verification will need to be amended to reflect the five year retention requirement for records after the statutes are changed. A motion was made by Dr. Sheets and seconded by Ms. Lepp to pass Section 332.052 and the changes to Section 332.071 onto the full Board and recommend that the Board ask the MDA to move the proposal through the legislative process next year. Motion carried unanimously.

### **MONITORING NITROUS OXIDE ANALGESIA**

Karen Dent with the Oral Health Network of Missouri presented a nitrous oxide course outline to the PRC for consideration. Ms. Dent informed the PRC that this course had been approved by the Board in 1987 or 1988 for dental assistants, and that she taught the course in the Dental Assisting Program at Nichols Career Center. In the past, Ms. Dent said there were two instructors who taught the didactic lecture portion and a dentist who actually taught and monitored the clinical portion. The PRC agreed that Ms. Dent be asked to submit a list of dental directors who will be the instructors, including an outline of their qualifications, to the PRC for further consideration.

### **AGE RELATED ISSUES IN THE WORKPLACE**

Dr. Sheets presented information to the PRC that was received from Janet Sell with the Missouri Dental Assistants' Educators (MDAE) who is asking for approval of the new criteria developed for the Basic Skills Exam. The MDAE is suggesting that the prospective student be at least 18 years old, have a high school degree or G.E.D. equivalent, have at least 3,500 hours of a combination of full/part-time work experience earned over a continuous 24 to 48 month period as a dental assistant, and have CPR certification. After some discussion, a motion was made by Dr. Sheets and seconded by Ms. Thompson that the PRC seek advice from counsel in closed session, but recommend that at this time, the Board take no further action in this matter. Those voting yes: Dr. Jackson, Dr. Sheets, Ms. Thompson. Those voting no: Ms. Lepp. Motion carried 3 to 1.

### **PRIORITIZE TASK LIST**

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

1. Approval of Course on Monitoring Nitrous Oxide Analgesia.
2. Jurisprudence Examination – Working with the Advisory Commission to create a bank of test questions.
3. Emeritus License for Retired Dentists and Dental Hygienists.
4. Educating Dental Assistants.
5. Tracking Expanded Functions Dental Assistants.
6. Proposed Rule on Improper Influence on Professional Judgment.
7. Criteria for Approval of CRDTS Examiners.
8. Work on rules related to Senate Bill 1122.
9. Addressing the Public – Dentists.
10. The Ban on Sargenti Paste used as Endodontic Filling Material.
11. Licensure by Credentials – The Christine Lathuras case – Does the Board need to seek a change in the statute?
12. Proposed Statute Change to Exempt Residents in Approved Residency Programs from Licensure Requirements.
13. Retention of Medical Records – Should the Board consider legislation requiring that the licensee retain medical records for a specified period of time?
14. Lab Reports – Currently records must be retained for two years – Consider statute change to increase that to four years.
15. Age Related Issues in the Workplace.

### **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. Thompson that this meeting adjourn. Motion carried 4 to 0. The meeting adjourned at approximately 3:55 p.m.

**Respectfully submitted,**

**Bonnie Mengwasser, Executive I**

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**Sharlene Rimiller, Executive Director**

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