Meeting Notice

Missouri Dental Board and Advisory Commission for Dental Hygienists

July 21, 2005 4:00 p.m.
Doubletree Hotel & Conference Center
16625 Swingley Ridge Rd.
Chesterfield, 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 and the Advisory Commission for Dental Hygienists 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 and the Advisory Commission for Dental Hygienists 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
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
Alison Craighead, Director, Division of Professional Registration
Gregory A. Steinhoff, Director, Department of Economic Development
Open Agenda

Missouri Dental Board and Advisory Commission for Dental Hygienists

July 21, 2005 – Joint Meeting
Doubletree Hotel & Conference Center
16625 Swingley Ridge Rd.
Chesterfield, Missouri

1. 4:00 p.m. - Call to Order
   Dr. Aubert
2. Roll Call
   Ms. Thompson
3. Approval of the Agenda
   Dr. Aubert
4. Scope of Practice Question
   Dr. Aubert
   - Can dental hygienists place or remove temporary restorations under general supervision without an expanded functions course?
5. Report from Debbie Polc regarding the progress of the Dental Hygienist Distance Learning Committee
   Dr. Aubert
6. Legal Services for Advisory Commission
   Ms. Gerecke
7. Review Updated Task List
   Ms. Gerecke
8. Motion to Close
   Dr. Sheets
9. Return to open for Adjournment
Open Minutes
Missouri Dental Board
Advisory Commission for Dental Hygienists

July 21, 2005  4:00 p.m.
Doubletree Hotel & Conference Center
16625 Swingley Ridge Road
Chesterfield, Missouri

The open session of the joint meeting of the Missouri Dental Board and the Advisory Commission for Dental Hygienists was called to order by Dr. Eric Aubert, President, Missouri Dental Board, at approximately 4:00 p.m. on Thursday, July 21, 2005 at the Doubletree Hotel & Conference Center, 16625 Swingley Ridge Road, Chesterfield, Missouri.

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

ADVISORY COMMISSION MEMBERS PRESENT:
Deborah L. Gerecke, RDH, Acting President
Tia Marie Strait, RDH, Member
Debra A. Adams, RDH, Member
Deborah K. Polc, RDH, Member

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

GUESTS:
Deborah Manne
Lori Bruce, Missouri Dental Hygienists’ Association
Diann Bomkamp, Missouri Dental Hygienists’ Association

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.
APPROVAL OF THE AGENDA
Ms. Gerecke added an item to the open agenda to discuss the application of oraqix by dental hygienists. A motion was made by Ms. Lepp and seconded by Dr. Strait that the agenda be approved as amended. Motion carried unanimously with all Board members and Advisory Commission members voting in favor of the motion.

EXPANDED FUNCTIONS FOR DENTAL HYGIENISTS
The Board and the Advisory Commission reviewed the correspondence received from Diann Bornkamp dated May 26, 2005, regarding the placement or removal of temporary restorations by a dental hygienist under general supervision. It was noted that this is a situation similar to that of the Missouri Dental Association (MDA) asking who could legally apply fluoride varnishes. When the Board addressed that issue, legal counsel advised that the Board should not be providing an opinion on whether this or any other questionable procedure is considered the practice of dentistry because 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. A motion was made by Ms. Lepp and seconded by Dr. Christman that a letter be written to Ms. Bomkamp similar to the letter written to the MDA regarding their request for an opinion concerning fluoride varnishes. Motion carried unanimously with all Board members and Advisory Commission members voting in favor of the motion.

DENTAL HYGIENIST DISTANCE LEARNING
Deborah Polc addressed the Board and the Advisory Commission to provide an update with regard to Senate Bill 177, which includes the language for the distance dental hygienist education program. Ms. Polc stated that although the Missouri Dental Hygienists’ Association (MDHA) did not believe that legislation was necessary, it was reported that Senator Cauthorn thought legislation was needed because time and effort had been given by legislators addressing the hygiene shortage problem and they wanted the legislation so their time and efforts were not wasted. The original bill (Senate Bill 523) included only the language for the distance learning program but when the language was added to Senate Bill 177, it included the language establishing the Committee and a deadline (November 1, 2005) for having a report on the training program to both houses of the general assembly and the governor. Dr. Lippert, Dr. Wallace, Lori Bruce, Deborah Polc, and the executive director of ADHA traveled to Chicago to attend a CODA meeting to enlist their help in establishing the distance learning program. They were also provided a name of a person that could help them write the RFP for the program. The meeting was productive but, it has been suggested that until the legislation is signed, the appropriation is in place, and the Committee is appointed that there is not much that can be done. Senate Bill 177 has been signed into law by the Governor. It will go into effect on August 28, 2005. As far as Ms. Polc knows, there have been no efforts to appoint the Committee. Both associations have made recommendations of who should serve on the Committee. The Committee members that have been recommended are: Dr. Lippert, Dr. Wallace, Dr. Fox, Lori Bruce, Stacie Scrivner, and Deb Polc. Because
the Committee has not been appointed, not much work has been done since the Chicago meeting. The Board suggested that the recommended Committee members continue their work and if necessary, pass it along to the appointed Committee so that the report can get done by November 1, 2005. Dr. Strait reported on the progress she had made developing a distance learning program for Missouri Southern University. Currently, the targeted locations for the clinical facilities are Rolla and Kirksville. These locations were selected based on need determined by data that came from the Board’s 2002 renewal.

LEGAL SERVICES FOR ADVISORY COMMISSION
The Board and the Advisory Commission discussed the recent developments regarding the reduction in services provided by the Attorney General’s Office. The Attorney General’s Office has notified Ms. Craighead that attorneys from their office will no longer routinely attend Board meetings. Additionally, lawyers from the Attorney General’s office will provide less day-to-day general counsel advice. It was noted that this development affects the Advisory Commission more adversely than the Board because their legal services have been provided solely by the Attorney General’s Office. Ms. Gerecke reported that the Advisory Commission feels it is necessary to have legal counsel at their meetings. For that to happen, the Commission’s only option at this time is to pay for private legal counsel from their appropriation. In the past, the cost was a transfer from the Board’s fund and it did not hit the appropriation. It was suggested that if the Advisory Commission does not want to pay to have a private attorney at their meetings, they could arrange to have Ms. Wisdom available by telephone to answer questions as they come up. Ms. Wisdom mentioned that for the first time in FY-05, her legal expenses for the Board came in over-budget and this does not include any work for the Advisory Commission. After further discussion, Dr. Jackson reminded the Board and the Advisory Commission that the President of a Board Committee or Commission has the authority, with consultation of the executive director, to evaluate the agenda and decide when or if legal counsel is needed at their meetings. Dr. McCoy questioned the policy and requested that it be re-circulated to the Board. Since the October Advisory Commission meeting will be devoted to the review of the jurisprudence examination, it may be decided that legal counsel is not needed at that meeting.

ELECTION OF OFFICERS
It was noted for the record that the Advisory Commission does not currently have a President. Fran Tourdot was recently replaced on the Commission and Ms. Tourdot served as the Commission’s President. A motion was made by Dr. Jackson and seconded by Dr. McCoy that the Election of Officers for the Advisory Commission be added to this agenda. The motion and the second to the motion were withdrawn. The Commission will hold elections at their October meeting.

APPLICATION OF ORAQIX BY DENTAL HYGIENISTS
Ms. Gerecke stated that in September of 2003, the Advisory Commission was sent a survey regarding the application of oraqix by dental hygienists. The question was whether dental hygienists could apply oraqix and if so, under what level of supervision. At that time, the Advisory Commission felt that oraqix could
be applied by dental hygienists under general supervision because it is a topical anesthetic. When the Commission’s recommendations were brought before the Dental Board, there were several dentists in the audience that thought that because of the uptake of oraqix, it could not be applied by dental hygienists under general supervision. Since that time, one of the dentists that took that position at the Dental Board meeting sent a letter to the Commission asking that the matter be reconsidered. The dentist had researched the matter further and changed his mind and felt that dental hygienists could apply oraqix under general supervision. At the last Advisory Commission meeting this matter was discussed and no action was taken because the Commission had already agreed that oraqix could be applied under general supervision. Ms. Gerecke asked the Board if it wanted to re-address the issue. Dr. McCoy stated that this is the same situation as the fluoride varnishes and the placement or removal of temporary restorations and absent a rule that specifically addresses the question, the Board should not make an advisory opinion on questions of law.

**TASK LIST**
The Advisory Commission provided the Board with its updated Task List. It is as follows:

1. Ethics Course for Dental Hygienists.
2. Monitoring Medicaid Reimbursement for Dental Hygienists and the Number Participating in the Program.
3. Monitoring the Results of the New Renewal Application Questions.
5. Annual Review of Statutes relating to the Practice of Dental Hygiene.
6. Practicing in Public Settings – Proposed Department of Social Services Committee.
8. Newsletter Articles.
9. Legal Counsel Expenditure for Advisory Commission Meetings.

The Commission decided to move the jurisprudence examination to the number 1 task since their October meeting will be devoted to reviewing questions for the dentist jurisprudence examination. Deb Adams was put on point for monitoring Medicaid reimbursement for dental hygienists. Mrs. Rimiller was asked to e-mail Dr. Strait the statistics from the last renewal for the new number 4 task. The time frame was changed to November of ’05 for the new number 6, 7, and 8 tasks. A motion was made by Ms. Lepp and seconded by Ms. Gerecke that the task list be approved as amended. Motion carried unanimously with all Board members and Advisory Commission members voting in favor of the motion.

**ADJOURNMENT**
A motion was made by Dr. McCoy and seconded by Dr. Sheets that this meeting adjourn. Motion carried unanimously with all Board members and Advisory Commission members voting in favor of the motion. The joint meeting of the Missouri Dental Board and the Advisory Commission for Dental Hygienists adjourned at approximately 5:52 p.m.
Respectfully submitted,

Sharlene Rimiller, Executive Director

Approved by the Board on: ________