

Meeting Notice

Missouri Dental Board Policy Review Committee

September 12, 2008 9:00 a.m.

**Hotel Deville
319 W. Miller St.
Jefferson City, MO 65101**

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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
 Laurie Morris, Office of Administration
 Vicki Wilbers, Executive Director, Missouri Dental Association
 President, Missouri Dental Association
 President, Missouri Dental Hygienists' Association
 President, Missouri Dental Assistants' Association
 David T. Broeker, Director, Division of Professional Registration

Open Agenda

Missouri Dental Board Policy Review Committee

September 12, 2008 9:00 a.m.

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| 1. | Call to Order | Dr. Wallace |
| 2. | Roll Call | Pat Lepp |
| 3. | Approval of Agenda | Dr. Wallace |
| 4. | Review 20 CSR 2110-2.120 – Dental Assistants | Dr. Wallace |
| 5. | Oral Screenings | Dr. McCoy |
| 6. | Review of Specialty and Sedation/Anesthesia Committees | Dr. Wallace |
| 7. | Consider Creating a Retired License Status | Dr. McCoy |
| 8. | Other Agenda Items | Dr. Wallace |
| 9. | Prioritize Task List | Dr. Wallace |
| 10. | Adjournment | |

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

September 12, 2008

**Hotel Deville
319 West Miller Street
Jefferson City, Missouri**

The open meeting of the Missouri Dental Board's Policy Review Committee (PRC) was called to order by Dr. Kevin Wallace, Chairperson, at approximately 9:15 a.m. on Friday, September 12, 2008, at the Hotel Deville, 319 West Miller Street, Jefferson City, Missouri.

COMMITTEE MEMBERS PRESENT:

Dr. Kevin Wallace, Committee Chairperson
Dr. Rolfe McCoy, Member
Dr. Gregory Temple, Member
Ms. Patricia A. Lepp, R.D.H., Member
Ms. Sharlene Rimiller, Member

STAFF MEMBERS PRESENT:

Brian Barnett, Executive Director
Bonnie Mengwasser, Executive I

GUESTS:

K.L. Young, D.D.S.
Mary L. Young, Missouri Dental Assistants' Association
Janet Sell, Ozarks Technical College
Lee Ann Turnbaugh, Missouri Dental Assistant's Association
Dr. Thomas Stone, Missouri Dental Association
Kim Wilson, RDH, Missouri Dental Hygienists' Association
Cynthia Heischmidt, RDH, Advisory Commission for Dental Hygienists
Vicki Wilbers, Missouri Dental Association
Aaron Washburn
Mark Zust, D.D.S., Missouri Dental Association
JC Standlee, D.D.S., Missouri Dental Association
Carolyn???, Missouri Department of Health and Senior Services
Karen Dent, Oral Health Network of Missouri
Kathy????, Nichols Career Center
Maxine Thompson

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.

Dr. Wallace introduced Dr. Gregory Temple and Ms. Sharlene Rimiller as new members of the Missouri Dental Board and Ms. Cynthia Heischmidt as a new member of the Advisory Commission for Dental Hygienists.

APPROVAL OF AGENDA

A motion was made by Ms. Rimiller and seconded by Ms. Lepp that the agenda be approved as written. The motion carried unanimously.

REVIEW OF 20 CSR 2110-2.120 – DENTAL ASSISTANTS

Dr. Wallace informed the PRC members that they should have received two different expanded functions proposals. One is a PRC proposal and the other is an MDA proposal. Dr. Wallace doesn't believe any groups are opposed to the PRC proposal. Dr. Wallace noted that there are a lot of similarities between the PRC and MDA proposals, with the exception that the MDA proposal tends to lump all of the rules pertaining to dental auxiliaries together. Dr. Zust explained that the MDA proposal puts the rules for expanded functions in one place to make it more understandable, but there are still separate sections for expanded functions for dental hygienists and dental assistants. Dr. Wallace informed the PRC that the Missouri Dental Assistant Educators Association, the Missouri Dental Assistants Association, and the Missouri Dental Hygienists' Association are opposed to the MDA proposal.

Ms. Rimiller asked Mr. Barnett if the Board needed to include an effective date in the PRC proposal. Mr. Barnett suggested that the first sentence in subsection (4)(D) be changed to: "Effective December 1, 2010, a currently licensed dentist may delegate, under direct supervision, functions listed in subsection (4)(D) of this rule to a dental assistant possessing a Board issued certificate authorizing the dental assistant to perform expanded functions."

Mr. Barnett also suggested that the Board include a grandfather clause in the rule to allow any dental assistant qualified to be delegated expanded functions prior to December 1, 2010 to be qualified for a certificate of authorization under the new rule. Ms. Lepp asked Mr. Barnett if every expanded functions dental assistant that is qualified now would need to show proof to the Board by the effective date in order to continue doing their expanded functions. Mr. Barnett said that the current expanded functions dental assistants will need to mail documentation of their training to the Board office and a new certificate will be printed for them.

Ms. Lepp asked if Restorative 2 would cover all classifications of restoration once the new rule goes into effect. Dr. McCoy informed the PRC that a dental assistant would not be allowed to do Restorative 2 until the coursework is developed and approved by the Board, and that eventually Restorative 1 would be phased out. He said that in the meantime, anyone that can prove that s/he is trained to do Restorative 1 would be able to continue to do so. Dr. Zust expressed his belief that the MDA proposal has an advantage over the PRC proposal because it classifies restoration as Restorative and Advanced Restorative, and he doesn't believe Restorative 1 should be phased out.

Dr. Wallace made reference to the portion of Dr. Gerald Spencer's letter that expresses concern in regard to course availability. Ms. Janet Sell reported that Nichols Career Center and Ozark Technical College provide expanded functions courses on weekends. She used to provide an orthodontic expanded functions course once a semester, but the classes rarely filled, so she now only provides the course once a year. Mr. Barnett expressed his belief that the courses are available, but dentists aren't interested in sending their assistants to them. Ms. Vicki Wilbers reported that the MDA offers an orthodontic expanded functions course one to two times per year. Dr. Wallace informed the PRC that he doesn't feel the Board can make a rule change that will make the courses more available. He feels it is up to the individual dentists to become educators and provide the courses.

Ms. Lepp suggested that "(air polisher)" be removed from subsection (4)(D)3a of the PRC proposal. Dr. J.C. Standlee believes that subsection (4)(D)3 could be stricken because the statute already gives a dental assistant the ability to do so.

Dr. Wallace suggested that the Board split the prosthodontic category into removable prosthodontics and fixed prosthodontics. Fixed prosthodontics would include items b, c, e, f and g from subsection (4)(D)5, and removable prosthodontics would include items a, d, e and g. Ms. Lepp mentioned that in subsection (3)(E), "(3)(A), (B) or (C)" should read "(3)(A) and (B) or (C)." Ms. Lepp would like the rule to specify that dental assistants must obtain a certificate from the Missouri Dental Board to monitor conscious sedation. Mr. Barnett informed the PRC that the Board does not issue certificates to dental assistants to monitor conscious sedation. Ms. Lepp also mentioned that the Board will need to update 20 CSR 2110-2.170 – Fees to include the required fee for an expanded functions certificate.

A motion was made by Ms. Rimiller and seconded by Ms. Lepp to proceed with 20 CSR 2110-2.120 – Dental Assistants with the following changes and to instruct Mr. Barnett to work with the Division to review the proposed language before the November Board meeting.

1. Add the December 1, 2010 effective date to the beginning of subsection (4);
2. Remove "periodontics" and "prosthodontics" from subsection (4)(D) and add "fixed prosthodontics" and "removable prosthodontics;"
3. Remove subsection (4)(D)3;
4. Separate subsection (4)(D)5 into fixed prosthodontics, which will include items b, c, e, f and g, and removable prosthodontics, which will include items a, d, e and g; and
5. Add the grandfather clause.

The motion carried unanimously.

ORAL HEALTH SCREENINGS

Ms. Karen Dent reported that she along with Ms. Kim Wilson, Ms. Mary L. Young and Ms. Vicki Wilbers worked together to draft language that would allow non-licensed individuals to perform oral health screenings. Dr. Wallace thanked the group members for their participation in drafting the language. Dr. J.C. Standlee questioned whether the

Missouri Dental Board has the statutory authority to promulgate this rule. It was the consensus of the PRC to seek a legal opinion to determine if the Board has the statutory authority to promulgate this rule.

REVIEW OF SPECIALTY AND SEDATION/ANESTHESIA COMMITTEES

The PRC reviewed the updated lists of members for the Specialty Examining Committee, the Parenteral Conscious Sedation Committee and the Deep Sedation/General Anesthesia Committee. Mr. Barnett informed the PRC that the Specialty Examining Committee reviews an applicant's information and makes a recommendation as to whether the applicant's training meets the requirements for a specialty license. Mr. Barnett informed the PRC that Dr. Perrin Jungbluth was recommended to the Oral and Maxillofacial Surgery Committee, and Dr. Jungbluth submitted his curriculum vitae for consideration by the Board. A motion was made by Dr. McCoy and seconded by Ms. Rimiller to add Dr. Jungbluth to the Oral and Maxillofacial Surgery Committee and refer the list to the full Board for approval. The motion carried unanimously.

Mr. Barnett informed the PRC that there are no evaluators in the Kansas City area that are currently on the Parenteral Conscious Sedation Committee. Mr. Barnett referenced Dr. John Steuterman's letter addressing the limited number of approved evaluators. Dr. Steuterman's letter suggests that the Board continue to keep a list of consultants to review applications, but that the staff draw from the pool of permitted licensees to conduct the on-site evaluations. Ms. Mengwasser has drafted a letter to recruit active parenteral conscious sedation and deep sedation/general anesthesia permit holders to assist with the on-site evaluations. Mr. Barnett mentioned that other problems include a lack of communication between the Board office and the Committee members, as well as an outline of the Board's expectations. Mr. Barnett drafted a list of procedures for issuing parenteral conscious sedation and deep sedation/general anesthesia permits for the Board's consideration. He would like to divide the state into three regions and designate a representative for each region to review the applications.

A motion was made by Ms. Lepp and seconded by Ms. Rimiller to recommend that the Board adopt the proposed procedures for issuing permits, dissolve the current committees, mail recruitment letters to all active parenteral conscious sedation and deep sedation/general anesthesia permit holders, and appoint a consultant for each of the three regions. The motion carried unanimously.

RETIRED LICENSE STATUS

Dr. McCoy reported that at its July meeting, the Board referred the discussion of creating a retired license status back to the PRC. At that meeting, the Board's attorney mentioned that she felt the Board did not have the statutory authority to create a retired license status. Dr. J.C. Standlee reported that the MDA would like to request that the Board create a retired license status at a reduced fee, which would allow a dentist to provide gratuitous dental services. The MDA does not want the Board to change the continuing education requirements for a retired dentist. Mr. Barnett suggested the Board consider waiving the licensure fee on a case by case basis. It was the

consensus of the PRC to instruct Mr. Barnett to discuss the different possibilities with the Division attorneys, develop some potential language, and refer the discussion back to the PRC.

FUTURE MEETING DATES

Mr. Barnett informed the PRC that the reason the discussion of the proposed changes to the sedation rules was not included on this agenda is because the Board had been contacted by members of the Dental Organization for Conscious Sedation (DOCS) to discuss their concerns with the proposed changes. Mr. Barnett noted that the first date DOCS has available to travel to Missouri to meet with the PRC is October 31, 2008. The next PRC meeting is scheduled for October 31, 2008 at 10:00 a.m. in Jefferson City.

REVIEW OF PRIORITIZED TASK LIST

The PRC reviewed their prioritized task list and determined that it should be updated to reflect the following:

1. Review of Sedation Rules and Sedation Courses
2. Consider adding a Point of Origin Declaration requirement to laboratory work order forms
3. Consider creating a retired license status
4. Review of Dental Assistants and Dental Hygiene rules regarding performing Dental Screenings
5. Review of Dental Assistants Rule, 20 CSR 2110-2.120 (EFDA)
6. Consider adding a question to the licensure application asking the applicant if he/she has ever received any type of academic discipline
7. Review of 20 CSR 2110-1.010 – General Organization, 20 CSR 2110-2.110 – Licensure by Examination-Dentists, and 20 CSR 2110-2.050 – Licensure by Examination-Dental Hygienists in light of becoming a WREB member state (20 CSR 2110-2.110 has the 30-day meeting notice requirement that should be eliminated)
8. Review of Section 332.322 to consider changes for dental hygienists working unsupervised in Public Health Settings in order to increase access to care
9. Correspond with the sedation committees (Parenteral and Deep) regarding what they represent to the licensee concerning the issuance of a permit while doing on-site evaluations
10. Advisory Commission recommendation to amend or rescind 20 CSR 2110-2.140 – Notice, Change of Employment-Dental Hygienists
11. Review statute regarding the issuance of a probated license and consider changes to include language in the statute for allowing the issuance of probated permits
12. Proposed rule on improper influence on professional judgment
13. Review of renewal application questions and EFDA tracking data
14. Consider utilization of Professional Background Information Services (PBIS)
15. Review of EFDA Program (Referred to Workforce Ad-hoc Committee)
16. New Model of Dentistry (Workforce and Access to Care)

A motion was made by Dr. McCoy and seconded by Ms. Lepp to approve the prioritized task list as amended. The motion carried unanimously.

ADJOURNMENT

There being no further business to be brought before the PRC at this time, the meeting adjourned at approximately 12:49 p.m.

Respectfully submitted,

Bonnie Mengwasser, Executive I

A handwritten signature in cursive script, reading "Brian Barnett".

Brian Barnett, Executive Director

Approved by Board on: November 5, 2008