Meeting Notice

Missouri Dental Board
April 19-21, 2007
Oasis Hotel and Convention Center
2550 North Glenstone
Springfield, 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
Amy Braudis, Assistant Attorney General
Laurie Morris, Office of Administration
Ms. Vickie Wilbers, Executive Director, Missouri Dental Association
President, Missouri Dental Association
President, Missouri Dental Hygienists’ Association
President, Missouri Dental Assistants’ Association
President, Missouri Dental Assistants Educators
David T. Broeker, Director, Division of Professional Registration
Open Agenda
Missouri Dental Board
April 19-21, 2007
Oasis Hotel and Convention Center
2550 North Glenstone
Springfield, Missouri

Thursday, April 19, 2007

1. 8:00 a.m. - Call to Order Dr. McCoy
2. Roll Call Dr. Christman
3. Closed meeting pursuant to Section 610.021, subsections (1), (5), (14) and 620.010.14, subsection (7). Ms. Lepp

The Board will remain in closed session until Saturday, April 21, 2007, at 8:00 a.m.

Saturday, April 21, 2007

4. 8:00 a.m. – Call to Order Dr. McCoy
5. Roll Call Dr. Christman
6. Approval of the Agenda Dr. McCoy
7. Approval of the Minutes Dr. McCoy
   • January 5, 2007 – Workforce Assessment Ad Hoc
   • January 10-13, 2007 – Full Board
   • February 16, 2007 – Policy Review Committee
8. Dialogue with Associations Dr. McCoy
   • Missouri Dental Assistants Association
   • Missouri Dental Association
   • Missouri Dental Assistants Educators
   • Missouri Dental Hygienists’ Association
9. Executive Director Report Mrs. Rimiller
   a. Financial Report
   b. Rulemaking Status Report
   c. Legislation
10. Policy Review Committee Report Dr. Wallace
11. 20 CSR 2110-2.161 - Post Board Order Hearing Procedures Dr. Wallace

Posted: 4/3/07
11:00 a.m.
• Review for Possible Revisions/Rescission

12. 20 CSR 2110-2.162 – Impaired Practitioner Procedures Dr. Wallace
    • Review for Possible Revisions/Rescission

13. CRDTS Steering Committee Report Dr. Aubert
14. WREB Membership Dr. McCoy
15. AADE Mid-Year Meeting Report Ms. Lepp
16. Well Being Committee Report Dr. Aubert
17. Advisory Commission Report Ms. Adams
18. Laura A. Tumminia, R.D.H. Dr. McCoy
    • 9:00 a.m. – Probation Violation Hearing
19. Julie K. Kohler, R.D.H. Dr. McCoy
    • 9:30 a.m. – Probation Violation Hearing
20. Donald T. Roberts, D.D.S. Dr. McCoy
    • 10:00 a.m. – Probation Violation Hearing
21. Wayne D. Olson, D.D.S. Dr. McCoy
    • 11:00 a.m. – Disciplinary Hearing
22. Renewal of Contracts for FY-08 Dr. McCoy
    • Legal Services Contracts
    • Well Being Contract
23. 2008 Meeting Schedule Dr. McCoy
24. Board Travel Dr. McCoy
    • CLEAR Conference – September 6-8, 2007 – Atlanta
    • NCIT Training – September 4-6, 2007 - Atlanta
    • AADE – September 26-27, 2007 – San Francisco
    • AADA – September 24-25, 2007 – San Francisco
25. Other Agenda Items Dr. McCoy
26. Motion to go into Closed Ms. Lepp
27. Adjournment
The open meeting of the Missouri Dental Board was called to order by Ms. Patricia Lepp, Vice President, at approximately 8:10 a.m. on Thursday, April 19, 2007, at the Oasis Hotel and Convention Center, 2550 North Glenstone, Springfield, Missouri.

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

**BOARD MEMBERS ABSENT:**
Dr. Rolfe C. McCoy, President

**STAFF MEMBERS PRESENT:**
Sharlene Rimiller, Executive Director  
Justin C. Smith, Executive I  
Brian Barnett, Investigator III  
Mark Dudenhoeffer, Investigator II

**LEGAL COUNSEL PRESENT:**
Nanci Wisdom, Attorney At Law

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.

Ms. Lepp notified the Board of the passing of Dr. Rolfe McCoy's mother, Mrs. Elizabeth Ann “Betty” McCoy. In light of the attorney’s advice regarding continuance of the hearing in the matter of Dr. Roberts, the Board decided to proceed with the Saturday meeting as scheduled and send a representative to the funeral/wake of Dr. McCoy’s mother. A motion was made by Dr. Wallace and seconded by Dr. Sheets to send representatives of the Board to the funeral/wake of Dr. Rolfe McCoy’s mother, Mrs. Elizabeth Ann “Betty” McCoy, and proceed with the meeting as planned. Those voting yes: Ms. Thompson, Ms. Lepp, Dr. Wallace, Dr. Sheets and Dr. Christman. Those
voting no: Dr. Aubert. The motion carried 5 to 1. It was the consensus of the Board for Dr. Aubert to represent the Board at the funeral/wake of Mrs. McCoy.

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

**SATURDAY, APRIL 21, 2007**
The Missouri Dental Board returned to open session on Saturday, April 21, 2007. The open meeting was called to order by Ms. Patricia Lepp, Vice President, at approximately 8:10 a.m., at the Oasis Hotel and Convention Center, 2550 North Glenstone, Springfield, Missouri.

**BOARD MEMBERS PRESENT:**
Ms. Patricia A. Lepp, R.D.H., Vice President
Dr. H. Fred Christman, III, Secretary
Dr. John L. Sheets, Member
Dr. Kevin D. Wallace, Member
Ms. E. Maxine Thompson, Public Member

**BOARD MEMBERS ABSENT**
Dr. Rolfe C. McCoy, President
Dr. Eric J. Aubert, Member

**STAFF MEMBERS PRESENT:**
Sharlene Rimiller, Executive Director
Justin C. Smith, Executive I
Brian Barnett, Investigator III
Mark Dudenhoeffer, Investigator II

**LEGAL COUNSEL PRESENT:**
Nanci Wisdom, Attorney At Law

**GUESTS PRESENT:**
Ms. Barbara Bragg Meyer, R.D.H., Missouri Dental Hygienists’ Association
Ms. Debbie Fletcher Adams, R.D.H., Advisory Commission for Dental Hygienists
Ms. Deb Polc, R.D.H., Advisory Commission for Dental Hygienists
Ms. Kim Wilson, R.D.H., Missouri Dental Hygienists’ Association
Dr. Tia Strait, Advisory Commission for Dental Hygienists
Ms. Deb Gerecke, R.D.H., Advisory Commission for Dental Hygienists
Ms. Karen Dent, Missouri Primary Care Association
APPROVAL OF THE AGENDA
Due to the absence of Dr. Rolfe McCoy, Ms. Lepp requested that items 13, 14, 15, 16, 22, 23 and 24 be removed and placed on a separate conference call agenda to be scheduled later in the meeting. A motion was made by Dr. Sheets and seconded by Dr. Christman that the agenda be approved as amended. The motion carried unanimously. The record will reflect that Dr. McCoy’s absence was due to the death of his mother and that Dr. Aubert’s absence was excused to attend the funeral of Elizabeth Ann “Betty” McCoy on behalf of the Board.

APPROVAL OF THE OPEN MINUTES
A motion was made by Dr. Wallace and seconded by Dr. Christman that the open minutes of the January 5, 2007 Workforce Assessment Ad Hoc Committee meeting be approved as written. The motion carried unanimously.

A motion was made by Ms. Thompson and seconded by Dr. Christman that the open minutes of the January 10-13, 2007 Board meeting be approved as written. The motion carried unanimously.

A motion was made by Dr. Christman and seconded by Ms. Thompson that the open minutes of the February 16, 2007 Policy Review Committee (PRC) meeting be approved as written. The motion carried unanimously.

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Association
Dr. Jake Lippert and Ms. Vicki Wilbers presented to the Board on behalf of the Missouri Dental Association (MDA). Dr. Lippert stated that he, his wife Anna, and Ms. Wilbers attended the visitation in Chillicothe for Ms. Betty McCoy.

Dr. Lippert reported that there has been a ten (10) percent increase plus $500,000 added to the dental Medicaid budget to allow for treatment of adult emergency services which were specified by nine (9) new codes. This information was added as part of an addendum to House Bill 11, which allows dentists to perform extractions, x-rays, temporary crowns and other procedures without a physician’s authority. Dr. Lippert reported that the average cost to the state for a hospital dental emergency was approximately $500. For these procedures to be done in a dental office, the cost to the State would be approximately $200. Dr. Wallace asked Dr. Lippert for the amount of the budget for the upcoming year. Dr. Lippert stated that the budget for 2006 was $9.6 million, and for 2007 it will be $11.0 million.
Dr. Lippert stated that Senate Bill 577 passed the Senate last week and is currently being reviewed in the House of Representatives. Senate Bill 577 is known as the Missouri Health Improvement Act of 2007. It adds liability coverage under the state legal defense fund for healthcare providers providing healthcare services at certain health departments or health centers. Senate Bill 389 has passed the Senate and will soon be reviewed by the House of Representatives, which allows funding to the dental school to purchase new equipment and to aid in the establishment of the dental hygiene distance learning program.

Ms. Wilbers thanked Ms. Lepp for auditing the Missouri Dental Association’s Winter Session Expanded Function Dental Assistant (EFDA) program, and she thanked the Board for the opportunity to be a part of the Workforce Assessment Ad Hoc Committee. Ms. Wilbers stated that the MDA still believes that a dentist should be the only oral healthcare practitioner providing diagnosis to patients and treatment planning. The MDA believes that there should be a mid-level auxiliary created to be between a dentist and a dental hygienist and also between a dental hygienist and an assistant. Ms. Wilbers reported that the MDA has sent Dr. Wallace a Resolution regarding expanded functions dental assistants (EFDA) for the May 4, 2007 Workforce Assessment Ad Hoc Committee meeting. Ms. Wilbers stated that the MDA is currently in the interviewing process to select the five (5) Board member nominees for submission to the Governor.

Dr. Lippert reported that Dr. George Bailey has been named the Dental Director for Oral Health for the Department of Health and Senior Services. Dr. Lippert also stated that the Well Being Committee is attempting to develop a contract for Mr. Ira Davis, administrator of the Well Being Program, to work as an independent contractor. Mrs. Rimiller asked Dr. Lippert if any new contract that was signed with Mr. Davis would affect the contract between the State and the MDA for the Well Being Program. Dr. Lippert responded that he did not believe that it would have any affect.

**Missouri Dental Hygienists’ Association**

Barbara Bragg Meyer, R.D.H. presented to the Board on behalf of the Missouri Dental Hygienists’ Association (MDHA). Ms. Bragg Meyer reported that the MDHA met on April 14, 2007 at the Lake of the Ozarks. She thanked the Board for the opportunity to participate in the Workforce Assessment Ad Hoc Committee. The next meeting of the MDHA will take place July 13-14, 2007.

**Missouri Primary Care Association**

Dr. Wallace asked that an update from the Missouri Primary Care Association be added to the dialogue with associations section of the open session agendas in the future.
EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller provided the Board with the following Financial Statement as of February 28, 2006, for fiscal year 2007.

<table>
<thead>
<tr>
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<tr>
<td>Beginning Fund Balance</td>
<td>$815,591.42</td>
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<tr>
<td>Revenue (7/1/06 to 02/28/07)</td>
<td>$1,319,365.36</td>
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<td>Estimated Revenue (9/1/06 – 6/30/07)</td>
<td>$81,259.64</td>
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<td>Fund Balance Sub Total</td>
<td>$2,216,216.42</td>
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Appropriations to Board:

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<tr>
<td>Personal Service</td>
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<td>Expense &amp; Equipment</td>
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<td>Total Appropriations</td>
<td>$613,645.00</td>
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Appropriation Expenditures:

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<td>Personal Service</td>
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<td>Expense &amp; Equipment</td>
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<td>Total Appropriation Expenditures</td>
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<td>$3,659.66</td>
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Fund Transfers: (Projected for Year)

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<tr>
<td>Fringe Benefits</td>
<td>$122,707.00</td>
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<tr>
<td>Rent &amp; Utilities</td>
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<td>General Revenue</td>
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<td>DED/MIS</td>
<td>$5,574.92</td>
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<td>Refunds</td>
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<td>Professional Registration</td>
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<td>PR Credit for Accounting Position</td>
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<td>Workers Comp Fund</td>
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<td>FY-04 Transfers paid in FY-05</td>
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<td>O.A. Transfer from Board Fund</td>
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<td>Total Transfers</td>
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| Total Fund Expenditures                  | $530,814.47 |            |

Unexpended Appropriations:

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<td>Expense &amp; Equipment</td>
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<td>Total Unexpended Appropriations</td>
<td>$312,490.99</td>
<td>$17,622.342</td>
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| Total Unexpended Appropriations          | $312,490.99 | $312,490.99 |
Fund Balance Sub Total (If Entire Appropriation is Spent) $1,372,910.96

Projected Unspent Appropriations + $122,345.70

Projected Fund Balance at 6/30/07 = $1,495,256.66

Mrs. Rimiller noted that the bulk of the revenue has been received for this fiscal year due to the biennial renewal cycle ending on November 30, 2006. Currently, the renewals are short of projections by 75 dentists and 14 dental specialists; however, 27 more dental hygienists have renewed than projected. Dr. Christman asked about the vehicle fleet for the Board. Mrs. Rimiller stated that the moratorium has been lessened for those vehicles with 130,000 or more miles. For those vehicles, replacements could be purchased if there is money in the budget. Dr. Lippert asked for a list of the dentists and dental specialists that have not renewed at this time. Mrs. Rimiller stated that she would send a report to the MDA with the public information that is currently available.

Rulemaking Status Report

Mrs. Rimiller reported that the Notice of Injury or Death rule is currently being reviewed within the Division. The new rules regarding Patient Abandonment and Addressing the Public – Dentists went into effect on February 28, 2007.

Legislation

Ms. Thompson asked about the possibility of a bill passing that would sweep funds from the Missouri Dental Board to General Revenue. Mrs. Rimiller reported that Senator Gross has attached his sweep language to the Department’s reorganization bill, but he only included the sweep language for a few Boards and the Dental Board is currently not included. The Division will continue to closely monitor all of the legislation that have any impact on the Boards.

POLICY REVIEW COMMITTEE REPORT

Dr. Wallace, Chairperson of the Policy Review Committee (PRC), reported that the Workforce Assessment Ad Hoc Committee created a subcommittee to study the possibility of additions to the current dental workforce and to come back to the full Committee with the recommendations. The subcommittee will provide a report to the Ad Hoc Committee at its next meeting on May 4, 2007 in Jefferson City.

A motion was made by Dr. Wallace and seconded by Dr. Christman to begin the rulemaking process to amend the renewal rule to include the requirement for dentists, dental specialists and dental hygienists to have current certification in Basic Life Support (BLS) and/or Adult Cardiac Life Support (ACLS). The motion passed unanimously. For clarification purposes, Ms. Lepp stated that the hours required to complete certification in BLS or ACLS qualify for continuing education.
The next PRC meeting will be held on June 1, 2007 at 11:00 a.m. at the Division of Professional Registration in Jefferson City.

**20 CSR 2110-2.161 – POST BOARD ORDER HEARING PROCEDURES**

**20 CSR 2110-2.162 – IMPAIRED PRACTITIONER PROCEDURES**

Dr. Wallace reported that the Division attorney, Mr. David Barrett, has reviewed our rules and is making a recommendation that the Board rescind 20 CSR 2110-2.161 and 20 CSR 2110.2.162 because they have been superseded due to later changes in the rules and statutes. Ms. Wisdom agreed with Mr. Barrett that the rules are no longer necessary; however, it is advantageous to have the rules within the Dental Board’s chapter. A motion was made by Dr. Wallace and seconded by Dr. Christman to rescind 20 CSR 2110-2.161 – Post Board Order Hearing Procedures and 20 CSR 2110-2.162 – Impaired Practitioner Procedures. Those voting yes: Dr. Sheets and Dr. Christman. Those voting no: Dr. Wallace, Ms. Lepp and Ms. Thompson. The motion failed 3 to 2.

A motion was made by Ms. Thompson and seconded by Dr. Christman to refer the review of these regulations to the Policy Review Committee (PRC). The motion passed unanimously.

**ADVISORY COMMISSION FOR DENTAL HYGIENISTS**

Debra Fletcher Adams, R.D.H., Chairperson of the Advisory Commission for Dental Hygienists, reported to the Board that the Advisory Commission for Dental Hygienists last met on February 13, 2007 in Jefferson City. At that meeting, the Commission worked on the task to locate facilities that would allow dentists and dental hygienists to provide pro bono work as part of discipline. The Commission also reviewed a question on the dental hygiene jurisprudence examination, which states that dental hygienists can have a temporary license under the circumstances detailed in 190.500. Upon that review, the Commission noticed a conflict in the language regarding the issuance of temporary licenses. Section 332.201 allows for the issuance of temporary permits for dentists under certain circumstances; however, Section 332.301 prohibits the issuance of any temporary licenses for dental hygienists. A motion was made by Ms. Thompson and seconded by Dr. Christman to two conflicting statutes regarding temporary licenses to the Policy Review Committee (PRC) for further study. The motion passed unanimously. The Advisory Commission was asked to draft the language for the PRC’s review.

Ms. Adams reported that Ms. Polc proctored the National Board written examination at the University of Missouri – Kansas City, School of Dentistry on March 27, 2007, and Ms. Lepp and Ms. Gerecke presented a course on ethics in Springfield on April 18, 2007.

The next meeting of the Advisory Commission for Dental Hygienists will take place on June 1, 2007 in Jefferson City.

**CONFERENCE CALL SELECTION**
The Board determined that they will hold a conference call meeting in order to address the items that Dr. McCoy asked to have tabled due to his absence. The conference call will take place on Tuesday, May 1, 2007 at 7:00 p.m.

**JULIE K. KOHLER, R.D.H.**
At approximately 9:40 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Julie K. Kohler, R.D.H., Respondent, Case Number DB-07-25. The record will show that Ms. Kohler was present and was not represented by counsel. Deb Polc, Deb Fletcher Adams, Tia Strait and Deb Gerecke, representing the Advisory Commission for Dental Hygienists, were present for the hearing. A summary of the hearing is not made a part of the minutes. 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 9:56 a.m.

**LAURA A. TUMMINIA, R.D.H.**
At approximately 10:05 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Laura A. Tumminia, R.D.H., Respondent, Case Number DB-07-26. The record will show that Ms. Tumminia was not present. Deb Polc, Deb Fletcher Adams, Tia Strait and Deb Gerecke, representing the Advisory Commission for Dental Hygienists, were present for the hearing. A summary of the hearing is not made a part of the minutes. 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 10:13 a.m.

**CLOSED SESSION**
A motion was made at approximately 10:14 a.m. by Dr. Christman and seconded by Dr. Wallace 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 deliberation on discipline. Those voting yes: Ms. Thompson, Ms. Lepp, Dr. Wallace, Dr. Christman and Dr. Sheets. Motion carried 5 to 0.

**OPEN SESSION**
The Missouri Dental Board returned to open session on Saturday, April 21, 2007 at approximately 10:22 a.m.

**DONALD T. ROBERTS, D.D.S.**
At approximately 10:31 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Donald T. Roberts, D.D.S., Respondent, Case Number DB-09-01. The record will show that Dr. Roberts was present and was represented by counsel. A summary of the hearing is not made a part of the minutes. 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 11:24 a.m.
WAYNE D. OLSON, D.D.S.
At approximately 11:40 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Wayne D. Olson, D.D.S., Respondent, Case Number 05-1519 DB. The record will show that Dr. Olson was present and was not represented by counsel. A summary of the hearing is not made a part of the minutes. 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 12:31 p.m.

CLOSED SESSION
A motion was made by Dr. Christman and seconded by Dr. Sheets to move into closed session pursuant to section 610.021 (1), (3), (5), (7), (13) and (14) and section 620.010.14 (7) RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney, and deliberation on discipline. Those voting yes: Ms. Thompson, Ms. Lepp, Dr. Wallace, Dr. Christman 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 Dr. Christman and seconded by Ms. Thompson that this meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 1:20 p.m.

Respectfully submitted,

Justin C. Smith, Executive I

Sharlene Rimiller, Executive Director

Approved by the Board on: _____________