



MISSOURI DENTAL BOARD

Volume 8, Issue 2

November 2006

Mission of the Board

The Missouri Dental Board exists to protect and serve the public's interests in dentistry and to preserve the integrity of the dental profession.

President's Message



Rolfe C. McCoy, D.M.D.

This message is written as I begin my year as President of the Missouri Dental Board. I had the honor of serving as President of the Board during my first term of office and the experience has been professionally rewarding. As President of the Board, I am writing this message to update licensees on what has been happening on the regulatory side of the dental profession since the printing of our last newsletter in January.

On August 28, 2006, the medical records retention law went into effect. Under this new law, dentists must maintain an adequate and complete patient record for each patient and the records must be maintained by the dentist for a minimum of seven years from the date of when the last professional service was provided or in the case of a minor, seven years from the age of majority. The complete text of the new law is printed in this newsletter. In my experience as a Board member, I have reviewed a number of patient complaints against licensed dentists. As part of the complaint process, the Board endeavors to obtain as much information as possible upon which to base its determinations. In that regard, the Board routinely obtains patient dental records for review both from the licensee who is the subject of the complaint as well as any follow-up or second opinion practitioners. Having reviewed a fair number of patient files, I think it is safe to say that a high percentage of those patient files failed to reflect an adequate and complete patient record. **At a minimum**, the following information should be contained in a patient record in sufficient detail to provide a thorough picture of a patient's treatment history.

- Patient personal and contact information
- A patient medical history
- A statement of the patient's chief complaint or reason for the visit
- Results of any clinical examination
- A treatment plan
- A dated chronology of each patient visit with legible entries (progress notes) containing a description of treatment or services performed at each visit
 - Date should include month, day and year
 - Entries should be initialed by the person making them (all staff entries should be reviewed for accuracy and initialed by the dentist)
 - Patient's name should appear on each page of the record
 - Pertinent conversations (including by telephone) should be commemorated
 - Patient's degree of compliance or noncompliance with treatment should be charted
 - Failed appointments should be noted
 - Postoperative and follow-up instructions should be commemorated
- Informed consents and informed refusals
- Diagnostic quality radiographs or models and photographs properly labeled with the patient's name and date

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Governor

The Honorable Matt Blunt

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- Recommendations or referrals for treatment or consultation by a specialist
- Date, description and dosage of any medications dispensed or administered
- Patient correspondence

I highly recommend that every licensee conduct a patient file review to determine the adequacy of their files. The new law allows the dentist to maintain electronic records provided the record-keeping format is capable of being printed for review by the Board. Remember, the medical record reflects quality of practice and can be a dentist's best defense when a complaint is filed. It should be noted, however, that every dentist should consult their risk management professional regarding the legal sufficiency of their patient records.

Renewal applications for the 2006-2008 biennial licensing period were mailed the first part of September. The deadline for renewal is November 30, 2006. If you haven't renewed, the Board encourages you to do so before the renewal deadline. We also strongly encourage all licensees to take the time and honestly answer all the questions contained on the renewal application. The Board enters all the information from the manpower questions collected at renewal into a data base that it shares with the profession. This data is used to address important access to care issues and to determine if legislative changes are needed.

I hope you find the information that we provide in our newsletter beneficial. Please do not hesitate to contact me through the Board's office if you have any questions, or if the Board can be of any assistance.

Sincerely,

Rolfe C. McCoy, D.M.D.
President

Next Board Meeting

The next meeting of the Missouri Dental Board is scheduled on January 11-13, 2007. The meeting will be held in Columbia, Missouri. The open meeting is scheduled on Saturday, January 13th, beginning at 8:00 a.m.

The remaining meeting schedule for 2007 is as follows:

April 19-21, 2007 – Springfield, MO

July 19-21, 2007 – Kansas City, MO

Oct. 18-20, 2007 – St. Louis, MO

The open meetings are on Saturday morning beginning at 8:00 a.m. Licensees who attend the open session of the Missouri Dental Board's quarterly meetings will receive two hours of continuing education credit per meeting.

For further information regarding meeting times and locations, please feel free to contact the Board's central office as it gets closer to the meeting date, or visit our web site. The address is on the inside cover of this newsletter.

Message from the Division Director

By: David Broeker, Division Director



My sincere appreciation to Governor Blunt for having appointed me the Director of the Division of Professional Registration beginning July 2. It is certainly a pleasure to serve in this position.

For the last 14+ years I owned and operated my own business in Jefferson City. Prior to that, I spent 17 ½ years in state government; in the Governor's Office, State Auditor's Office, and the Department of Agriculture.

As you probably know, the Governor issued Executive Order 06-04 on February 1, 2006, that created the Department of Insurance, Financial Institutions, and Professional Registration. By a Type III transfer our division became a part of this new department on August 28. A type III transfer is the transfer of a department, division, agency, board, commission, unit, or program to the new department with only such supervision by the head of the department for budgeting and reporting. The Division of Professional Registration was previously a division within the Department of Economic Development.

I am most grateful to the Division's and Boards' staff for the support, advice, and counsel they have given me. This is truly a great group of people.

I look forward to working with all my associates in Professional Registration and continuing the excellent service the entire division has given the approximately 400,000 Missourians who are licensed and regulated and who represent 240 different trades and professions.

Please feel free to contact me if I can be of assistance to you. I look forward to working with you in the years to come.

Dentists Recognized for 50 Years of Licensure



Pictured above from left to right; Pat Lepp, Dr. Rolfe McCoy, Dr. Michael Vincenc, Dr. Eric Aubert, Dr. John Mahoney, Dr. Jay Sheets, Dr. Fred Christman, Dr. Kevin Wallace, E. Maxine Thompson.

At a special ceremony on Thursday, January 19, 2006, at the Missouri State Capitol in Jefferson City, two dentists were honored for maintaining a Missouri dental license for fifty years. Those honored were Dr. John Mahoney and Dr. Michael Vincenc, both of St. Louis. These dentists were presented with Resolutions from both the House and Senate. A luncheon followed at the Missouri Dental Association headquarters. At the luncheon the Board presented both dentists with a Certificate of Achievement for their lifetime dedication to the dental needs of their patients. The Board is proud of the many accomplishments of Drs. Mahoney and Vincenc and the wealth of knowledge and skills they have achieved during the past five decades. Also honored but not present for the recognition ceremony were Dr. John L. DePond of Chesterfield, Dr. John E. Higgins of Roanoke, Virginia, Dr. John N. Jordan of Prairie Village, Kansas, Dr. Robert K. Ritterbusch of Smithville, Dr. Glen G. Schuster of Houston, Missouri, Dr. Louis J. Sindelar, Jr., of St. Louis, and Dr. Kevin W. Toal of St. Louis.

New Laws

On August 28, 2006, a new law on the retention of patient records became effective. The President of the Board, Dr. McCoy, talked about the new law in his message on page 1 of this newsletter. The complete text of the new law is as follows.

332.052. Dental records required, printed for review, records maintained for minimum of seven years-corrections to be clearly identified-laboratory work orders maintained.

1. Dentists shall maintain an adequate and complete patient record for each patient and may maintain electronic records provided the record keeping format is capable of being printed for review by the board.
2. Patient records remaining under the care, custody and control of the licensees shall be maintained by the licensee, or the licensee's designee, for a minimum of seven years from the date of when the last professional service was provided or in the case of a minor, seven years from the age of majority.
3. Any correction, addition, or change in any patient record made more than forty-eight hours after the final entry is entered in the record as an addendum shall be clearly marked and identified as such, and the date, time, and name of the person making the correction, addition, or change shall be included, as well as the reason for the correction, addition, or change.
4. Dentists and nondentists shall maintain copies of laboratory work orders for seven years.
(L. 2006 S.B. 756)

Continuing Education Requirements

As mentioned in the President's message, renewal applications for the licensing period beginning December 1, 2006, through November 30, 2008, were mailed to all currently licensed dentists and dental hygienists around the first part of September. To renew the license, a dentist must earn at least fifty (50) hours of Board approved continuing education during the current reporting period (December 1, 2004, through November 30, 2006). A dental hygienist must earn at least thirty (30) hours of Board approved continuing education during the current reporting period. A dentist is allowed to carry over no more than twenty-five (25) hours of approved continuing education from the prior reporting period (December 1, 2002, through November 30, 2004) and a dental hygienist is allowed to carry over no more than fifteen (15) hours of approved continuing education from the prior reporting period. These hours can only be carried over if they were not used to renew the license in 2004. Approved continuing education providers are listed in the Board's rule on Continuing Dental Education, 4 CSR 110-2.240 (1) (C).

One of the most common problems associated with the renewal of a license is that the licensee doesn't always document their continuing education hours. When completing the renewal application, the licensee often assumes s/he has the hours needed for renewal, marks the continuing education box with a yes answer, signs the renewal application and returns it with the renewal fee. The Board receives and processes the application and issues the new license. However, during the audit process, the Board contacts a percentage of the licensee population and asks for documentation of their approved continuing education hours earned during the reporting period. When the licensee cannot produce appropriate documentation, the case is taken before the Board and often the result is discipline of the license. Of the twenty cases of discipline reported in this newsletter, nine (9) cases were a result of failure to document continuing education hours required for license renewal.

If you have not yet renewed your Missouri dental or dental hygiene license and you find that you fall short of the continuing education hours needed for renewal, you still have time to earn the hours before November 30, 2006. Additionally, the Board has the ability to grant a waiver or an extension of time to a licensee who cannot complete the required hours of continuing education because of personal illness, military service, foreign residency or other circumstances beyond the licensee's control. A licensee may apply for a waiver or an extension of time to complete the continuing education requirements by making a written request to the Board at least forty-five (45) days before the end of the renewal period. If you fall into this category of needing a waiver or an extension of time to earn continuing education credits and the forty-five (45) day time limit has already passed, the Board would encourage you to still seek the waiver or extension of time but warns that the request could be denied on the basis of not meeting the time limit regardless of the circumstances. The process for applying for a waiver or extension of time to earn continuing education credits is outlined in 4 CSR 110-2.240 (3).

The National Provider Identifier

The Missouri Dental Board has received a number of calls from licensees regarding the National Provider Identifier (NPI) numbers. The NPI is a standard identification number for health care providers, required by May 23, 2007, under the Health Insurance Portability and Accountability Act (HIPAA). If you are a HIPAA covered provider or if you are a health care provider/supplier who bills Medicare for your services, you need an NPI. Even if you do not use HIPAA standard electronic transactions, you may encounter health plans that require an NPI on paper claims. The NPI is a 10-digit standard identification number that will replace the current provider identification used by HIPAA, usually referred to as legacy identifiers. The NPI will be used to identify physicians, hospitals, and other medical professionals in all electronic HIPAA transactions. It is intended to improve the efficiency of the health care system and help to reduce fraud and abuse. The NPIs will be maintained in a database in the National Plan and Provider Enumeration System (NPPES). To avoid disruptions in claim payments, dentists should apply for an NPI as soon as possible. Applications are available on the Centers for Medicare & Medicaid Services web site at <https://nppes.cms.hhs.gov>. You may also contact the enumerator at 1-800-465-3203.

Conscious Sedation Permits

The rules governing the administration of conscious sedation in dental offices have been in effect since April 30, 2005. All dentists providing oral medications to achieve conscious sedation for dental procedures are required to obtain a Conscious Sedation Permit from the Board. Due to the scarcity of educational courses available during the first year of implementation of the rules and as a result the difficulty in complying with the rules, the Board took these issues under consideration when addressing compliance issues. However, those issues appear to be resolved and the Board is charged with enforcing the rules. Over the past several months, the Board has become aware that there are still dentists who are administering conscious sedation in their dental practices without a permit. To avoid the possibility of a disciplinary action, the Board strongly encourages all dentists who do not have a conscious sedation permit not to administer oral medications to patients in their dental practice to achieve conscious sedation until s/he has properly obtained the required permits. The permit applications are available on the Board's web site at <http://pr.mo.gov/dental.asp>, or by contacting the Board office at 573-751-0040 to request the application forms.

Medical Records Release Law

Section 191.227, RSMo, requires all dentists, upon written request of a patient, or guardian or legally authorized representative of a patient, to furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request. The law requires the record to be furnished "within a reasonable time" of the receipt of the request. Dentists may condition the furnishing of the record to the patient, guardian, or legally authorized representative of the patient upon payment of a fee for:

- (1) Copying, in an amount not more than *(\$17.05) seventeen dollars and five cents plus *(\$.40) forty cents per page for the cost of supplies and labor;
- (2) Postage, to include packaging and delivery cost; and
- (3) Notary fee, not to exceed (\$2) two dollars, if requested.

* These fees are subject to change. See adjusted fees below.

Dentists may also charge for the reasonable cost of all duplications of health care record material which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

Effective February first of each year, the fees listed above shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. The annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The Department of Health and Senior Services must report the annual adjustment and the adjusted fees authorized on the Department's Internet website. The website address is: <http://www.dhss.mo.gov/ProtectingThePublic/FeesMedicalRecords.html>. As of February 1, 2006, the new rate for handling is *\$17.77 and the rate for copies is *\$0.42 per page.

Disciplinary Actions

The following report on disciplinary actions is for the period November 2005 through August 31, 2006. The report typically includes several provisions in its orders, which may not be summarized here. Although great care has been taken to ensure accuracy of the information provided hereafter, inadvertent errors may appear, and no entity should initiate any adverse action against a dentist, dental specialist, or dental hygienist based solely on the following information. Rather, the reader should request a copy of the Board's Order prior to making any decisions affecting licensees. This listing may not reflect appeals filed after the publication of this newsletter.

David S. Yates, D.D.S., license number 012559, of Fort Leonard Wood, Missouri, was placed on one (1) year Probation pursuant to Section 332.321.2 (3), (5) and (6) RSMo for affirming on his 2004-2006 renewal application that he completed fifty (50) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Kamlesh D. Makwana, D.D.S., license number 015863 of Ellisville, Missouri, was placed on one (1) year Probation pursuant to Section 332.321.2 (3), (5) and (6) RSMo for affirming on his 2004-2006 renewal application that he completed fifty (50) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Thomas H. Alms, D.D.S., license number 013290, of Mt. Vernon, Missouri, was placed on one (1) year Probation pursuant to Section 332.321.2 (3), (5) and (6) RSMo for affirming on his 2004-2006 renewal application that he completed fifty (50) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Turner L. Peck, D.D.S., license number 011969 of Kansas City, Missouri, was placed on one (1) year Probation pursuant to Section 332.321.2 (3), (5) and (6) RSMo for affirming on his 2004-2006 renewal application that he completed fifty (50) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Stephen J. Evans, D.D.S., license number 010654, of Bella Vista, Arkansas was placed on one (1) year Probation pursuant to Section 332.321.2 (3), (5) and (6) RSMo for affirming on his 2004-2006 renewal application that he completed fifty (50) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Bruce W. Howard, D.M.D., license number 014300, of St. Charles, Missouri, was placed on one (1) year Probation pursuant to Section 332.321.2 (3), (5) and (6) RSMo for affirming on his 2004-2006 renewal application that he completed fifty (50) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

James A. Steen, D.M.D., license number 011772, of St. Peters, Missouri was placed on three (3) years Probation pursuant to Section 332.321.2(15) for violations of the drug laws or rules and regulations of this state, any other state or the federal government.

Paul A. Bonstead, D.D.S., license number 011066, of Creve Coeur, Missouri was placed on Probation for 3 years and 9 months (January 27, 2006, to October 28, 2009) pursuant to 4 CSR 110-2.161 and 332.321.3 (RSMo) for violations of his probation that became effective May 1, 2004.

Leisa Spiker, R.D.H., license number 001713, of Festus, MO was placed on one (1) year Probation pursuant to Section 332.321(3), (5), and (6), RSMo for affirming on her 2004-2006 renewal application that she completed thirty (30) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Laura Tumminia, R.D.H., license number 002522, of St. Louis, MO was placed on one (1) year Probation pursuant to Section 332.321(3), (5), and (6), RSMo for affirming on her 2004-2006 renewal application that she completed thirty (30) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Joseph Charleville, Jr., D.D.S., license number 011582 of St. Louis, MO was placed on five (5) years Probation for violating his previous probation. Pursuant to 4 CSR 110-2.161 and 332.321.3 RSMo the Board imposed additional discipline.

William Friend, D.D.S., license number 010133 of Kansas City, MO was Suspended for two (2) weeks, followed by five (5) years of Probation pursuant to Sections 332.321.3 and 621.110, RSMo for violations of his previous probation.

James Dye, D.D.S., license number 012493 of Kansas City, MO was placed on five (5) years of Probation pursuant to Sections 332.321.3 and 621.110, RSMo for violations of his previous probation.

Patricia Avery, R.D.H., license number 2006014030 of Prairie Village, KS was placed on five (5) years of Probation pursuant to Sections 332.321.1 and 2 (1), (2), (5), (13), and (20), RSMo.

Ted Lewis, D.M.D., license number 015041 of Sikeston, MO was placed on five (5) years of Probation for Violation of his Disciplinary Order dated 11/29/00. Additional discipline imposed pursuant to 4 CSR 110-2.161 and Section 332.321.3 RSMo.

Gary Riddle, D.D.S., license number 013773 of Scott City, MO was suspended for thirty (30) days followed by five (5) years probation for violation of the terms of his probation. Additional discipline imposed pursuant to Section 332.321.3 and Section 621.110 RSMo (2002). STAY ORDER ISSUED ON JUNE 6, 2006 BY CIRCUIT COURT OF SCOTT COUNTY

Rhonda Sue Craven, R.D.H., license number 2000158122, of Montgomery City, MO was placed on one (1) year Probation pursuant to Section 332.321(3), (5), and (6), RSMo for affirming on her 2004-2006 renewal application that she completed thirty (30) hours of Board approved continuing education, but during an audit failed to submit adequate documentation of these hours.

Frank L. Hoover, D.D.S., license number 012707, of Ste. Genevieve, MO was placed on one (1) year Probation under Section 332.321.2 (5), (13), and (15), RSMo for violations of the drug laws or rules and regulations of this state, any other state or the federal government.

Carrie L. Barnhart, D.D.S., license number 014773, of St. Louis, MO was placed on five (5) years Probation pursuant to Section 332.321.1 and .2 (5), (7), (12), and (13), RSMo and Section 332.081.1, RSMo for practicing dentistry without a valid license.

Susan A. Mach, R.D.H., license number 002998 of St. Louis, MO was placed on five (5) years of Probation pursuant to Section 332.321.1 and .2 (1), (5), (13), and (20), RSMo.



MOVING?

PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS.

NAME: _____

PROFESSION: _____

LICENSE NUMBER: _____

(P.O. BOX MUST BE ACCOMPANIED BY YOUR PHYSICAL ADDRESS)

OLD ADDRESS: _____

NEW ADDRESS: _____

SIGNATURE: _____

DATE: _____

PLEASE MAIL TO:

Missouri Dental Board

3605 Missouri Boulevard, P.O. Box 1367, Jefferson City, MO 65102

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3605 Missouri Boulevard
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