The open meeting of the Missouri Dental Board was called to order by Ms. Patricia Lepp, R.D.H., President, at approximately 5:45 p.m. on Thursday, April 22, 2004, at the Plaza Conference Center, 3257 William Street, in Cape Girardeau, Missouri.

**BOARD MEMBERS PRESENT:**
Ms. Patricia Lepp, R.D.H., President  
Dr. Eric J. Aubert, Vice President  
Dr. John L. Sheets, Secretary  
Dr. Larry W. Jackson, Member  
Dr. H. Fred Christman, Member  
Ms. Maxine Thompson, Public Member

**BOARD MEMBERS ABSENT:**  
Rolfe C. McCoy, D.M.D., Member

**STAFF MEMBERS PRESENT:**  
Sharlene Rimiller, Executive Director

**LEGAL COUNSEL PRESENT:**  
Daniel McPherson, Assistant Attorney General

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.

**CLOSED SESSION**  
Motion was made by Dr. Aubert and seconded by Ms. Thompson to move into closed session pursuant to section 610.021 (3) (12) and (13), RSMo, for the purpose of discussing personal information about particular employees, documents related to a negotiated contract and/or performance ratings or records pertaining to employees. Those voting yes: Dr. Jackson; Ms. Thompson; Ms. Lepp; Dr. Aubert; Dr. Christman and Dr. Sheets. Motion carried 6 to 0.

**FRIDAY, APRIL 23, 2004**  
The open meeting of the Missouri Dental Board reconvened at approximately 8:10 a.m. on Friday, April 23, 2004, at the Plaza Conference Center, 3257 William Street, in Cape Girardeau, Missouri.
BOARD MEMBERS PRESENT:
Ms. Patricia Lepp, R.D.H., President
Dr. Eric J. Aubert, Vice President
Dr. John L. Sheets, Secretary
Dr. Larry W. Jackson, Member
Dr. H. Fred Christman, Member
Dr. Rolfe C. McCoy, Member
Ms. Maxine Thompson, Public Member

STAFF MEMBERS PRESENT:
Sharlene Rimiller, Executive Director
Vickie Coffman, Executive I
Anita Johnson, Investigator I
Brian Barnett, Investigator II
Ed Irvin, Investigator II

LEGAL COUNSEL PRESENT:
Nanci Wisdom, Attorney At Law
Daniel McPherson, Assistant Attorney General

CLOSED SESSION
Motion was made by Dr. Aubert and seconded by Ms. Thompson to move into closed session pursuant to section 610.021 (1) (3) (5) (7) (13) and (14) and section 620.010.14 (7) RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney; investigative reports and/or complaints and approval of closed minutes. Those voting yes: Dr. McCoy, Dr. Jackson, Ms. Thompson, Ms. Lepp, Dr. Aubert, Dr. Christman, and Dr. Sheets. Motion carried unanimously.

SATURDAY, APRIL 24, 2004
The open meeting of the Missouri Dental Board reconvened at approximately 8:10 a.m. on Saturday, April 24, 2004. Ms. Lepp opened the meeting with an invocation offered by Ms. Maxine Thompson followed by the pledge of allegiance led by Dr. Larry Jackson.

BOARD MEMBERS PRESENT:
Ms. Patricia Lepp, R.D.H., President
Dr. Eric J. Aubert, Vice President
Dr. John L. Sheets, Secretary
Dr. Larry W. Jackson, Member
Dr. H. Fred Christman, Member
Dr. Rolfe C. McCoy, Member
Ms. Maxine Thompson, Public Member

STAFF MEMBERS PRESENT:
Sharlene Rimiller, Executive Director
LEGAL COUNSEL PRESENT:
Nanci Wisdom, Attorney At Law
Daniel McPherson, Assistant Attorney General

GUESTS PRESENT:
Dr. Guy Deyton, Missouri Dental Association
Dr. Chuck Poeschel, President, Missouri Dental Association
Lee Ann Turnbaugh, Missouri Dental Assistants Association
Dr. Jacob Lippert, Missouri Dental Association
Lori Bruce, Missouri Dental Hygienists' Association
Deborah Gerecke, Advisory Commission for Dental Hygienists
Ira Davis, Well Being Committee Administrator
Dr. Bob Fox, Missouri Dental Association
Karen Reiner, Missouri Dental Hygienists' Association
Dr. John Adlard, Enhanced Dental Care
Ms. Anna Lippert, Alliance of the Missouri Dental Association
Ms. Gladys Murray, Staff of Dr. Larry Jackson
Ms. Judy Farmer, Staff of Dr. Larry Jackson
Ms. Sherri Farmer, Staff of Dr. Larry Jackson
Ms. Carman Jackson
Ms. Chris Porter, Staff of Dr. Jay Sheets
Ms. Christine Robinson, Staff of Dr. Jay Sheets
Ms. Jeanne Scheper, Staff of Dr. Jay Sheets
Ms. Dana Whaley, Staff of Dr. Jay Sheets
Ms. Chris Sheets
Jordan & Emily Sheets
Dr. Randy Begley, Associate of Dr. Sheets

SPECIAL THANKS AND RECOGNITIONS
Ms. Lepp thanked those members of the public attending today’s meeting and expressed appreciation to Dr. Bob Fox and his wife for hosting the reception for the Board on Friday evening. Dr. Jay Sheets read the Proclamation from the Mayor of Cape Girardeau, the Honorable Jay B. Knudtson, declaring April 22-24, 2004, Missouri Dental Board days in Cape Girardeau. Dr. Sheets acknowledged the special effort by the Mayor to present the Proclamation to the Board on Friday evening at the New Orleans Restaurant.

APPROVAL OF THE AGENDA
The following items were added to the open agenda for discussion: report of the Advisory Commission for Dental Hygienists; approve renewal application forms for dentists and specialists, continuing education; the Administrative Hearing Commission...
decision regarding licensure by credentials; and the rule on advertising (Addressing the Public). A motion was made by Dr. McCoy and seconded by Dr. Jackson to approve the open agenda as amended. Motion carried unanimously.

APPROVAL OF THE MINUTES
A motion was made by Dr. Aubert and seconded by Dr. Sheets that the following open minutes be approved as written. Motion carried unanimously.

- December 17, 2003 – Ad Hoc Committee
- January 12, 2004 – Mail Ballot
- January 22-24, 2004 – Regular Meeting
- January 22, 2004 – Policy Review Committee
- January 28, 2004 – Conference Call

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Hygienists’ Association
Ms. Lori Bruce presented to the Board on behalf of the Missouri Dental Hygienists’ Association (MDHA). She thanked the Board for the opportunity to dialogue and provided the Board with the dates of their meetings; July 23-24, 2004 and November 12-14, 2004. Both meetings will be held at Tan-Tar-A Resort at the Lake of the Ozarks.

Missouri Dental Assistants Association
Ms. Lee Ann Turnbaugh presented to the Board on behalf of the Missouri Dental Assistants Association (MDAA). Ms. Turnbaugh reported that the MDAA presented the Basic Skills exam and review last weekend in St. Joseph, Missouri. There were 25-27 applicants taking the exam. The results of the exam are not yet available. It was reported that the MDAA has been made aware that there are some dental assistants who have not taken the Basic Skills review, who are not Certified Dental Assistants, but have taken expanded function courses. Ms. Turnbaugh also reported that the Missouri Dental Assistants Educators are meeting this summer and will be working on some guidelines on taking the Basic Skills exam and review. They will report to the Board what is developed. Ms. Turnbaugh also presented an outline of the Basic Skills Mastery examination. This is being provided in advance to each of the applicants taking the Basic Skills review course and exam. Ms. Lepp asked that when the MDAA receives the guidelines from the MDAE on establishing age limitations for taking the Basic Skills review and exam to be sure and notify the Board because this is on the Policy Review Committee’s task list. Dr. Sheets asked if Ms. Turnbaugh could find out whether the certification examination for oral and maxillofacial surgery assistants is being reinstated. Ms. Turnbaugh recommended contacting DANB for that information.

Missouri Dental Association
Dr. Jacob Lippert presented to the Board and provided copies of the Well Being Committee financial report. He also reported on pending legislation.
House Bill 1422, the anesthesia bill, is passed the House by Consent and is now in the Senate. The bill has been heard in committee in the Senate and was passed out of committee on Consent and is now on the Consent Calendar in the Senate. After the work on the budget is complete, this bill will probably be brought up for a vote.

Senate Bill 1122, the ownership bill, passed out of the Senate with several amendments. The Senate Committee Substitute was voted out of the Senate unanimously. The bill has been heard in committee in the House and was passed out of committee (Professional Registration), again with a unanimous vote and it is now waiting on the calendar to go before the full House for debate. That could happen as early as next week. The bill will have to go back to a conference committee because there were changes made in the House that will have to be approved in conference.

House Bill 1566 is a bill that would have eliminated payment for adult dental services. The money is still in the budget and the way it looks right now, adult dental services will be covered by Medicaid in FY-05.

Dr. Lippert also provided the Board with a report on renewal fees for dentists nationwide. The average renewal fee is $138 per year. The highest renewal fee is in Connecticut at $450 per year.

Ms. Thompson asked if Dr. Lippert would be interested in receiving her Public Member Media report to publish on the MDA website. Dr. Lippert indicated that he would be glad to include the report on their website.

Missouri Dental Assistants Educators
No report.

EXECUTIVE DIRECTOR REPORT

Financial Statement
Mrs. Rimiller provided the Board with the following Financial Statement for fiscal year 2004 as of March 1, 2004.

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<tr>
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<tbody>
<tr>
<td>Revenue (7/1/03 to 3/1/04)</td>
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<td></td>
<td>$46,678.25</td>
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<td>Estimated Revenue (3/1/04 - 6-30-04)</td>
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<td>Fund Balance Sub Total</td>
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<td></td>
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Appropriations to Board:

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<tr>
<td>Personal Service</td>
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<td>Expense &amp; Equipment</td>
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<td>------------------------------------------------------</td>
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<td>Total</td>
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| Fund Transfers: (Projected for Year)                  |                                  |
| Fringe Benefits                                      | $93,778.34                       |
| Rent & Utilities                                     | $9,020.32                        |
| General Revenue                                      | $22,972.00                       |
| DED/MIS                                              | $11,654.92                       |
| Refunds                                              | $400.00                          |
| Professional Registration                           | $74,317.68                       |
| PR Credit for Accounting Position                   | ($27,841.92)                     |
| Hancock                                              | $0.00                            |
| FY-03 Transfers paid in FY-04                        | $6,664.73                        |
| O.A. Transfer from Board Fund                        | $16,182.89                       |
| Total Transfers                                      | $207,148.96                      |

| Total Fund Expenditures                               | $500,379.04                      | $500,379.04 |

| Unexpended Appropriations:                           |                                |
| Personal Service                                     | $144,021.24                     | $6,593.00  |
| Expense & Equipment                                  | $155,162.68                     | $6,054.39  |
| Total Unexpended Appropriations                      | $299,183.92                     | $12,647.39 |

| Fund Balance Sub Total (If Entire Appropriation is Spent) | $417,341.93 |

| Projected Unspent Appropriations                      | $66,000.00  |

| Projected Fund Balance at 6/30/04                     | $483,341.93 |

Mrs. Rimiller reported that she does not anticipate any significant changes in revenues and expenditures for the two-year period ending June 30, 2004. Although there have been increases in fund expenditures, such as the OA transfer, other cost saving measures will likely even out the increases over the two-year period. Mrs. Rimiller also reported that if there are no major expenditures that come up in the next two years,
renewal fees will likely not be increased. Mrs. Rimiller provided the Board with the
detailed financial statement provided by the Division. Dr. Jackson asked for a projected
date for any increase or decrease in the renewal fee. Mrs. Rimiller stated that it is
highly unlikely that fees will ever be decreased and that she and the Board have worked
hard not to increase renewal fees. There has been only one increase in several years
that Mrs. Rimiller said she was aware of and it was not a significant increase.

At Dr. Jackson's request, Mrs. Rimiller also reported that the Board held its second
strategic planning session yesterday and identified several areas that the Board wants
to work on. Gloria Andrews from the Division of Professional Registration facilitated the
meeting and helped guide the Board in identifying and prioritizing its tasks and goals for
the next eighteen months. Dr. Jackson reported to the associations that one of the top
goals for the Board is to streamline its complaint process and Ms. Andrews has
experience in ways to help the Board accomplish this goal.

Rulemaking Status Report
Mrs. Rimiller reported that the Board’s proposed Conscious Sedation rule was reviewed
recently by the President of the American Dental Society of Anesthesiology, Dr. Robert
Campbell, who found numerous problems with the rule as it is currently written. Dr.
Sheets and Vickie Coffman met with Dr. Campbell by way of telephone conference call
on April 7, 2004 to discuss Dr. Campbell’s concerns. It was reported that the proposed
rules have not progressed any further than the review at the Division level. The
attorney for the Division, Becky Kilpatrick, wanted to wait until the anesthesia bill
progressed further through the legislative process before sending it on to the
Department for approval and then on to be filed with the Joint Committee on
Administrative Rules (JCAR) and the Secretary of State. The question now is whether
the Board wants to send the rule back to committee to consider Dr. Campbell's
comments and concerns. Dr. Sheets said that some of Dr. Campbell’s suggestions
were relatively minor and could be worked into the Board’s proposed rule as
grammatical changes. Other suggestions would require a substantial change to the
Board’s proposed rule and Dr. Sheets said that he is not convinced that the Board
needs to consider those changes given the review process that has already been
undertaken with these rules. Dr. Campbell’s biggest problem with the proposed rule
seemed to be with the guidelines. He couldn’t understand why the Board went into so
much detail and he thought we could easily reference the ADA guidelines or write them
into the rule if they could not be referenced. Dr. Deyton reported that Dr. Campbell’s
organization would like to be the source for the conscious sedation continuing education
courses but he has read through his comments and he believes that Dr. Campbell
simply lacks an understanding of the historical perspective of the development of the
rule. An example was Dr. Campbell’s comments on ACLS and BLS. Dr. Deyton
explained that it was never the Board’s intent to make the Conscious Sedation manual a
part of the rule. That was done only when the Division told the Board that it had to be a
part of the rule if it was written by the Board and if the Board intended to use it as an
enforcement tool. A motion was made by Dr. Jackson and seconded by Dr. Sheets that
the Board incorporate Dr. Campbell’s suggested grammatical changes and move
forward with the Conscious Sedation proposed rule as written. Motion carried unanimously.

Mrs. Rimiller also reported that the Well-Being Committee proposed rules appeared in the Missouri Register on April 15, 2004. The thirty-day comment period will end on May 15, 2004. A motion was made by Dr. Jackson and seconded by Dr. Aubert that the Board file the final orders of rulemaking on the Well-Being Committee rules on or about May 15th, provided there are no public comments received during the comment period. Motion carried unanimously.

Mrs. Rimiller reported that the amendment to the rule for dental hygienists was amended to remove the notary requirement on proof of competency documentation for the permits to administer nitrous oxide analgesia and local anesthesia. Unfortunately, the first time around the Division left the notary requirement in one section of the rule so it is being rescinded and a new proposed amendment is being processed through the system.

Proposed Legislation
Mrs. Rimiller reported on the legislative progress on House Bill 970. The bill has passed the House by Consent and is now in the Senate. The bill has been heard in committee in the Senate and was passed out of committee on Consent and is now on the Consent Calendar in the Senate. Once the bill passes the Senate it will be sent to the Governor for his signature and if signed, the bill will become law on August 28, 2004. Mrs. Rimiller informed the Board that changes will need to be implemented to the Board’s rules, particularly the rule on certification of dental specialties, if the bill becomes law but other areas of the rules will need to be examined for needed changes.

Mrs. Rimiller also provided the Board with information regarding House Bill 600. This is the law that requires all persons and business entities applying for or renewing a professional license with the Division of Professional Registration to have paid all Missouri income taxes and to have filed all necessary state income tax returns for the preceding three years. There is currently legislation pending that would change the language in this bill from revocation to suspension. The Department of Revenue has provided copies of their orders and a copy was provided to the Board. Mrs. Rimiller pointed out that the Board does not have control over the revocation of licenses by the Department of Revenue. She also stated that it is important to understand that these revocations (or suspensions if the bill passes) are discipline and reportable to the National Practitioner’s Data Bank. As with any discipline, it is a permanent part of the licensee’s record.

On-line renewals are now a reality. The Division is using Professional Counselors as the pilot Board and if everything works well, other Boards will follow. Mrs. Rimiller said that perhaps the Dental Board may have the capability to renew on line this year. Dr. Deyton questioned if on-line renewals will have any impact on the manpower data
collected with the renewal applications. It was noted that the licensee should have the capability to provide the Board with all the manpower data when renewing on-line.

The Board reviewed the draft renewal applications for dentists and dental specialists. The draft renewal application for the dental hygienists was approved at the joint meeting between the Board and the Advisory Commission for Dental Hygienists at its meeting on Thursday. Dr. McCoy asked that a question be included on the renewal application to track the Expanded Function Dental Assistants (EFDAs). It was noted that there is a question on the renewal application to track the number of EFDAs but not the names or their expanded functions. A motion was made by Dr. Jackson and seconded by Dr. Christman that the renewal application also include a question asking dentists and dental specialists for the names of their EFDAs and their category of expanded functions (orthodontic, periodontic, prosthodontic, and restorative). Motion carried unanimously.

**EMT PARAMEDICS AND THEIR ABILITY TO ADMINISTER IV SEDATION**

Dr. Sheets presented a question raised by the facility administrator in an oral surgery office in Joplin. The question is whether an EMT Paramedic can start and administer conscious IV sedation in a dental office. According to the information received from the Department of Health, EMT Paramedics are able under their licensing act to start and administer conscious IV sedation if appropriately trained but it can only be done on the written or verbal order of a licensed MD or DO in the State of Missouri. Dr. Sheets informed the Board that he believes EMT Paramedics are qualified to administer conscious IV sedation in a dental office but the dentist needs to be appropriately permitted. However, that cannot be done under the licensing act for the EMT Paramedics until they get their law changed that allows them to administer under the order of a dentist. A motion was made by Dr. Sheets and seconded by Dr. Christman that a letter be sent to the Department of Health and Senior Services requesting that they consider pursuing a change in their statutes to allow appropriately licensed dentists as those who are eligible to write the order for EMT Paramedics to start and administer conscious IV sedation and that a copy of the letter be sent to the EMT Paramedic who is named in the Board’s request. Motion carried unanimously.

**DENTISTRY IN PUBLIC SETTINGS**

Dr. McCoy opened the discussion of an Independent Review Committee to be established by the Department of Social Services, Division of Medical Services, to study dentistry that is performed in public settings, such as in the public schools. There had been some pressure on the Medicaid Program to set up some guidelines on the proper protocol for applying sealants on children in public schools. It was noted that the Board has already sent a letter to the Director, Christine Rackers, encouraging her to move forward with establishing the Committee. Ms. Lepp pointed out that at its joint meeting the Board approved the appointment of Deborah Gerecke to serve on this committee if it does come about. Ms. Gerecke would be the representative from the Missouri Advisory Commission for Dental Hygienists. Dr. McCoy volunteered to serve as the Board’s representative on that committee. Mrs. Rimiller was instructed to write another
letter to Ms. Rackers to encourage her to stay focused on the development of this committee and to inform her of the names of the Board’s appointed representatives.

**ADVISORY COMMISSION FOR DENTAL HYGIENISTS**

Ms. Gerecke presented to the Board to provide a report from the Advisory Commission for Dental Hygienists. At its last meeting in February, the Commission approved the draft proposed rule on dental hygienists addressing the public. This was an item for the joint meeting but the Board tabled it because Dr. McCoy could not be at the joint meeting and it was thought he would have some comments.

Ms. Lepp asked the Board to reconsider its protocol on handling complaints against dental hygienists. Currently, when a dental hygienist is asked to appear before the Board to discuss a complaint, the case is not disposed of until after the Advisory Commission has an opportunity to review the transcript of that appearance. After that, the Commission makes its recommendation and then it has to go back to the Board for approval. This process delays the disposition of the complaint by months and it was thought that if the Advisory Commission is involved in the appearance process, the complaint could move along without further delay. A motion was made by Ms. Thompson and seconded by Dr. Sheets that the Board change its protocol for handling complaints against dental hygienists to allow the Advisory Commission members to sit in on the closed meetings of the Board when a dental hygienist appears to answer questions regarding a complaint thus allowing them to make their recommendation on disposition of a complaint against a hygienist without further delay. Motion carried 4 to 3. Voting in favor of the motion: Ms. Thompson, Ms. Lepp, Dr. Sheets and Dr. Aubert. Voting against the motion: Dr. Jackson, Dr. McCoy and Dr. Christman.

**CONTINUING EDUCATION**

Ms. Lepp informed the Board that a question has been raised as to whether the Board should limit the number of continuing education hours a licensee can obtain by correspondence. A motion was made by Dr. Aubert and seconded by Dr. McCoy that the Board refer the allotment of limiting the number of continuing education hours a licensee can obtain by correspondence to the PRC for further study. Motion carried unanimously.

**LICENSING BY CREDENTIALS**

Mrs. Rimiller informed the Board that due to a recent decision of the Administrative Hearing Commission (AHC) involving the Board’s denial of a dentist license, there has been some discussion of whether the Board needs to seek a statute change to tighten up the requirements for licensure by credentials. It had been the Board’s interpretation that Section 332.211, RSMo, requires that an applicant for licensure by credentials be licensed in one state for at least five (5) years immediately preceding applying for licensure in Missouri. In the recent AHC decision, the AHC found that as long as the applicant held a valid license in any state or a combination of states for the same five-year period, the applicant qualifies for licensure by credentials. A motion was made by Dr. McCoy and seconded by Dr. Sheets that the Board refer this matter to the PRC for
further study and that the PRC come back to the Board with its recommendation on whether or not to seek a statutory change. Motion carried unanimously.

**RULE ON ADDRESSING THE PUBLIC – DENTISTS**
Dr. Sheets asked the Board to take another look at the advertising rule and asked for an interpretation of section (7) of 4 CSR 110-2.110. Dr. Sheets pointed out that implant dentistry and TMJ therapy is a part of oral surgery but to advertise these services, an oral surgeon has to have a disclaimer that says these are non-specialty interest areas that requires no specific educational training to advertise these services. Additionally, oral surgeons do conscious and deep sedation but if they want to advertise that they do conscious sedation, they have to include a disclaimer pursuant to section (8) of the rule. With regard to advertising on the web, a question came up as to whether a link to the required disclaimers meet the requirements of the rule or if the disclaimer has to be on each page where services requiring a disclaimer are advertised. Dr. Deyton presented to the Board and commented that as long as TMJ therapy is a part of every oral surgeon’s training, oral surgeons should be able to advertise their specialty training without the disclaimer. Dr. Deyton suggested that when the Board reevaluates the rule, it needs to look at the overall intent and that was to prevent false and misleading advertising. He said that oral surgeons who advertise conscious sedation should use the disclaimer but the disclaimer will say that they have completed an ADA residency program in which conscious sedation is taught. A motion was made by Dr. Sheets and seconded by Dr. McCoy that the Board refer the Advertising Rule for Dentists back to the PRC for further evaluation. Motion carried unanimously.

**CRDTS STEERING COMMITTEE REPORT**
Ms. Lepp reported that she attended the CRDTS Steering Committee meeting in March and it was reported that CRDTS was returning to financial health. Factors contributing is a 10% exam fee increase and an increase in the number of applicants. CRDTS also decreased the number of examiners it sent to the annual meeting. For the 2003 testing season, CRDTS tested 661 dental candidates and 995 dental hygiene candidates. The failure rate for dentists was 14.6% and for dental hygienists it was 16.8%. The examiner to dental candidate ratio is 1 to every 3.69 dentists and 1 to every 8.43 dental hygienists. In the 2003 testing session, 21 appeals were made and 19 were upheld. CRDTS needs perio examiners and more dentists to do hygiene examinations. Missouri had three new examiners attending the annual meeting this year, Dr. Christman, Ms. Gerecke and Ms. Tourdot. Dr. Lippert reported on the computerized prosthetic exam this year. They are working on a similar exam for the perio portion of the exam and perhaps a computerized exam for dental hygiene in 2005. Ms. Lepp stated that the next Steering Committee meeting is on September 11th. She will be the Board’s representative on the Steering Committee. Ms. Lepp thanked Dr. and Anna Lippert for all their hard work with CRDTS.

**ANTHONY M. GADBOIS, D.D.S.**
At approximately 10:40 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Anthony M. Gadbois, D.D.S.,
Respondent, Case No. DB-04-7. The record will show that Dr. Gadbois was not present but was represented by counsel, Mr. John L. Oliver, Jr. Dr. Gadbois’ wife, Dr. Mary V. Gadbois, testified on his behalf. Dr. Christman recused from the deliberations and vote on this case. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board. Therefore, a summary of the hearing is not made a part of the official minutes of this meeting. The hearing concluded at approximately 11:10 a.m.

MARY V. GADBOIS, D.D.S.
At approximately 11:10 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Mary V. Gadbois, D.D.S., Respondent, Case No. DB-04-8. The record will show that Dr. Mary Gadbois was present and was represented by counsel, Mr. John L. Oliver, Jr. Dr. Christman recused from the deliberations and vote on this case. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board. The evidence and argument in this case are essentially the same as Missouri Dental Board v. Anthony M. Gadbois, D.D.S., Case No. DB-04-7, and both parties agreed that the evidence and arguments made in that case be incorporated in this hearing. The hearing concluded at approximately 11:20 a.m.

POLICY REVIEW COMMITTEE REPORT

Defining Dental Specialties
On behalf of Dr. Jackson, Mrs. Rimiller presented the Policy Review Committee (PRC) report. A copy of the draft rule defining dental specialties that was presented to the Policy Review Committee was provided to the full Board for review. The purpose of the rule is to establish a definition for all the existing dental specialties recognized by the Missouri Dental Board and add the one new specialty (oral and maxillofacial radiology) that was recognized by the American Dental Association in April 2001. The PRC voted to pass this proposed amendment on to the full Board for its consideration except that the PRC wants a separate rule for the definitions and not include it as a part of the rule on certification of dental specialists. The reason is because of the pending legislation (House Bill No. 970) that will require further amendments to the rule on certification on dental specialists. The definitions were taken directly from the American Dental Association. A motion was made by Dr. Sheets and seconded by Dr. Aubert that the Board approve the PRC's recommendation and move forward with the proposed rule defining the dental specialties. Motion carried unanimously.

Jurisprudence Examination
It was reported that a sub-committee of PRC (Ms. Thompson and Dr. Sheets) is working with the Advisory Commission for Dental Hygienists on the jurisprudence exam for dental hygiene candidates. The Commission will be reviewing the sub-committee’s recommendations along with their own recommendations for changes at their next meeting in July. Following the July meeting, it is anticipated that the Advisory
Commission will come back to the Board with a new hygiene test bank of questions for final Board approval.

**Retention of Lab Reports and Medical Records**
The Board reviewed the PRC’s recommendation for a new proposed statute (Section 332.052) requiring that dental records and laboratory work orders be retained for a period of five (5) years, and in the case of a minor, five (5) years from the age of majority. A motion was made by Dr. McCoy and seconded by Dr. Aubert that the Board approve the PRC’s draft proposed statute relating to lab reports and medical records with one change, add the words “as an addendum, and” in Section 3 after “. . . corrections, additions or changes in the patient records made more than forty-eight (48) hours after the final entry is entered in the record . . .” and delete the words “and signed by the dentist”. Motion carried unanimously.

The Board reviewed the PRC’s recommendation for changing Section 332.071 (11) by deleting the words, “and copies of which shall be retained by the nondentist for two years,”. Mrs. Rimiller reported that there was some discussion during the PRC meeting that the Missouri Dental Association may try and make the change to 332.071 this year to avoid going back next year and re-opening that statute. Mrs. Rimiller also reported that the PRC is recommending to the full Board that there be a one-year moratorium on legislation. A motion was made by Dr. McCoy and seconded by Dr. Christman that the Board approve the PRC’s recommended changes to Section 332.071, whether it be a floor amendment on an existing bill this year or future legislation. Motion carried unanimously. The Board considered the PRC’s recommendation for a one-year moratorium on legislation and discussed the difficulties surrounding the Board’s inability to be more actively involved in the ownership bill. Dr. McCoy said that part of the problem was that the bill was so onerous and complicated that legislators found it difficult to understand. If the ownership bill passes and the law is implemented, the Board noted that further changes to the statutes may be in order but those changes will likely not be introduced next year.

**Emeritus License**
It was reported that the PRC has tabled further discussion of the study of an Emeritus License at this time.

**AADE MID-YEAR MEETING**
Ms. Lepp thanked the Board for being given the opportunity to attend the Mid-Year meeting of AADE. It was a very good meeting.

**WELL BEING COMMITTEE REPORT**
Dr. Jackson provided the Board with a copy of the Well Being Committee’s latest financial report. At its last meeting, the Well Being Committee asked if the Board wants to send a representative to Utah for the annual Well Being training. Dr. Christman said he would like to go, if his schedule permits. A motion was made by Dr. Sheets and seconded by Ms. Thompson that the Board accept the Well Being Committee’s offer to
send a representative to the Utah training and that its representative be Dr. Christman if his schedule permits. Motion carried unanimously.

RENEWAL OF LEGAL SERVICES CONTRACT
Ms. Lepp reported that the Board is not prepared to renew the legal services contract at this time and the item was tabled.

DOCS
Dr. Sheets reported that the Board received a letter from the Dental Organization for Conscious Sedation (DOCS) regarding their course curriculum for 2004. A member of the Board is invited to attend upcoming courses free of charge. One course is in San Francisco, California, on June 25-27, 2004. Ms. Thompson volunteered to audit this course at no cost to the Board. There is another course in Chicago on May 21st. Dr. Sheets said he could not attend the course in San Francisco but thought he could attend the one-day course in Chicago. A motion was made by Dr. McCoy and seconded by Dr. Jackson that the Board send both Dr. Sheets and Ms. Thompson to audit the conscious sedation courses offered by DOCS. Motion carried unanimously.

REQUEST FOR CLARIFICATION OF SECTION 332.081
The Board reviewed the letter received from Dr. Stuart D. Waite seeking clarification of Section 332.081 with respect to the question of a licensure exemption for dental residents in an ADA accredited training program. A motion was made by Dr. McCoy and seconded by Dr. Christman that the Board table further discussion of this item until after the closed session to give the Board an opportunity to seek advice from legal counsel. Motion carried unanimously.

CLOSED SESSION
After a short recess to eat lunch, a motion was made by Dr. McCoy and seconded by Dr. Christman to move into closed session pursuant to sections 610.021 (1), (3), (5), (7), (13) and (14) and section 620.010.14 (7) RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney, and approval of closed minutes. Those voting yes: Ms. Thompson, Dr. Christman, Dr. Sheets, and Ms. Lepp. Those absent for the vote: Dr. Jackson, Dr. McCoy and Dr. Aubert. Motion carried 4 to 0.

MARK ADAMS, D.M.D.
At approximately 2:25 p.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. Mark Adams, Respondent, Case No. 03 2048 DB. The record will show that Dr. Adams was not present and was not represented by counsel. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board. Therefore, a summary of the hearing is not made a part of the official minutes of this meeting. The hearing concluded at approximately 2:35 p.m.
CLOSED SESSION
A motion was made by Dr. Aubert and seconded by Dr. Sheets to move into closed session pursuant to section 610.021 (1), (3), (5), (7), (13) and (14) and section 620.010.14 (7) RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney, and approval of closed minutes. Those voting yes: Ms. Thompson, Dr. Christman, Dr. Sheets, Dr. Jackson, Dr. Aubert, Dr. McCoy, and Ms. Lepp. Motion carried unanimously.

REQUEST FOR CLARIFICATION OF SECTION 332.081
The Board resumed its discussion of the letter received from Dr. Stuart D. Waite seeking clarification of Section 332.081 with respect to the question of a licensure exemption for dental residents in an ADA accredited training program. A motion was made by Dr. Aubert and seconded by Dr. Christman that the Board notify Dr. Waite that if the residency program is a part of an accredited dental school, the residents would be exempt from the licensure requirements as long as they are practicing under the direction of instructors. Motion carried 5 to 0. Absent for the vote was Dr. Sheets and Dr. McCoy.

MEDICAL MALPRACTICE CLAIM REPORTS
A motion was made by Dr. Jackson and seconded by Dr. Christman that an item be included on the next open agenda to discuss the Board’s policy regarding the processing of medical malpractice claim reports.

CLOSED SESSION
A motion was made by Dr. Aubert and seconded by Dr. Jackson to move into closed session pursuant to section 610.021 (1), (3), (5), (7), (13) and (14) and section 620.010.14 (7) RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney, and approval of closed minutes. Those voting yes: Ms. Thompson, Dr. Christman, Dr. Sheets, Dr. Jackson, Dr. Aubert, and Ms. Lepp. Those absent for the vote: Dr. McCoy. Motion carried 6 to 0.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Dr. Christman and seconded by Dr. Jackson that this meeting adjourn. Motion carried 6 to 0. Dr. McCoy was absent for the vote. The meeting adjourned at approximately 6:35 p.m.

Respectfully submitted,

__________________________
Sharlene Rimiller, Executive Director
Approved by the Board on: ________