Meeting Notice

Missouri Dental Board

April 21-23, 2005
Country Club Hotel
Horseshoe Bend Parkway (HH) & Carol Road
Lake Ozarks, 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 Hygienists’ Association
     President, Missouri Dental Assistants’ Association
     Alison Craighead, Director, Division of Professional Registration
     Gregory A. Steinhoff, Director, Department of Economic Development
Open Agenda

Missouri Dental Board
April 21-23, 2005
Country Club Hotel
Horseshoe Bend Parkway (HH) & Carol Road
Lake Ozarks, Missouri

Thursday, April 21, 2005

1:00 p.m. – 5:00 p.m. - Policy Review Committee Meeting (See Separate Agenda)

Friday, April 22, 2005

1. 8:00 a.m. - Call to Order Dr. Aubert
2. Roll Call Ms. Thompson
3. Closed meeting pursuant to Section 610.021, subsections (1), (5), (14) and 620.010.14, subsection (7). The Board will remain in closed session the remainder of the day. Dr. Sheets

Saturday, April 23, 2005

4. 8:00 a.m. – Call to Order Dr. Aubert
5. Roll Call Ms. Thompson
6. Approval of the Agenda Dr. Aubert
7. Approval of the Minutes Dr. Aubert
   - January 14, 2005 – Policy Review Committee
   - January 20-22, 2005 – Full Board Meeting
   - February 9, 2005 – Mail Ballot
   - February 14, 2005 – Mail Ballot
   - February 18, 2005 – Mail Ballot
   - March 1, 2005 – Mail Ballot
   - March 15, 2005 – Conference Call
8. Dialogue with Associations Dr. Aubert
   - Missouri Dental Assistants’ Association
   - Missouri Dental Hygienists’ Association
   - Missouri Dental Association
   - Missouri Dental Assistants Educators
9. Executive Director Report Mrs. Rimiller
   a. Financial Report
   b. Rulemaking Status Report
10. Policy Review Committee Report Dr. Jackson

Posted: 04/01/05
10:00 a.m.
11. CRDTS Steering Committee Report
   Dr. Aubert

12. AADE Mid-Year Meeting Report
   Ms. Lepp and Dr. Sheets

13. Well Being Committee Report
   Dr. Jackson

14. Fluoride Varnishes
   Ms. Lepp

15. Conscious Sedation Rules
   Dr. Sheets and Mrs. Rimilier

16. Dental Organization for Conscious Sedation
   Dr. Sheets

17. St. Louis University School of Medicine
   Dr. Sheets

18. Strategic Plan
   Dr. Aubert

19. Paul A. Bonstead, D.D.S.
   Dr. Aubert

20. David L. Kaelin, D.M.D.
   Dr. Aubert

   Dr. Aubert

22. John A. Schleiffarth, D.D.S.
   Dr. Aubert

23. Wayne D. Olson, D.D.S.
   Dr. Aubert

24. ProDental Plaza
   Ms. Lepp

25. Proposed Changes to Rules on Advertising
   Dr. Aubert

26. General Anesthesia Office Evaluation Committee
   Dr. Sheets

27. Renewal of Contracts for FY-06
   Dr. Aubert

28. Other Agenda Items
   Dr. Aubert

---

Meeting Notice Posted: 4/1/2005
Tentative Open Agenda Posted: 4/1/2005
DRAFT Open Minutes Posted: 6/13/2005
29. Motion to go into Closed

30. Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Eric Aubert, President, at approximately 8:08 a.m. on Friday, April 22, 2005, at the Country Club Hotel, Horseshoe Bend Parkway (HH) & Carol Road, Lake Ozarks, 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
Dr. Rolfe C. McCoy, 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 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, and approval of closed minutes. Those voting yes: Dr. Aubert, Ms. Thompson, Ms. Lepp, Dr. Jackson, Dr. Christman, Dr. McCoy and Dr. Sheets. Motion carried unanimously.
SATURDAY, APRIL 23, 2005
The open meeting of the Missouri Dental Board was called to order by Dr. Eric Aubert, President, at approximately 8:05 a.m. on Saturday, April 23, 2005, at the Country Club Hotel, Horseshoe Bend Parkway (HH) & Carol Road, Lake Ozarks, 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
Dr. Rolfe C. McCoy, 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
Lori Henderson, D.D.S., Missouri Association of Pediatric Dentists
Barbara Bragg Meyer, R.D.H., Missouri Dental Hygienists’ Association
Debbie Polc, R.D.H., Missouri Dental Hygienists’ Association
Dr. Robert G. Fox, Missouri Dental Association
Mary L. Young, Missouri Dental Assistants’ Association
Lee Ann Turnbaugh, Missouri Dental Assistants’ Association
Debra Fletcher Adams, Advisory Commission for Dental Hygienists
Dr. Mike Sawyer, Dentist
Dr. Jacob Lippert, Executive Director, Missouri Dental Association
Dr. Michael Hoffmann, Conscious Sedation Committee
Mike Otradovel
Fran Tourdot, Advisory Commission for Dental Hygienists
Chris Stewart, Oral Health Network of Missouri
Karen Dent, Oral Health Network of Missouri
Dr. Guy Deyton, Conscious Sedation Committee

Dr. Aubert opened the meeting with the Pledge of Allegiance and a prayer. Dr. Aubert remembered Dr. Joe Neal in the prayer, a member of the Missouri Dental Association who recently passed away.

APPROVAL OF THE AGENDA

Posted: 04/01/05
10:00 a.m.
A motion was made by Dr. McCoy and seconded by Dr. Jackson that the agenda be approved with two additional items, Board travel and optical imaging. Motion carried unanimously.

**BOARD TRAVEL**
Mrs. Rimiller informed the Board that the annual meeting of the American Association of Dental Examiners (AADE) will be held in Philadelphia, Pennsylvania, on October 6-7, 2005. The reservation deadline is around the middle of July. The annual meeting of the American Association of Dental Administrators (AADA) follows the AADE meeting this year on October 7-9, 2005, at the same location.

Mrs. Rimiller also mentioned that the annual CLEAR conference will be held this year on September 15-17, 2005, in Phoenix, Arizona. A motion was made by Dr. McCoy and seconded by Dr. Christman that Dr. McCoy, Dr. Aubert, and Ms. Lepp be authorized to attend the AADE meeting; Mrs. Rimiller, Ms. Mengwasser, and Ms. Holtmeyer be authorized to attend the AADA meeting; and that Dr. Christman and Dr. Aubert be authorized to attend the CLEAR conference. Motion carried unanimously.

**APPROVAL OF THE OPEN MINUTES**
A motion was made by Ms. Lepp and seconded by Dr. McCoy that the Board approve the following open minutes:

- January 14, 2005 - Policy Review Committee
- January 20-22, 2005 – Full Board Meeting
- February 9, 2005 – Mail Ballot
- February 14, 2005 – Mail Ballot
- February 18, 2005 – Mail Ballot
- March 1, 2005 – Mail Ballot
- March 15, 2005 – Conference Call

Motion carried unanimously.

**DIALOGUE WITH ASSOCIATIONS**

**Missouri Dental Assistants’ Association**
Ms. LeeAnn Turnbaugh and Ms. Mary L. Young presented to the Board and reported that the Missouri Dental Assistants’ Association (MDAA) will be administering the basic skills review course and examination in July at the Missouri Dental Association (MDA) meeting. The MDAA will also be sponsoring a one-half day safety course on radiology at the same time. The review course and exam will also be available in November at the St. Louis meeting. An issue of concern expressed by the MDAA is that dental assistants are bouncing in and out of radiology legislation. Ms. Young asked that this issue be addressed to see what can be done to prevent it in the future. The MDAA’s new website address is www.modentalassistantsassociation.net.

**Missouri Dental Hygienists’ Association**
Ms. Debbie Polc, President, Missouri Dental Hygienists’ Association (MDHA), presented to the Board to report that they have been busy working with the MDA on the new distance learning legislation for dental hygienists. July 8-9, 2005 is the next meeting of the MDHA. They will be working on their strategic plan. The annual meeting of the MDHA is on October 28-29, 2005. Both meetings will be held at Tan-Tar-A in Lake Ozarks. Dr. Aubert asked about MDHA membership and Ms. Polc was happy to report that there has been an increase in membership but it will never reach 100%.

Missouri Dental Association
Dr. Bob Fox, President, Missouri Dental Association, presented to the Board and expressed his appreciation for this time to dialogue. He reported that the Missouri Dental Association (MDA) is working hard on legislation. Specifically, the distance learning legislation for dental hygienists and the Medicaid bills, including the Dental Carve Out bill. Dr. Fox stated that the MDA is anxiously awaiting the Board’s response to the fluoride varnish issue that was brought up at the January meeting. Additionally, the MDA is very interested to hear the question and answer session on the conscious sedation rules and to hear what the Board plans to do with the proposed changes to the advertising rule. Dr. Fox said that he hopes the Board will re-visit the advertising rule and come up with changes that are enforceable.

Dr. Lippert provided a status report on legislation. House Bill 61 includes language requiring dental assistants to be licensed by a Board of Radiology under the Board of Healing Arts. The MDA has worked with the sponsor and was able to change the language in the bill to exempt dental assistants that are working under the direct supervision of a dentist. Senate Bill 64 is a comparable bill but it is not expected to go anywhere. The dental hygiene distance learning bill has now been included with Senate Bill 177, which is the bill allowing dentists who perform dental primary care and preventive health services in charitable situations to be covered by the state legal expense fund. This bill adds extractions to the definition of “dental primary care and preventive health services”. The Professional Registration bill has now been added to Senate Bill 177 as well. It’s on a fast track now and when it’s voted out of the House, it just needs to go back to the Senate for conference. Dr. Lippert also reported that there was an appropriation included in the Economic Development budget for $250,000 to help get the dental hygiene distance learning program up and running. House Bill 400 is the Dental Carve Out bill and it passed the House and is on its way to the Senate. Session ends on May 13th this year. With regard to the Medicaid budget, the House eliminated adult dental services but when the bill went over to the Senate, the Senate not only reinstated adult dental services but doubled the appropriation. At this particular time, Medicaid reimbursement for adult dental services is still alive. Dr. Lippert also talked about the legislative plan for overhauling the Medicaid system as a whole. There is a bill creating a commission with a sunset date of July 1, 2008. The Governor has not yet signed the bill. Dr. McCoy asked and was appointed as the Board’s representative if this commission is created.
Mrs. Rimiller added an update on House Bill 665, which is the Professional Registration Omnibus bill. It also includes the dental hygiene distance learning language. Dr. Lippert reported that the version in House Bill 665 does not include the language for the Dental Hygienist Distance Learning Committee. Mrs. Rimiller asked the attorneys to look at the section of the bill relating to settlement offers. House Bill No. 232 changes the medical records release law by allowing health care providers to condition the furnishing of the patient's health records to the patient upon payment of a fee. It also increases the amount the provider can charge for copying records, including postage costs and notary fee. Mrs. Rimiller also reported on House Bill 915, which amends the law regarding the suspension of professional licenses for failure to file or failure to pay state income taxes. This proposal simplifies the process for the Division and puts more of the responsibility on the Department of Revenue. Dr. Lippert stated that there is also a bill that includes dentists to the list of people that can do acupuncture. It is Senate Bill 348. Mrs. Rimiller asked the attorneys to look at Senate Bill 548 that makes changes to the way the Administrative Hearing Commission does business.

Dr. Lippert asked the Board if it would be acceptable for him and Mrs. Rimiller to get together after the question and answer session on the conscious sedation rules to put together an article to publish in the FOCUS and include on the MDA website.

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 February 28, 2005.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance</td>
<td></td>
<td>$610,887.48</td>
<td></td>
</tr>
<tr>
<td>Revenue (7/1/04 to 2/28/05)</td>
<td>$1,304,334.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Revenue (3-1-05 - 6-30-05)</td>
<td>$38,590.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance Sub Total</td>
<td>$1,953,812.48</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appropriations to Board:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Service</td>
<td>$337,290.00</td>
<td>$13,766.00</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$265,924.00</td>
<td>7,516.00</td>
</tr>
<tr>
<td>Total Appropriations</td>
<td>$603,214.00</td>
<td>$21,282.00</td>
</tr>
</tbody>
</table>

Appropriation Expenditures:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Service</td>
<td>$154,801.83</td>
<td>$6,479.57</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$126,089.86</td>
<td>$2,507.04</td>
</tr>
</tbody>
</table>

Posted: 04/01/05
10:00 a.m.
Mrs. Rimiller also provided reports to the Board containing the detailed expenditures for FY-05 and a five-year fund balance projection. Based on the estimates of revenues and expenditures for the next five years, Mrs. Rimiller is still hopeful that the current fees should be able to support the appropriations and other expenses from the Board’s fund during the five-year projection period. Dr. Jackson expressed concern about the OA transfer and asked how that cost could be eliminated. Mrs. Rimiller explained that this is a cost allocation based on licensee count and it goes to OA for services provided to Professional Registration. The only way it can be eliminated is through the budget process.

**Rulemaking Status Report**

Mrs. Rimiller provided the Board with a status report on pending rules. The new conscious sedation rules went into effect on April 30, 2005. The changes to the rules resulting from last year’s legislative changes were filed with the Secretary of State on March 1, 2005 and appeared in the Missouri Register for the thirty (30) day comment period on April 1, 2005. The comment period ends on May 2, 2005. These rules include the license renewal rules for both dentists and dental
hygienists, the rescission and re-adoption of the rule on certification of dental specialists, the fees rule, and the rule on continuing education. A motion was made by Dr. McCoy and seconded by Dr. Christman that the Board file the final orders of rulemaking on these rules providing there are no comments received before May 2, 2005. Motion carried unanimously. The only other rules that are progressing through the rulemaking process at this time is the rescission of the rule on endodontic materials and the new certification rule for the registration of federally qualified health centers. These rules are scheduled to appear in the Missouri Register for the thirty (30) day comment period on May 16, 2005.

**POLICY REVIEW COMMITTEE REPORT**

Dr. Jackson reported that the Policy Review Committee met on Thursday, April 21st, and had a good and productive meeting. It was reported that the PRC has taken action on the following tasks for the Board’s review and approval.

**Licensure by Credentials**
The PRC considered the need for a possible statute change on licensure by credentials due to the Christine Lathuras case. In this case, the Administrative Hearing Commission ruled on the appeal of Dr. Lathuras’ denied application saying that an applicant for licensure need not be licensed in any one state for a period of five (5) years immediately preceding his/her application as long as the applicant was licensed consecutively for that five (5) year period. The PRC decided not to seek a statute change at this time and basically agreed with the Administrative Hearing Commission's decision.

**Licensure Exemption for Residents in Approved Programs**
The PRC considered the need for a possible statute change to include residents in the licensure exemption statute who are enrolled in any American Dental Association (ADA) approved residency program. Dr. Deyton was acknowledged for pointing out Section 332.011 to the PRC. This statute defines an accredited dental school as any college, university, school, or other institution which teaches dentistry and has been certified by the American Dental Association. The PRC agreed with Dr. Deyton that a statute change is not necessary and that the residency director at St. John’s Mercy Medical Center should be notified that the information previously mailed to him was in error and that if the program is ADA accredited, the residents are exempt from licensure.

**Jurisprudence Examination**
The PRC agreed to accept the Advisory Commission’s assistance in reviewing the examination questions on the dentist examination and making any necessary changes, including formulating new questions for the examination. Ms. Thompson is on point for this project.

**Retention of Medical Records and Lab Reports**
It was noted that the Board previously reviewed and approved language for a statute change for the retention of lab reports from two years to five years and for a new statute to require the retention of all dental records for a period of five years. The PRC reviewed the proposed legislation and voted to ask the full Board to move forward with
the proposed legislation in the 2006 legislative session. The PRC asked that this be legislation that the Missouri Dental Association seek out with the Board’s support due to the constraints the Board has in moving legislation forward. A motion was made by Dr. Jackson and seconded by Dr. McCoy that the Board work in conjunction with the Missouri Dental Association in moving the proposal on the retention of medical records and lab reports forward as a Missouri Dental Association proposal. Motion carried unanimously.

**Monitoring Nitrous Oxide Analgesia**
The PRC reviewed the curriculum for the nitrous oxide/analgesia course work to be presented by Karen Dent on behalf of the Oral Health Network of Missouri. The PRC voted that additional information is needed before a recommendation can be made to the full Board for its approval of the course.

**Age Related Issues in the Workplace**
The PRC considered the criteria developed by the Missouri Dental Assistants’ Educators regarding the Basic Skills Exam. It was the decision of the PRC to recommend that the full Board take no further action in the matter and asked that it be deleted from the Task List. A motion was made by Dr. Christman and seconded by Ms. Thompson that the Board approve the PRC’s recommendation. Motion carried unanimously.

**WELL BEING COMMITTEE REPORT**
Dr. Jackson provided a brief report on the recent telephone conference call meeting of the Well Being Committee. Part of the conference call meeting was to discuss compliance issues with the new Well-Being Committee rules implemented September 30, 2004. Future meetings will try to be scheduled in conjunction with the Missouri Dental Board meetings in April and October. Other housekeeping measures discussed during the conference call meeting included the terms of office of the committee members. The next term to expire is the representative from the Missouri Dental Hygienists’ Association, Ms. Susan Clifford. Her term expires in June 2005. It was also noted that the financial report looks good at this time. Dr. Jackson suggested that the Missouri Dental Association provide some part-time clerical support staff to Mr. Davis. Dr. Lippert said this is not a matter for the Board and that the committee needs to work with the contractor if Mr. Davis needs some part-time clerical staff. Dr. Lippert also reported that the Missouri Pharmacy Association submitted legislation this year to mirror the Dental Well-Being program for pharmacists.

**CRDTS STEERING COMMITTEE REPORT**
Dr. Eric Aubert provided a report on the CRDTS Steering Committee meeting that was held in Kansas City, Missouri, on March 4, 2005. The CRDTS examination is being revised. The prosthodontic portion is being computerized in 2006. There is also a new endodontic examination. There was still a lot of time devoted to discussion of the National Uniform Clinical Licensure Examination for dentistry and dental hygiene. The American Dental Association is also working on a National Board clinical examination but there has been a lot of concern expressed about the ADA developing a licensure examination. Most states are agreeing that the examination needs to come from an
independent third party and that the ADA needs to stay out of the process. Ms. Lepp stated that another benefit of the national clinical licensure examination is that it will be given in parts and administered at different times throughout the student’s education. This allows the student to become licensed right after graduation if s/he has passed all parts of the exam.

**AADE MID-YEAR MEETING REPORT**

Dr. Sheets and Ms. Lepp reported on their attendance at the AADE mid-year meeting held in March in Chicago. Most of the meeting centered on the debates regarding the national clinical licensure examination. The Ohio Dental Board’s executive director reported that there is no profession that puts licensure and/or certification in the hands of the people responsible for the education of those wishing to practice in the profession. This is one reason most state dental boards are opposed to the ADA running the unified licensure examination. Also, part of the meeting dealt with dental schools weeding out the bad apples and it was thought that boards are better off if they deny an initial license rather than to try and revoke a license. There was also a discussion about the difficulty of teaching ethics. When boards mandate a licensee to earn additional continuing education hours in a particular field, such as prosthetics, most of the time it doesn’t work. There were comments regarding what dental boards can do to increase access to care. The Mission of Mercy Program in Kansas and Texas was discussed. These boards grant 90-day free licenses to any dentist that will come in to those states and work in community health centers and treat the needy. The State of Maryland has a program requiring dentists who get non-quality of care complaints filed against them, such as non-renewal of license, to do 40 to 80 hours of free work at community health centers.

Ms. Lepp acknowledged the staff for keeping board members updated on what is going on with regard to the development of the national clinical licensure examination. Things are moving very quickly toward implementation. The President of AADE wrote a letter to all the individual state dental boards asking that they write a letter to ADA in regard to their proposal to form a national commission on clinical dental licensing and voice their opinions about keeping the licensure examinations with an independent third party and how it would not be in the public’s best interest to have the examination in the hands of a political organization. A motion was made by Ms. Lepp and seconded by Dr. Sheets that the Board authorize such a letter. Motion carried unanimously.

**DAVID L. KAELIN, D.M.D.**

At approximately 10:10 a.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. David L. Kaelin, D.M.D., Respondent, Case No. 04 0566 DB. The record will show that Dr. Kaelin was present and was represented by counsel, Mr. Albert Spradling, III. 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 record will reflect that Dr. John Sheets and Dr. Larry Jackson were recused from the deliberations and vote in this case. The hearing concluded at approximately 10:45 a.m.

**CLOSED SESSION**
A motion was made by Dr. Christman 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, and approval of closed minutes. Those voting yes: Dr. Aubert, Ms. Thompson, Ms. Lepp, Dr. Jackson, Dr. Christman, Dr. McCoy and Dr. Sheets. Motion carried unanimously.

**STRATEGIC PLAN UPDATE**

Ms. Gloria Andrews met with the Board at 11:20 a.m. to update the Board on its strategic plan for handling complaints. Handouts were provided and Ms. Andrews congratulated the Board on meeting all of its objectives, at least with regard to research. Ms. Andrews praised the staff for the work that has been done and reported that the process has improved by as much as 70%. Recommendations for further improvement include optical imaging of weekly complaint packets sent to the Complaint Review Committee (CRC) members instead of paper mailings. This would require getting good quality images of x-rays. As an alternative, the team is looking at skipping the imaging and CD and instead, encrypt the material so it can be e-mailed to the CRC members at the same time. Recommendations for continued improvement include the purchase of an automatic document sequencer and hiring a temporary employee to enter historical information into the PROMO system. The team will continue to monitor and evaluate the process and report to the Board any relevant technology advancement options for on-line tracking. Ms. Andrews also brought up the team’s concerns with regard to the cases referred to legal counsel for discipline and the length of time between the date the case is referred and the date the first communications are mailed from the attorney to the licensee. It was noted that the time span varies case-by-case depending on the difficulty of the case and whether additional investigation is needed to move that case forward. The recommendation is to establish written guidelines for attorney expectations and accountability based on reasonable time frames agreed upon by both parties. A procedure manual was also suggested for complaint handling procedures that can be updated annually. After further discussion of the complaint process, a motion was made by Dr. McCoy and seconded by Dr. Christman that in the next forty-five (45) days, the CRC digest the information provided and come back to the Board at its next meeting with its proposals for implementation of the recommendations and that the attorneys review their processes and make any needed corrections to the flow chart and bring their recommendations to improve the process back to the Board at the same time. Motion carried unanimously.

**FLUORIDE VARNISHES**

The Board heard testimony from Dr. Bob Fox and Dr. Jacob Lippert with regard to their inquiry dated January 22, 2005, asking the Board to take a position on who can legally apply fluoride varnishes in this state. The question was asked of the witnesses if they consider the application of fluoride varnishes to be the practice of dentistry and both Dr. Fox and Dr. Lippert thought that it would not be the practice of dentistry but, both thought there is some training required before just anyone could apply fluoride varnishes. It was noted that fluoride varnishes are a prescription item and although there is a train of thought that just about anyone can apply fluoride varnishes with
appropriate training, only those with prescriptive authority can write the prescription. Ms. Flint informed the Board that it should not be providing an opinion on whether this or any other questionable procedure is considered the practice of dentistry, there is a process that has to be followed. For example, the opinion would need to come from the courts, the Administrative Hearing Commission, or the legislature by statute change.

Dr. Lippert said that he didn’t see the application of fluoride varnishes as being any different than fluoride rinses that school nurses have been providing to children in a school setting for a long time. However, Dr. Lippert indicated that he just wanted to make sure that the Board agreed and if there is ever a complaint filed, the Board will not see it as an issue to pursue some type of action against someone for the practice of dentistry without a license. Ms. Flint stated that the Board is always changing its composition and future boards are not bound by this Board’s opinions unless the proper process is followed. With regard to a complaint, Ms. Flint noted that the Board could not make a decision until there is a complaint filed. If the Board did believe it was the practice of dentistry, the courts would make the decision based on expert testimony.

CONSCIOUS SEDATION RULES
The Board met with its Conscious Sedation Committee, Dr. Michael Hoffmann and Dr. Guy Deyton, to review the questions that have been received from licensees regarding the new conscious sedation rules. Dr. Lori Henderson, a pediatric dentist, joined Dr. Deyton and Dr. Hoffmann at the table for the discussion. Dr. Aubert prefaced any comments from the Board with a statement indicating that the Board has received many questions regarding the interpretation, implementation, and enforcement of the new sedation rules. The Board is not prepared at this time to respond to all inquiries and comments. The Board will address some specific questions in an effort to assist the staff. However, the Board will review and respond to the majority of these inquiries and comments at a future date after there is the opportunity for further review. Dr. Deyton and Dr. Hoffmann reviewed the questions outlined by Mrs. Rimiller in the agenda materials and provided answers for the Board’s consideration. These answers were provided by Dr. Deyton in a word document as well and not all the questions that were addressed will be included in the minutes. Included in the minutes is a summary of the key issues. The question of how anxiolysis differs from sedation was answered with the statement that anxiolysis is the diminution of anxiety without affecting the patient’s ability to think, speak, and respond. Sedation diminishes the patient’s ability to think and respond, but the patient is able to respond to physical stimuli and maintain their airway. It was also stated that there are no drugs that can be used strictly for anxiolysis. Most sedative drugs can be used to produce any state of sedation, including general anesthesia, depending on the dose and patient. The key is for the doctor to use professional judgment. There is no formula, except for experience and training. It was suggested that dentists keep to the minimum dose and, if needed, increase at a future appointment if anxiolysis is not achieved. For children under the age of three that are sedated, it was Dr. Deyton’s opinion that the dentist should have an enteral permit.

With regard to questions regarding the use of specific drugs, the rules do not regulate by any class of drug. The rules regulate according to levels of sedation. If there is a possibility or likelihood that the use of any specific drug will cause conscious sedation, a permit is required. The same answer applies to the question regarding the use of nitrous oxide in addition to an enterally delivered anxiolytic agent. Dr. Hoffmann
directed the Board’s attention to the question of whether the stacking of sedatives is prohibited. He said that the only place the rules address the stacking issue is in the sample informed consent. Dr. Deyton stated that the rule as it is currently written does not attempt to define what procedures are acceptable and what procedures are not acceptable. The rule does not prohibit the stacking of sedatives. Dr. Hoffmann and Dr. Henderson agreed that the rule should be modified to clearly prohibit the stacking of sedative agents. It was suggested that Dr. Hoffmann and Dr. Henderson put their comments in writing with regard to areas of the rule they feel need revisions. The pediatric dentists questioned whether they can continue to provide enteral sedation in their dental offices if they lose one of their two assistants and the new assistant that is hired has not gone through the monitoring course. Dr. Deyton thought that as long as there is one assistant monitoring the sedated patient at all times, 110-4.030 (7)(A), the dentist should be able to continue providing sedation services as long as there were two assistants qualified at the time the dentist applied for and was issued a site certificate, 110-4.030 (9)(A). The Board’s emphasis is on the quality and safety of the administration and monitoring of sedation, and it was noted that the licensee runs the risk of non-compliance with the rule if s/he does not maintain personnel (2 minimum, not including the dentist) that are available to support a sedated patient. To conclude the discussion, it was suggested that staff inform licensees who contact the Board office with questions of whether or not a permit is required, to say something to the effect that the rule was not designed to regulate a pre-medication for anxiety. The rule was designed to regulate conscious sedation, which will involve some element of clinical judgment with each patient. The Board asked that Ms. Wisdom review all of the questions and the answers to those questions provided by Dr. Deyton and Dr. Hoffmann and develop a document that can be forwarded to the Board for review and approval at a future date. Dr. McCoy suggested that Dr. Henderson provide any suggestions for changes to the rule, in writing, based on the concerns expressed by the pediatric dentists in her most recent correspondence. It was noted that it takes at least nine months to implement changes in a rule. Dr. Lippert was asked to send information out in the FOCUS that could minimize some of the confusion regarding the rules. He asked that the Board consider extending the time for compliance with the rules from 6 months to a year. Dr. Hoffmann suggested that if the Board is considering amending the rules, it eliminate the manual as part of the rules.

**DENTAL ORGANIZATION FOR CONSCIOUS SEDATION**

The Board reviewed the course material received from the Dental Organization for Conscious Sedation (DOCS) to consider if their enteral conscious sedation course qualifies for approval under the new conscious sedation rules. The Board also reviewed Dr. Deyton’s evaluation report, which included several recommended areas for changes that DOCS will need to implement in their course before it will meet the requirements of the Board’s rule. The Board asked that Dr. Deyton communicate his recommendations to DOCS and the Board will take up the issue again when the changes have been made.

**ST. LOUIS UNIVERSITY SCHOOL OF MEDICINE**

Dr. Sheets provided information to the Board regarding the 4th Annual Anesthesia Update course that is sponsored by St. Louis University and Washington University. He
said the course is fine for satisfying the fifteen (15) hours of continuing education in medical emergencies, anesthesia complications, or patient management while under sedation but it is not an enteral conscious sedation course. It was noted that the course was previously approved for the ACLS equivalency for dentists to renew their parenteral conscious sedation or general anesthesia permits. Mrs. Rimiller noted that the reason it was included on the agenda is that someone thought the course might qualify as an enteral conscious sedation course with some modifications. Dr. Sheets informed the Board that the sponsors of the course have no interest in changing the course content to make it qualify as an enteral conscious sedation course.

ADVISORY COMMISSION REPORT
Ms. Fran Tourdot presented to the Board and provided a written report from the Advisory Commission for Dental Hygienists regarding its meeting on March 11, 2005. It was also noted that the Commission would like to have its own representation at all five sites where the National Board examination is administered. Ms. Lepp reported that within the next couple of years the test will be computerized and will be administered at locations other than the schools. Exam proctors will no longer be necessary after the test is computerized. Ms. Tourdot introduced Debra Fletcher Adams, a recent appointee to the Commission, replacing Tadd Greenfield who resigned. The Board congratulated Ms. Adams on her appointment and confirmation to the Commission. The next meeting of the Commission will be the joint meeting with the Board on July 21, 2005. After that, a meeting is scheduled on October 27, 2005 at Lake Ozarks.

PROPOSED CHANGES TO RULES ON ADVERTISING
The Board reviewed the written testimony received from Dr. Guy Deyton regarding the proposed changes to the Board’s rule on advertising that the Board approved at its January, 2005 meeting. The Board also considered comments received from Dr. Guy Bates, Jr. Dr. Deyton encouraged the Board to decide what it wants to regulate, make sure the statute and regulation are consistent, and then enforce the rule. Dr. Jackson reminded the Board that Dr. Bates, commenting on behalf of the Missouri Dental Association, is asking that the Board allow more time for consideration before changing the rules and that the Board give consideration to making all the rules on advertising apply equally to both general dentists and specialists. Dr. Bates also feels strongly that claims such as cosmetic dentistry and other specializations where there is no approved specialty need to be regulated by the Board. A motion was made by Dr. Sheets and seconded by Dr. McCoy that the Board’s proposed changes to the rule on advertising be sent back to the Policy Review Committee for further consideration. Motion carried unanimously.

PRODENTAL PLAZA
The Board reviewed the information received from the law firm of Husch & Eppenberger, LLC regarding the use of the ProDental name for a new office building in Columbia owned by Dental Vision, LLC. A motion was made by Dr. McCoy and seconded by Dr. Jackson that the Board send the attorney a letter explaining that the Board does not have any jurisdiction in this matter since the name applies to a building and not a dental practice. Motion carried unanimously.
GENERAL ANESTHESIA OFFICE EVALUATION COMMITTEE
The Board considered the recommendations from Dr. Richard Weber, Chairman of the Board’s General Anesthesia Committee, to add two members to the committee, Dr. Randal Begley from Cape Girardeau and Dr. J. Adam Andrews from Columbia. A motion was made by Dr. Jackson and seconded by Dr. Sheets that the Board approve Dr. Weber’s recommendations and include Dr. Begley and Dr. Andrews on the General Anesthesia Committee. Motion carried unanimously. Mrs. Rimiller also mentioned that Dr. John Steuterman is looking for new members to serve on the Parenteral Conscious Sedation Committee.

RENEWAL OF CONTRACTS FOR FY-06
The Board reviewed Nanci Wisdom’s legal services contract for FY-06. A motion was made by Dr. McCoy and seconded by Dr. Christman that the Board approve Ms. Wisdom’s legal services contract. Motion carried 6 to 1. Ms. Lepp voted against the motion and commented that there should be a performance appraisal completed before the contract is renewed, or that the contract could be renewed contingent on a successful performance appraisal. Dr. Aubert offered to provide an evaluation for legal counsel.

The Board reviewed the Missouri Dental Association’s Well-Being Committee contract for FY-06. A motion was made by Dr. Jackson and seconded by Dr. Christman that the Board renew the Well-Being Committee contract for FY-06. Motion carried unanimously.

MEDICAID SCHOOL-BASED SERVICES COMMITTEE
Dr. McCoy provided a summary report on the last dental sub-committee meeting of the School Based Services Committee. The meeting was held on February 25, 2005. Ms. Susan Wilson is now a member of the subcommittee and has brought some interesting points to the table. At the February meeting, there was more discussion on the minimum requirements of dentistry in a school-based setting. That included a discussion of whether sealants should be placed without the use of x-rays to rule out any presence of caries. Dr. McCoy stated that it is his proposal that x-rays must be taken before sealants are applied and that has created some disagreement with some of the other committee members. The April 8th subcommittee meeting was cancelled and has not yet been rescheduled.

CLOSED SESSION
A motion was made by Dr. McCoy 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 Dr. Sheets that this
meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 7:40 p.m.

Respectfully submitted,

__________________________________
Sharlene Rimiller, Executive Director

Approved by the Board on: ________