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MISSOURI DENTAL BOARD

April 28, 2005

PUBLIC MEMBER MEDIA REPORT

The Missouri Dental Board held its regularly scheduled meeting on April 22-23, 2005, at the Country Club Hotel, Horseshoe Bend Parkway (HH) & Carol Road, Lake Ozarks, Missouri, according to its Public Member, Maxine Thompson.

President Eric J. Aubert, D.M.D. convened the regular open business session of the Board on Saturday, January 23, in Lake Ozarks, where the Board discussed or took action on the following matters:

Representing the Missouri Dental Assistants Association (MDAA), Ms. Lee Ann Turnbaugh and Ms. Mary Lou Young reported that the Basic Skills Review Course will be given in July in Branson, and the Safety Course including some radiology will be given in September in St. Louis. Concern was expressed about Dental Assistants being moved in and out of radiology legislation this year.

President of the Missouri Dental Hygienists' Association (MDHA) Debbie Polc said the strategic planning session of MDHA will be on July 8-9, and the annual meeting will be on October 28-29, both meetings to be held at Tan-Tar-A in Lake Ozarks. When asked about membership, Ms. Polc explained there is an increase in membership, but with many Missouri licensed hygienists practicing in adjoining states, 100% is not feasible.

Missouri Dental Association (MDA) President Dr. Robert Fox discussed several bills before the Missouri Legislature this year which will affect dentistry, including the distance learning program for dental hygienists, licensing dental assistants in radiology, Medicaid reimbursement and the dental carve-out. He expressed the MDA's hope that the Board will address the fluoride varnish issue as well as provide the clarification that dentists are requesting regarding the new Conscious Sedation Rules. He also asked that the Board take another look at the proposed changes to the rules on Advertising and allow more time for comment and that the final rules be made enforceable. The MDA updated the Board on House Bill 916, which now includes changes to the HB 600 law regarding the suspension of professional licenses for failure to file state income tax returns or for failure to pay state income taxes. This legislation helps to clarify many of the problems with this law.

Dr. Jacob Lippert, Executive Director of the MDA, said he would like to work with the Board's executive director in formulating a question and answer publication on the sedation rules. He thought this would go a long way in helping the profession better understand the rules.

Sharlene Rimiller, Executive Director of the Missouri Dental Board, presented a quarterly report on budget and other fiscal and administrative matters. She also provided a report on Board rules that are progressing through the rulemaking process. The sedation rules go into effect on April 30. These rules are of primary concern

because there are issues that still need to be addressed before the implementation date. The changes to the rules on license renewal, certification of dental specialists, fees, and continuing education made as a result of last year's legislation first appeared in the Missouri Register on April 1, 2005. The thirty day comment period ends on May 2, 2005. The Board voted unanimously to approve the rules as published and file the final orders of rulemaking at the end of the comment period, provided no comments are received during the rest of the comment period. The certification rule pertaining to the federally qualified health centers and the rescission of the rule on endodontic materials should appear in the Missouri Register for comments on May 16, 2005.

Dr. Larry Jackson, the Board's representative on the Well Being Committee, reported that the Missouri Board of Pharmacy is working on legislation that mirrors much of the Dental Board's Well Being program. This program has proven very helpful to the profession and has been a tremendous tool for the Board in its mission to protect the public.

A report from the Policy Review Committee chaired by Dr. Larry Jackson was also heard by the Board. The statute on licensure by credentials was reviewed as a result of the Administrative Hearing Commission's ruling on the Christine Lathuras case. The Administrative Hearing Commission's ruling was contrary to the Board's interpretation of Section 332.211, RSMo. The Board interpreted the statute to mean that the applicant must be licensed in only one state for five consecutive years immediately preceding their application for licensure and the Administrative Hearing Commission ruled that licensure could include several states consecutively totaling five years. The PRC voted not to pursue a change in this statute and the Board agreed. The PRC looked at Section 332.081.1(3), RSMo, as it pertains to the licensure exemption for residents in approved programs. It was reported that the definition of a dental school pursuant to Section 332.011 (2), RSMo, read in conjunction with Section 332.081.1(3), RSMo, will exempt residents serving in any accredited residency program from the licensure requirements. In conjunction with the Missouri Dental Association, the Board voted to pursue legislation in 2006 for a five-year retention schedule of dental records and laboratory work orders. The Board also agreed with the PRC in not pursuing an age restriction for dental assistants taking the basic skills review test. The PRC will be working with the Advisory Commission for Dental Hygienists in formulating additional questions for the dentist jurisprudence examination.

Dr. Eric Aubert and Ms. Patricia Lepp, R.D.H. provided a report on the recent meeting of the Central Regional Dental Testing Service (CRDTS). More information was provided on the new national clinical examination unifying the licensure examination required for dentists and dental hygienists into one examination. Forty-three (43) states are involved in this process with the only exception being those states that administer the Western Regional Examining Board (WREB), which is composed of seven states. The American Dental Association (ADA) is also working on a national clinical examination for licensure and the Board voted to write a letter to the ADA opposing their national clinical examination and voicing support for the third party independent examination.

Ms. Gloria Andrews, strategic planner for the Division of Professional Registration, presented an updated flow chart outlining what has been done to streamline the Board's complaint handling processes. The Board has already seen a 70% improvement and is still working on ways to better improve the process. The Board reviews between 250 and 300 complaints per year.

Dr. Guy Deyton, Dr. Michael Hoffmann, and Dr. Lori Henderson spoke to the Board concerning the new conscious sedation rules that go into effect on April 30. The Missouri Dental Board, the Associations, and individual dental professionals are being bombarded with questions concerning these rules. Due to the Board's limited ability to provide opinions regarding an interpretation of statutes and rules, it was determined that individual dentists must decide based on clinical judgment whether their sedation techniques fall within the perimeters of the new rules and therefore, whether or not they need to pursue a permit.

The Board authorized Ms. Sharlene Rimiller, Ms. Vickie Holtmeyer, and Ms. Bonnie Mengwasser to attend the American Association of Dental Administrators (AADA) meeting and Dr. Rolfe McCoy, Ms. Patricia Lepp, and Dr. Eric Aubert to attend the American Association of Dental Examiners (AADE) meeting, both to be held this October in Philadelphia, Pennsylvania. Representing the Board at this year's CLEAR conference in September will be Dr. Eric Aubert and Dr. E. Fred Christman, III.

Other issues decided by the Board at this meeting included sending the proposed changes to the advertising rule back to the Policy Review Committee for further study; to approve Dr. Randal Begley and Dr. J. Adam Andrews to serve on the Board's General Anesthesia Committee; and to approve the contracts for outside legal counsel and the Dental Well Being program for FY-06.

One disciplinary hearing was held in the matter of Missouri Dental Board vs. David L. Kaelin, D.M.D. The deliberation on discipline was in closed session in accordance with Missouri law, but the disciplinary order, when issued, will be an open record of the Board. The Board's Order will be issued within a few weeks and will be available to the public upon request.

The Missouri Dental Board regulates approximately 3,066 dentists, 613 dental specialists, and 2,578 dental hygienists.

Members of the Missouri Dental Board are:

Eric J. Aubert, D.M.D., President, St. Louis, MO
John L. Sheets, D.D.S., Vice President, Cape Girardeau, MO
E. Maxine Thompson, Public Member and Secretary, Cameron, MO
Larry W. Jackson, D.D.S., Member, Doniphan, MO
E. Fred Christman, III, D.D.S., Columbia, MO
Rolfe C. McCoy, D.M.D., Member, Chillicothe, MO
Patricia A. Lepp, R.D.H., Dental Hygiene Member, St. Louis, MO

All members of the Board were present at this meeting.

The Missouri Dental Board will meet again on July 21-23, 2005, in St. Louis, MO. For more information regarding the Missouri Dental Board, individuals may write to: Missouri Dental Board, P.O. Box 1367, Jefferson City, Missouri 65102, or call (573) 751-0040.

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CERTIFICATE OF DELIVERY

MISSOURI DENTAL BOARD

A written copy of this statutorily mandated report was provided to the following radio station and newspapers by mailing same postage prepaid this twenty-ninth day of April, 2005.

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