Meeting Notice

Missouri Dental Board

January 20-22, 2005  8:00 a.m.
Holiday Inn Select – Executive Center
2200 I-70 Drive S.W.
Columbia, 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 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 Missouri Dental Board may go into closed session at any time during the meeting. If 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 Hygiene Association
     President, Missouri Dental Assistants Association
     Marilyn Williams, Director, Division of Professional Registration
     Kelvin Simmons, Director, Department of Economic Development
Open Agenda

Missouri Dental Board

January 20-22, 2005
Holiday Inn Select – Executive Center
2200 I-70 Drive S.W.
Columbia, Missouri

Thursday Morning
January 20, 2005

1. 9:30 a.m. – Recognition of 50 Year Licensees – State Capitol Building
   • Lunch to Follow at Missouri Dental Association Headquarters

    Dr. Jackson

Thursday Afternoon
January 20, 2005

2. 2:00 p.m. - Call to Order – Holiday Inn Select – Executive Center –
   Columbia

    Dr. Aubert

3. Roll Call
   Ms. Thompson

4. Closed meeting pursuant to Section 610.021, subsections (1), (5), (14) and 620.010.14,
   subsection (7). It is expected that the Board will remain in closed session all afternoon.

Friday
January 21, 2005

5. 8:00 a.m. – Reconvene

Saturday
January 22, 2005

7. 8:00 a.m. – Call to Order
   Dr. Aubert

8. Roll Call
   Ms. Thompson

9. Approval of the Agenda
   Dr. Aubert

10. Approval of the Minutes
    • October 4, 2004 – Telephone Conference Call
    • October 15, 2004 – Policy Review Committee

    Dr. Aubert

Posted: 01/06/05
9:00 a.m.
• October 29-30, 2004 – Quarterly Board Meeting
• November 22, 2004 – Telephone Conference Call

11. Dialogue with Associations
   Dr. Aubert
   • Missouri Dental Assistants Educators
   • Missouri Dental Hygienists' Association
   • Missouri Dental Assistants Association
   • Missouri Dental Association

12. Executive Director Report
    Mrs. Rimiller
    a. Financial Report
    b. Rulemaking Status Report
    c. Legislation

13. Policy Review Committee Report
    Dr. Jackson

14. Well Being Committee Report
    Dr. Jackson

15. Advisory Commission Report
    Ms. Tourdot

16. Board Travel
    Dr. Aubert
    • AADE Mid Year Meeting – March 22, 2005

17. Undue Influence Proposed Rule
    Dr. Aubert

18. Medicaid School-Based Services Committee Report
    Mrs. Rimiller

    Dr. Aubert
    • 11:00 a.m. – Disciplinary Hearing

20. Website Linking Permission
    Mrs. Rimiller

21. Monitoring Nitrous Oxide Analgesia
    Ms. Lepp
    • Approval of Course Sponsored by the Oral Health Network of Missouri

22. Ability of Dentists to Perform History and Physical Examinations in a Hospital Setting
    Dr. Sheets

23. Approval of CRDTS Examiner
    Ms. Lepp
    • M. Conrad Journee, D.D.S.

24. 2006 Meeting Schedule
    Dr. Aubert

25. Strategic Planning
    Mrs. Rimiller

26. Other Agenda Items
    Dr. Aubert

27. Closed meeting pursuant to Section 610.021, subsections (1), (5), (14) and 620.010.14, subsection (7). It is expected that the Board will remain in closed session the remainder of the day, except as otherwise noted.

28. Adjournment

Posted: 01/06/05
9:00 a.m.
Open Minutes
Missouri Dental Board

January 20-22, 2005
Holiday Inn Select – Executive Center
2200 I-70 Drive S.W.
Columbia, Missouri

The open meeting of the Missouri Dental Board was called to order by Dr. Eric Aubert, President, at approximately 2:20 p.m. on Thursday, January 20, 2005, at the Holiday Inn Select – Executive Center, 2200 I-70 Drive S.W., Columbia, Missouri.

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

STAFF MEMBERS PRESENT:
Sharlene Rimiller, Executive Director
Bonnie Mengwasser, Executive I
Brian Barnett, Investigator II
Henry (Hank) Harper III, Investigator II
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:
Nanci Wisdom, Outside Legal Counsel
Kristi Flint, 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
A motion was made by Dr. Sheets and seconded by Dr. Christman 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: Dr. Aubert, Ms. Thompson, Ms. Lepp, Dr. Jackson, Dr. Christman and Dr. Sheets. Motion carried unanimously.

SATURDAY, JANUARY 22, 2005
The open meeting of the Missouri Dental Board was called to order by Dr. Eric Aubert, President, at approximately 8:03 a.m. on Saturday, January 22, 2005, at the Holiday Inn Select – Executive Center, 2200 I-70 Drive S.W., in Columbia, Missouri.

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

BOARD MEMBERS ABSENT:
Dr. H. Fred Christman, III, Member

STAFF MEMBERS PRESENT:
Sharlene Rimiller, Executive Director
Bonnie Mengwasser, Executive I
Brian Barnett, Investigator II
Henry (Hank) Harper III, Investigator II
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:
Nanci Wisdom, Outside Legal Counsel
Kristi Flint, Assistant Attorney General

GUESTS PRESENT:
Guy Bates, Jr., D.D.S., Greater Springfield Dental Society
Chad Mengwasser
Mary Young, Missouri Dental Assistants’ Association
K.L. Young, D.D.S., Missouri Dental Association
LeeAnn Turnbaugh, Missouri Dental Assistants’ Association
Debra Henderson, Missouri Dental Hygienists’ Association
Rolfe McCoy, D.D.S.
Frances E. Tourdot, Advisory Commission for Dental Hygienists
Barbara J. Bragg Meyer, Greater Kansas City Dental Hygienists’ Association
Debbie Polc, President, Missouri Dental Hygienists’ Association
Stacy Scrivner, Missouri Dental Hygienists’ Association
Dr. Jacob Lippert, Executive Director, Missouri Dental Association
Dr. Chuck Poeschel, Missouri Dental Association
Dr. Guy Deyton, Missouri Dental Association
Dr. Bob Fox, President, Missouri Dental Association
Susan McCann, Bureau of Narcotics and Dangerous Drugs
Dr. Shanon Kirchhoff, Missouri Dental Association
Karen Dent, Oral Health Network of Missouri
Dr. Douglas Wycoff, Missouri Dental Association
Dr. John D. Hume, Missouri Dental Association
Dr. Ronald Tonsi, Missouri Dental Association

Posted: 01/06/05
9:00 a.m.
APPROVAL OF THE AGENDA
A motion was made by Ms. Thompson and seconded by Dr. Sheets that the agenda be approved with two additional items. Those being an update on the sedation rule and review of the letter received from the Missouri Dental Association regarding fluoride varnishes. Motion carried 5 to 0.

APPROVAL OF THE OPEN MINUTES
A motion was made by Ms. Lepp and seconded by Ms. Thompson that the Board approve the October 4, 2004 telephone conference call open minutes as written. Motion carried 5 to 0. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the Board approve the October 15, 2004 Policy Review Committee open minutes as written. Motion carried 5 to 0. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the Board approve the October 29-30, 2004 open minutes as written. Motion carried 5 to 0. A motion was made by Ms. Thompson and seconded by Ms. Lepp that the Board approve the November 22, 2004 telephone conference call open minutes as written. Motion carried 5 to 0.

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Hygienists’ Association
Ms. Debra Henderson presented to the Board and expressed her appreciation for having the opportunity to dialogue with the Missouri Dental Board. Ms. Henderson introduced Debbie Polc, the new President of the Missouri Dental Hygienists’ Association (MDHA), Stacy Scrivner, President-Elect of the Association, and Barbara J. Bragg Meyer from the Kansas City component society. The MDHA does not have any legislation this year but instead have been concentrating their efforts in working with the Missouri Dental Association on the dental assistant scaling issue. Members of both associations met on Friday and had a very productive meeting.

Missouri Dental Assistants’ Association
Ms. LeeAnn Turnbaugh presented to the Board and reported that the Missouri Dental Assistants’ Association (MDAA) administered the basic skills review course and examination in December in Kansas City at the Truman Medical Center. There were about twenty applicants taking the review course and exam. The review course was given again on Friday, January 21st and there were twenty-eight dental assistants and one dental hygienist registered. The exam is being administered today and there are twenty-seven applicants taking the exam. The review course and exam will be offered again at the annual conference in Branson, which will be in July. Ms. Turnbaugh reported that the MDAA is also receiving calls from dental assistants inquiring about the courses available on monitoring nitrous oxide. The MDAA will continue to monitor the dental assistant scaling proposal. They have a new website. The address is www.modentalassistants.org.

Missouri Dental Association
Dr. Bob Fox presented to the Board and expressed his appreciation for the time to dialogue. He reported that the Missouri Dental Association (MDA) is working hard on legislation to help solve the access to care problems by addressing the workforce issues and Medicaid issues. The MDA is pleased that the Missouri Dental Board is re-visiting the advertising rule. There appears to be a lot of confusion and he thought it would be good to have a rule that is more practical and less controversial. Dr. Fox referenced his letter regarding fluoride varnishes and he asked the Board for an opinion on who can apply them.

**Missouri Dental Assistants Educators**

No report presented.

**EXECUTIVE DIRECTOR REPORT**

**Financial Statement**

Mrs. Rimiller provided the Board with the following Financial Statement for fiscal year 2005 as of November 30, 2004.

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<thead>
<tr>
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<tbody>
<tr>
<td>Revenue (7/1/04 to 11/30/04)</td>
<td>$610,887.48</td>
<td>$1,125,658.00</td>
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<tr>
<td>Estimated Revenue (12/1/04 - 6-30-05)</td>
<td>$217,267.00</td>
<td>$217,267.00</td>
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<tr>
<td>Fund Balance Sub Total</td>
<td>$1,953,812.48</td>
<td>$1,953,812.48</td>
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**Appropriations to Board:**

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<tr>
<td>Personal Service</td>
<td>$337,290.00</td>
<td>$13,766.00</td>
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<td>Expense &amp; Equipment</td>
<td>$265,924.00</td>
<td>7,516.00</td>
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<td>Total Appropriations</td>
<td>$603,214.00</td>
<td>$21,282.00</td>
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**Appropriation Expenditures:**

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<tbody>
<tr>
<td>Personal Service</td>
<td>$96,617.77</td>
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<tr>
<td>Expense &amp; Equipment</td>
<td>$69,328.09</td>
<td>$1,629.25</td>
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<td>Total Appropriation Expenditures</td>
<td>$165,945.86</td>
<td>$8,108.82</td>
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**Fund Transfers: (Projected for Year)**

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<th>Board</th>
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<tr>
<td>Fringe Benefits</td>
<td>$111,166.88</td>
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<tr>
<td>Rent &amp; Utilities</td>
<td>$8,925.10</td>
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<tr>
<td>General Revenue</td>
<td>$21,400.00</td>
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<tr>
<td>DED/MIS</td>
<td>$11,177.60</td>
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<tr>
<td>Refunds</td>
<td>$1,550.00</td>
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<tr>
<td>Professional Registration</td>
<td>$76,722.59</td>
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<tr>
<td>PR Credit for Accounting Position</td>
<td>($29,434.64)</td>
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<tr>
<td>Workers Comp Fund</td>
<td>$3,237.70</td>
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<tr>
<td>FY-04 Transfers paid in FY-05</td>
<td>$5,563.91</td>
</tr>
<tr>
<td>O.A. Transfer from Board Fund</td>
<td>$12,533.81</td>
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Mrs. Rimiller also provided the Board with the new five-year fund balance projections. Based on the estimates of revenues and expenditures for the next five years, Mrs. Rimiller reported that there should not be a need for a fee increase. Projections of revenues and expenditures are based on actual figures from the previous fiscal years. Historically, the Board has not spent its entire budget and there was a question on what happens to the unspent portion. Mrs. Rimiller explained that the unspent portion is not carried over into the new fiscal year, but only the spent portion of the budget is what comes out of the Board’s fund so unspent appropriations help the Board’s fund balance grow.

### Rulemaking Status Report

Mrs. Rimiller provided the Board with a status report on pending rules. The rule defining dental specialties will become effective February 28, 2005. The new sedation rules are going through the final stages of the rulemaking process. After the thirty (30) day review at the Joint Committee on Administrative Rules (JCAR), the final orders of rulemaking will be filed with the Secretary of State and Mrs. Rimiller reported that the rules should become effective on April 30, 2005. Mrs. Rimiller said that it is important that the Board have available course work when the rules are implemented. Currently, Dr. Deyton is working with Dr. Brown at the UMKC School of Dentistry to develop an approved course for enteral (oral) conscious sedation. Dr. Hoffman is also working with the American Society of Dentist Anesthesiologist (ASDA) to bring an approved program to St. Louis. The DOCS organization has available course work but it was noted that their program has not yet been approved. Mrs. Rimiller said that staff is working on getting the newsletter out and it has a printing of all the new statutes and rules. It was suggested that the new sedation rules be sent out to the licensees in a separate mailing. Mrs. Rimiller suggested that if time permits, someone from the Board sit in on Dr. Hollander’s presentation today to answer any questions that come up on the new sedation rules. Dr. Hollander is presenting to the pediatric dentists and part of his presentation will relate to the new rules.
Legislation
Mrs. Rimiller reported that other than the dental assistant scaling proposal (HB 142), there was a bill filed this session that includes extractions in certain situations within dental services covered by the state legal expense fund. The bill is Senate Bill 177 sponsored by Senator Shields.

POLICY REVIEW COMMITTEE REPORT
Dr. Jackson reported that the Policy Review Committee met in Cape Girardeau on Friday, January 14th, at 1:00 p.m. The meeting was very productive and the PRC has taken action on the following tasks for the Board’s review and approval.

4 CSR 110-2.230 – Endodontic Materials
The PRC voted to rescind the rule banning the use of endodontic filling materials containing paraformaldehyde. Dr. Jackson explained that the PRC heard a lot of testimony over the past several months in support of the Board lifting its ban on sargenti paste. There has not been anyone to speak in favor of continuing the ban. It was noted that Missouri is still the only state that has a rule banning the use of this material. A motion was made by Dr. Jackson and seconded by Ms. Lepp that the Board approve the PRC’s recommendation to rescind the rule on endodontic materials, 4 CSR 110-2.230. Motion carried 5 to 0.

Proposed Certification Rule
The PRC voted to move the Proposed Certification Rule (4 CSR 110-2.260) forward to the Board for approval as well as the certification form. The revisions to the proposed rule and certification form were pointed out to the Board with final drafts provided in the supplemental agenda materials. It was noted that the Primary Care Association is in agreement with the final drafts of the rule and certification form, but one of their concerns is still the appearance that their dentists and hygienists are being held to a higher standard. Mrs. Rimiller stated that the PRC believes that concern could be eliminated if there was a similar question on the renewal application asking all licensees if the facility at which they provide services complies with the standards for cleanliness and sanitation established by the CDC and OSHA. A motion was made by Dr. Jackson and seconded by Ms. Lepp that the Board approve the final draft of the Proposed Certification Rule and begin it through the formal rulemaking process, and that the Board also approve the final draft of the certification form and include a question on the next renewal application similar to the statement on the certification form that must be completed by dentists and hygienists employed by or contracting with federally qualified health centers. Motion carried 5 to 0.

4 CSR 110-2.110 – Addressing the Public – Dentists
The PRC voted to amend the advertising rule for dentists and to move those changes forward to the Board for approval. The changes were pointed out to the Board with a final draft provided in the supplemental agenda materials. The Board talked about the practical problems associated with the rule as it is currently written. Ms. Wisdom pointed out some of the legal issues with changing the rule because some of the disclaimers are required in the statute. Dr. Guy
Bates with the Greater Springfield Dental Society addressed the Board with concerns regarding the advertising regulations. He said that he has not had time to review the proposed changes that the PRC is recommending but in subsection (6), the rule requires that the announcement of services by a general dentist must state that the practice is one of general dentistry so he thought it redundant to require the disclaimer when a general dentist is advertising specialty services. It was noted that the PRC’s recommended changes address that issue. Dr. Bates also questioned the proposed changes to subsection (7) of the rule. He expressed concern with regard to the proposed elimination of cosmetic dentistry from the list of non-specialty interest areas that require a disclaimer. Dr. Bates said he thought it is appropriate to keep the disclaimer in the area of cosmetic dentistry because of the public perception that it is a specialty area. A motion was made by Dr. Jackson and seconded by Dr. Sheets that the Board approve the PRC’s proposed changes to the advertising rule as follows:

- in subsection (6), include the language in (6)(A) as the second sentence in (6), delete subsection (6)(B) entirely, and add the language “Such announcement of services shall be in compliance with Section 332.321.2 (14)(f), RSMo” at the end;
- in subsection (7), delete the terms “bleaching and cosmetic dentistry” from the list of non-specialty interest areas and change the term “non-specialty interest areas” to “specialty areas not recognized by the ADA,” add at the beginning that the advertisements apply to services “by a general practitioner,” and add the following sentence at the end, “Dentists licensed as a specialist may advertise specialty areas not recognized by the ADA if training in the specialty area not recognized by the ADA was an integral part of their specialty training curriculum”; and
- in subsection (8), delete the existing language and replace it with the following sentence, “Without possessing a deep sedation/general anesthesia permit, licensees shall not advertise such terms as sleep dentistry, snooze dentistry, and twilight sleep.”

Motion carried 5 to 0.

The PRC also recommended to the Board that it not limit the number of continuing education hours a licensee can earn by correspondence. A motion was made by Ms. Lepp and seconded by Ms. Thompson that the Board accept the PRC’s recommendation to remove this task from the PRC task list and that no further action be taken with regard to limiting the number of continuing education hours a licensee can earn by correspondence. Motion carried 5 to 0.

It was reported that the next PRC meeting is scheduled on Thursday, April 21, 2005, at 1:00 p.m. The meeting will be held at the Country Club Hotel at the Lake.

**WELL BEING COMMITTEE REPORT**
Dr. Jackson provided a brief report on the structure of the Well Being Committee for the benefit of the public. Mr. Davis, the Well Being Committee administrator, reported that
the program is working very well. There are thirty (30) participants at this time. Currently, the funding for the program provided by the Board is adequate.

**ADVISORY COMMISSION REPORT**
Ms. Frances E. Toudot, Chairperson of the Missouri Advisory Commission for Dental Hygienists, presented a report to the Board on the last Commission meeting held on November 11, 2004. The Commission reviewed a survey on scope of practice issues from the University of Nebraska Medical College of Dentistry. The Commission’s recommendation for completing the survey was presented to the Board for approval. A motion was made by Ms. Lepp and seconded by Dr. Sheets that the Board accept the Advisory Commission’s recommendation on the University of Nebraska survey. Motion carried 5 to 0. The next Commission meeting is on March 11th in Jefferson City. The joint meeting with the Board is scheduled on July 21st at 4:00 p.m. The meeting is in St. Louis and not in Kansas City as indicated in the minutes.

**BOARD TRAVEL**
A motion was made by Ms. Thompson and seconded by Dr. Jackson that the Board approve the out-of-state travel authorization for Ms. Lepp, Dr. Sheets and Mrs. Rimiller to attend the mid year meeting of the AADE in Chicago on March 20-22, 2005. Motion carried 5 to 0. Mrs. Rimiller said that she would likely not attend the meeting unless there is an AADA meeting at the same time.

**UNDUE INFLUENCE PROPOSED RULE**
The Board reviewed the draft rule on Improper Influence on Professional Judgment. This item was tabled at the October meeting for further review and study. Dr. Aubert stated that there has been some concern expressed regarding the Board’s statutory authority to promulgate this type of rule. He recommended that the Board refer the rule back to the PRC for further study. A motion was made by Ms. Lepp and seconded by Dr. Sheets that the Board refer the proposed rule on Improper Influence on Professional Judgment back to the PRC for further study. Motion carried 5 to 0. Ms. Flint offered her assistance to the PRC. She said that she has some thoughts on how this could be worked out to everyone’s satisfaction.

**MEDICAID SCHOOL-BASED SERVICES COMMITTEE**
Mrs. Rimiller provided a report to the Board on the progress of the Medicaid School-Based Services Committee. The Committee is considering the need of whether the Medicaid program should be expanded to cover services provided in a school setting and if so, the types of services that would be appropriate in that setting. The Committee has now branched out to subcommittees. The dental subcommittee members include Dr. McCoy, Debbie Gerecke, Dr. Lynn Barnett, Sharlene Rimiller and two support staff from Medical Services. The first task of the subcommittee was to draft survey questions that will be sent to all the public schools in Missouri. UMKC will be finalizing the questions, sending out the survey, and analyzing the results. Dr. McCoy commented that the Board will likely need to take another look at its rule on equipment requirements for public health settings to include dentists as well as dental hygienists. It was written for dental hygienists at the same time the rule was written defining a public health

Posted: 01/06/05
9:00 a.m.
setting. It was suggested that Dr. Walt Pfitzsinger be asked to serve on the dental subcommittee.

WEBSITE LINKING PERMISSION
Mrs. Rimiller reported that at the last meeting the Board considered a request received from a representative of Dentists’ Advantage asking for permission to link the Board website to theirs, as well as a reciprocal link from their website to the Board’s. Staff was instructed to check with the Division’s MIS staff before sending a response. The response from the Division’s MIS staff was that we cannot put a link to Dentists’ Advantage on our web site because it does not directly relate to our mission as a Dental Board. The Board agreed and no further action was taken regarding this item.

MONITORING NITROUS OXIDE ANALGESIA
Karen Dent presented to the Board to request approval to teach monitoring nitrous oxide relative analgesia to Health Center staff members under the auspices of the Oral Health Network of Missouri. The Oral Health Network of Missouri is a non-profit organization that works with federally qualified health centers and others to improve access to oral care. The program is the same curriculum that Ms. Dent taught while employed at Nichols Career Center. The problem is that there are no other entities providing this training and it is nearly impossible for auxiliary staff to receive this training. A motion was made by Dr. Jackson and seconded by Dr. Sheets that the course content be referred to the PRC for review and a recommendation to the full Board and that Ms. Dent provide the PRC with the additional information requested, such as her lecture notes, objectives, definitions, skill sheets, and the evaluation. Motion carried 5 to 0.

HISTORY AND PHYSICAL EXAMINATIONS BY DENTISTS
The Board reviewed the request for an opinion received from Ms. Jennifer L. Druckman of the law firm Greensfelder, Hemker & Gale, P.C. regarding the ability of dentists to perform history and physical examinations in a hospital setting. Specifically, Ms. Druckman is asking if dentists can conduct the entire history and physical examination of a patient prior to the performance of oral surgery in the hospital, or is the dentist limited to examining the teeth or adjacent structures and the oral region. Secondly, she is asking if only dentists with advanced training are able to conduct the history and physical examinations. Thirdly, Ms. Druckman is asking if the dentist is permitted to perform the entire history and physical examination of a patient, does it include complex patients such as medically compromised patients who have experienced trauma and/or patients with special needs who require surgery in the hospital. Ms. Flint recommended that the Board not respond directly to the request for an opinion but instead refer Ms. Druckman to the law, Section 332.071 (15), and let them figure out the answers. She said that the Board should not be providing advisory opinions that are not in the form of a rule. Ms. Flint also pointed out that the contradictory AG opinion will be dealt with by the Board and her office. A motion was made by Dr. Sheets and seconded by Dr. Jackson that the Board authorize a response to Ms. Druckman’s request for an opinion according to Ms. Flint’s recommendation. Motion carried 5 to 0.

APPROVAL OF CRDTS EXAMINER

Posted: 01/06/05
9:00 a.m.
The Board reviewed the resume received from Dr. M. Conrad Journee requesting approval as a CRDTS examiner. Ms. Lepp pointed out that the Advisory Commission established a protocol for approving CRDTS examiners for the dental hygiene examination. A motion was made by Dr. Jackson and seconded by Ms. Lepp that this matter be referred to the PRC to establish the protocol to be used in approving CRDTS examiners for the Board to review and approve at a later date. Motion carried 5 to 0.

2006 MEETING SCHEDULE
The Board reviewed the list of tentative meeting dates for 2006. Dr. Sheets asked the Board to consider changing the dates of the October 2005 meeting. A motion was made by Dr. Sheets and seconded by Ms. Thompson that the Board change the dates of its October 2005 meeting to October 13-15, 2005. Motion carried 5 to 0.

A motion was made by Dr. Sheets and seconded by Ms. Thompson that the Board approve the tentative meeting dates for 2006 with the exception of the October date and that the October meeting be changed to October 12-14, 2006. Motion carried 5 to 0.

FLUORIDE VARNISHES
The Board reviewed the letter received from Dr. Robert Fox, MDA President, asking who can legally apply fluoride varnishes in this state. The MDA believes that anyone with minimal training should be allowed to apply the varnish. The varnish itself must be prescribed by a physician or a dentist, but the MDA believes that person need not be present during the application. It was the consensus of the Board to refer this matter to legal counsel for an opinion in closed session.

BNDD REPORT
Susan McCann, R.Ph., the Administrator with the Bureau of Narcotics and Dangerous Drugs (BNDD), presented to the Board to provide an update on legislation and other matters. Ms. McCann reported that Missouri is well known for its problems with meth labs and we are #1 in the country for lab seizures. Oklahoma had similar numbers and last spring enacted legislation to make pseudoephedrine products Schedule V controlled substances. Since that time, meth lab seizures went down by 80%. Ms. McCann reported that the only ingredient that must be there to manufacture meth is pseudoephedrine. Governor Blunt is asking for legislation to make pseudoephedrine products a Schedule V controlled substance similar to the Oklahoma law. Ms. McCann also reported that Senate Bill 158 is a prescription monitoring bill that has been introduced by Senator Cauthorn. She has been able to request a $50,000 grant from the Bureau to assist in the enforcement of the bill if it passes. Dentists would need to report to the data base and would be able to access the data base. Ms. McCann stated that the Board is one of the key stakeholders in this legislation and asked for the Board’s assistance in implementing the program.

WILLIAM J. FRIEND, D.D.S.
At approximately 11:30 a.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. William J. Friend, D.D.S., Respondent, Case No. DB-0610. The record will show that Dr. Friend was present and was represented by counsel, Mr. John Landwehr. 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 hearing concluded at approximately 12:39 a.m.

RECESS
The Board recessed for lunch at 12:45 p.m. and reconvened at approximately 1:45 p.m.

STRATEGIC PLAN UPDATE
The Board reviewed the flow chart of the complaint handling process prepared by Gloria Andrews based on information received from Board members and staff involved in the complaint process. Mrs. Rimiller reminded the Board that the process was changed somewhat at the last meeting to give the CRC chairperson the authority to send complaints directly to the consent agenda or regular agenda at his/her discretion. When Dr. McCoy went off the Board in December, further changes were made in the process by staff with the approval of the Board President. Mr. Barnett explained that when the complaint is received, the investigative staff reviews it and identifies the specific concerns and makes the determination of whether the complaint needs to be assigned for a field investigation or if it needs to be processed through the CRC in the usual fashion. The only step eliminated in the process is the initial review of the case by the CRC Chairman who previously made the decision to assign the case for field investigation or refer to the CRC. Mr. Barnett stated that the investigative staff is experienced enough now in the process to take on more responsibility. It also shortens the overall processing time by eliminating that one step. A motion was made by Ms. Lepp and seconded by Dr. Sheets that the Board approve the changes in the complaint handling process as presented. Motion carried 5 to 0.

Mrs. Rimiller questioned the Board on where it wants to go now with the Strategic Plan. The issue regarding attorney involvement and time in the complaint process was questioned. Ms. Flint noted that some of the steps are not accurate. Ms. Wisdom stated that she has had some changes in her office as well that need to be reflected on the flow chart. Both Ms. Wisdom and Ms. Flint were asked to cooperate with Gloria Andrews in updating the flow chart. Mrs. Rimiller was asked to bring a copy of the updated flow chart to the next meeting and the Board can decide at that time what to do next.

CONSCIOUS SEDATION PROPOSED RULES
A group of pediatric dentists headed by Dr. Craig Hollander presented to the Board with questions on the new conscious sedation rules. One of the questions was whether or not they would have to have additional education and training in order to do sedation dentistry after the effective date of the new rules. The Board explained that their pediatric residency training would qualify them for a permit under the new rules. However, their auxiliary staff will have to attend a Board approved course in monitoring conscious sedation. All sedation team members, including the dentist, have to possess and maintain current certification in CPR, BLS, or ACLS. Dr. Hollander also questioned whether the new rules apply to a dentist who writes the prescription and sends it home with the patient to take before the dental appointment. In other words, the dentist is not sedating the patient in the dental office. It was noted that the rule requires the dentist to possess a permit to prescribe sedative agents for enteral and parenteral conscious
sedation. There was also the question of whether they will be able to continue doing sedation dentistry after the effective date of the new rules if there has not been time for the new permits to be issued. The Board agreed that this is a problem because they need time to process the applications, conduct the site inspections, and issue the permits. The Board is considering a six-month compliance period.

CLOSED SESSION
A motion was made by Dr. Sheets at 3:10 p.m. and seconded by Ms. Lepp 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: Dr. Aubert, Ms. Thompson, Ms. Lepp, Dr. Jackson, and Dr. Sheets. Motion carried 5 to 0.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Ms. Thompson and seconded by Ms. Lepp that this meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 7:45 p.m.

Respectfully submitted,

________________________________
Sharlene Rimiller, Executive Director

Approved by the Board on: ________