Meeting Notice

Missouri Dental Board

April 23-25, 2009

Grand River Inn
606 W. Business 36
Chillicothe, 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: Chapter 610.021, Subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 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 the attached tentative agenda for this meeting.

cc: Members, Missouri Dental Board
Nanci Wisdom, Attorney-at-Law
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
Jane Rackers, Director, Division of Professional Registration
Open Agenda
Missouri Dental Board
April 23-25, 2009
Grand River Inn
606 W. Business 36
Chillicothe, Missouri

Thursday, April 23, 2009
1. 8:00 a.m. - Call to Order
   Dr. McCoy
2. Roll Call
   Ms. Lepp
3. Motion to Close
   Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13)
   and (14), RSMo, 324.001.8 RSMo and 324.001.9 RSMo.
   Dr. Wallace

The Board will remain in closed session until
Friday, April 24, 2009, at 1:00 p.m.

Friday, April 24, 2009
4. 1:00 p.m. - Call to Order
   Dr. McCoy
5. Roll Call
   Ms. Lepp
6. Approval of the Agenda
   Dr. McCoy
7. Dialogue with Associations
   Dr. McCoy
   • Missouri Primary Care Association
   • Missouri Dental Assistants Educators
   • Missouri Dental Hygienists’ Association
   • Missouri Dental Assistants Association
   • Missouri Dental Association

8. Executive Director Report
   Mr. Barnett
   • Financial Statement
   • Rulemaking Status Report
   • Legislative Report
   Dr. Wallace
10. Well Being Committee Report
    Dr. Aubert
11. AADE Mid-Year Meeting Report
    Ms. Lepp/Dr. Aubert

Posted: 4/13/2009
11:00 a.m.
12. CRDTS Update Dr. McCoy
13. Review and Approval of CRDTS Examiners Dr. McCoy
14. Review and Approval of WREB Examiners Dr. McCoy
15. Board Travel
   • AADE – September 30 – October 1, 2009 – Honolulu, HI Dr. McCoy
16. Renewal of Contracts for FY-09
   • Legal Services Contracts
   • Well Being Contract Dr. McCoy
17. Future Board Meetings Dr. McCoy

**Saturday, April 25, 2009**

18. 8:00 a.m. – Call to Order Dr. McCoy
19. Roll Call Ms. Lepp
20. Duane Dilworth, D.D.S. Dr. McCoy
    • 8:30 a.m. – Probation Violation Hearing
21. Arnold Barber, D.D.S. Dr. McCoy
    • 9:30 a.m. – Disciplinary Hearing
22. Joseph Kerwin, D.D.S. Dr. McCoy
    • 10:30 a.m. – Disciplinary Hearing
23. Other Agenda Items Dr. McCoy
24. Motion to go into Closed Dr. Wallace
25. Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Rolfe C. McCoy, President, at approximately 8:40 a.m. on Thursday, April 23, 2009 at the Grand River Inn, 606 West Business 36, Chillicothe, Missouri.

**BOARD MEMBERS PRESENT:**
Dr. Rolfe C. McCoy, President  
Dr. Kevin D. Wallace, Vice President  
Dr. Eric J. Aubert, Member  
Ms. Patricia A. Lepp, R.D.H., Dental Hygiene Member

**STAFF MEMBERS PRESENT:**  
Brian Barnett, Executive Director  
Bonnie Mengwasser, Executive I  
Mark Dudenhoeffer, Investigator III  
Joseph Sears, Investigator II

**LEGAL COUNSEL PRESENT:**  
Loretta Schouten, 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.

**CLOSED SESSION**  
A motion was made by Dr. Wallace and seconded by Dr. Aubert to move into closed session pursuant to Chapter 610.021, sections (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, 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. McCoy, Dr. Wallace, Dr. Aubert and Ms. Lepp. The motion carried 4 to 0.

**RECONVENE**  
The Board returned to open session at approximately 12:29 p.m. on Thursday, April 23, 2009.
TELEPHONE CONFERENCE CALL WITH HILLYARD TECHNICAL CENTER
The Board met via telephone conference call with representatives of Hillyard Technical Center, at approximately 12:34 p.m., to discuss the school’s Commission on Dental Accreditation site visit. Ms. Kathy Stockett informed the Board that Hillyard has a cooperative agreement with North Central Missouri College. The students who graduate from Hillyard’s dental hygiene program will receive an Associate of Applied Science degree. Ms. Stockett informed the Board that Hillyard's program is similar to a distance learning program, in that two days per week, the students will attend the didactic portion of their training at North Central. Hillyard has received approximately twenty to twenty-five applications, but only has the capacity for a class size of ten. Assuming that the accreditation process goes well, Hillyard plans to begin its dental hygiene program in September. The telephone conference call ended at approximately 12:50 p.m.

CLOSED SESSION
A motion was made by Dr. Wallace and seconded by Ms. Lepp to move into closed session pursuant to Chapter 610.021, sections (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, 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. McCoy, Dr. Wallace, Dr. Aubert and Ms. Lepp. The motion carried 4 to 0.

FRIDAY, APRIL 24, 2009
The Missouri Dental Board returned to open session at approximately 1:14 p.m. on Friday, April 24, 2009. The open meeting was called to order by Dr. Rolfe C. McCoy, President, at the Grand River Inn, 606 West Business 36, Chillicothe, Missouri.

BOARD MEMBERS PRESENT:
Dr. Rolfe C. McCoy, President
Dr. Kevin D. Wallace, Vice President
Dr. Eric J. Aubert, Member
Ms. Patricia A. Lepp, R.D.H., Dental Hygiene Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Bonnie Mengwasser, Executive I
Mark Dudenhoeffer, Investigator III
Joseph Sears, Investigator II

LEGAL COUNSEL PRESENT:
Loretta Schouten, Attorney at Law

GUESTS PRESENT:
Stuart Samples, D.D.S.
James Samples, D.D.S.
Wm. Chadwick McCoy, D.M.D.
Thomas Smith, D.D.S.
Thomas Courtney, D.D.S.
Paul Cox, D.D.S.
Matthew Niewald, D.D.S., Missouri Dental Association
Debra A. Fletcher-Adams, R.D.H., Advisory Commission for Dental Hygienists
Deborah K. Polc, R.D.H., Advisory Commission for Dental Hygienists
David Lebsack, D.D.S.
Stanley Snyder, D.M.D.
Ronald Taylor, D.D.S.
Brian Vierthaler, D.D.S.
Ms. E. Maxine Thompson
Mr. Ira Davis, Well Being Committee
William Kane, D.D.S., Well Being Committee

APPROVAL OF THE AGENDA
A motion was made by Ms. Lepp and seconded by Dr. Aubert to approve the agenda as written. The motion carried unanimously.

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Hygienists’ Association (MDHA)
Mr. Barnett informed the Board that Ms. Erica Little, MDHA President, was unable to attend today’s open session meeting, but that she did submit a report for Mr. Barnett to present to the Board. Ms. Little’s report stated that the MDHA met with the MDA in March via conference call to discuss some possible collaborative practice language. The MDHA held its annual lobby day activities on February 11, 2009, and the spring Board meeting was held on April 18, 2009 at Tan-Tar-A Resort. The MDHA has appointed an employment liaison to be a contact person for job placement opportunities. The MDHA’s 2009 Annual Session will be held October 15-17, 2009 at Tan-Tar-A Resort, and its next Board meeting is scheduled for July 10-11, 2009 at Tan-Tar-A Resort.

Missouri Dental Association (MDA)
Dr. Matthew Niewald, President-Elect of the MDA, informed the Board that the MDA has met with the MDHA regarding some ideas surrounding collaborative practice arrangements. The MDA has been working on legislation that would change the unlicensed practice of dentistry from a misdemeanor to a felony, as well as legislation regarding teeth whitening.

Dr. Niewald informed the Board that the MDA Board met last Friday and voted in favor of supporting the proposal for the expansion of the Missouri Dental Board and the elimination of the Advisory Commission for Dental Hygienists.

Dr. Niewald reported that another issue that has come up on the national level is the rapid expansion of mobile dental clinics. Several states have made significant increases to their Medicaid programs. Many states are having difficulty tracking what
the mobile dental clinics are doing. There has also been an increase in patient abandonment and the inability to locate patient records. Dr. Niewald stated that in Arizona, the mobile dental clinics are treating underage patients without any type of informed consent from the parents. The MDA would like the Board to include this topic on its PRC task list.

Mr. Barnett informed the Board that both the Senate and the House versions of the retired license bill have been rolled into the Division omnibus bill. Dr. Niewald expressed his appreciation to the Board for working with the MDA to move forward with this legislation.

Dr. Niewald informed the Board that the MDA is opening up its membership to all dental personnel as long as each member is sponsored by a licensed dentist.

**EXECUTIVE DIRECTOR REPORT**

**Financial Statement**

Mr. Barnett provided the Board with the following Financial Statement as of February 28, 2009:

<table>
<thead>
<tr>
<th>Beginning Fund Balance</th>
<th>Board</th>
<th>$938,355.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue (7/1/08 to 2/28/09)</td>
<td></td>
<td>$1,364,648.00</td>
</tr>
<tr>
<td>Estimated Revenue (3/1/09 - 6-30-09)</td>
<td></td>
<td>$45,402.00</td>
</tr>
<tr>
<td>Fund Balance Sub Total</td>
<td></td>
<td>$2,348,405.12</td>
</tr>
</tbody>
</table>

**Appropriations to Board:**

| Personal Service | $372,146.00 |
| Expense & Equipment | $262,863.00 |

**Total Appropriations** $635,009.00 $635,009.00

**Appropriation Expenditures:**

| Personal Service | $174,981.70 |
| Expense & Equipment | $168,913.28 |

**Total Appropriation Expenditures** $343,894.98 $343,894.98

**Fund Transfers: (Projected for Year)**

| Fringe Benefits | $124,430.00 |
| Rent & Utilities | $6,539.41 |
| General Revenue | $32,500.00 |
| DED/MIS | $3,338.82 |
| Refunds | $2,000.00 |
| Professional Registration | $26,167.14 |
| Workers Comp Fund | $0.00 |
| FY-08 Transfers paid in FY-09 | $22,233.03 |
| O.A. Transfer from Board Fund | $10,954.42 |
Mr. Barnett informed the Board that the attorney fees appropriation has been approved by both the Senate and the House. The Board’s FY2010 budget has been submitted as a part of the Department of Insurance budget as House Bill 7. There will not be an expansion in the expense and equipment budget, but there will be a slight increase in the personal service budget. Mr. Barnett requested that the Board grant him the authority to pursue replacing one of the vehicles in FY2011.

A motion was made by Dr. Aubert and seconded by Dr. Wallace to give Mr. Barnett the authority to pursue replacing one of the Board’s vehicles in FY2011. The motion carried unanimously.

**Rulemaking Status Report**
Mr. Barnett informed the Board that the rules listed on the rulemaking status report are going through the rulemaking process because they still reference 4 CSR and need to be changed to 20 CSR. The effective date of these rule changes should be June 30, 2009. Mr. Barnett also informed the Board that the changes to the dental assistant rule have been submitted to the Division and are currently being formatted.

**Legislative Report**
Mr. Barnett informed the Board that a bill has been introduced that would restructure the advertising rules. This bill has been assigned to a committee but hasn’t been set for hearing yet.

**POLICY REVIEW COMMITTEE REPORT**
Dr. Wallace reported that the PRC hasn’t met since the last full Board meeting. The next PRC meeting is tentatively scheduled for June 12, 2009 at 8:00 a.m. in Jefferson City.
A motion was made by Ms. Lepp and seconded by Dr. Wallace to add the mobile dental clinic issue to the PRC task list as item number five. The motion carried unanimously.

A motion was made by Ms. Lepp and seconded by Dr. Wallace to add the topic of changing 20 CSR 2110-2.010, 20 CSR 2110-2.030, 20 CSR 2110-2.050 and 20 CSR 2110-2.070 by deleting the CPR requirement and require that all applicants for licensure hold current certification in BLS or ACLS to the PRC task list as item number six. The motion carried unanimously.

A motion was made by Dr. Wallace and seconded by Ms. Lepp to update the PRC task list as follows:

1. Review of Sedation Rules and Sedation Courses;
2. Review of Proposed Statutory Change to Expand the Size of the Missouri Dental Board;
3. Consider Developing Language to Obtain the Statutory Authority to Register Dental Assistants;
4. Review of Dental Assistants Basic Skills Exams;
5. Mobile Dental Clinics;
6. Consider changing 20 CSR 2110-2.010, 20 CSR 2110-2.030, 20 CSR 2110-2.050 and 20 CSR 2110-2.070 by deleting the CPR requirement and require that all applicants for licensure hold current certification in BLS or ACLS;
7. Review of Dental Assistants and Dental Hygiene Rules Regarding Performing Dental Screenings;
8. Review of Renewal Application Questions and EFDA Tracking Data;
9. Review of EFDA Program; and
10. Consider adding a question to the licensure application asking the applicant if s/he has ever received any type of academic discipline.

The motion carried unanimously.

WELL BEING COMMITTEE REPORT
Mr. Ira Davis reported that he recently gave a presentation to the dental hygiene students at the University of Missouri – Kansas City (UMKC). In the fall, Mr. Davis will give a presentation to both the first year and last year dental students at UMKC.

AADE MID-YEAR MEETING REPORT
Dr. Aubert and Ms. Lepp reported on their attendance at the AADE Mid-Year meeting earlier this month. Dr. Aubert informed the Board that several states have been using the Oral Health Enrichment program to determine a practitioner’s level of competency in impairment and/or quality of care cases. Dr. Aubert stated that representatives of the Oral Health Enrichment program would be happy to meet with the Board to discuss what their program has to offer. A motion was made by Dr. Aubert and seconded by Ms. Lepp to invite representatives from the Oral Health Enrichment program to the August meeting to describe their program. The motion carried unanimously.
Dr. Aubert informed the Board that the Maryland State Board of Dental Examiners has started requiring that certain licensees that are on discipline provide gratuitous services to their clients. A motion was made by Ms. Lepp and seconded by Dr. Aubert to instruct Mr. Barnett to discuss the topic of gratuitous service with the Division attorney. The motion carried unanimously.

Ms. Lepp informed the Board that the AADE has developed an online continuing education course regarding guidelines for unprofessional conduct involving sexual boundary violations. A motion was made by Ms. Lepp and seconded by Dr. Aubert to instruct staff to research this course to determine if it is something the Board would consider using. The motion carried unanimously.

Ms. Lepp reported that the AADE plans to add a public member to its executive council, and that it has formed a committee to develop a uniform national exam. Ms. Lepp attended a reception provided by SRTA, at which they discussed the changes to their dental hygiene exam. Ms. Lepp felt that it was an excellent presentation.

Dr. Aubert requested that Mr. Barnett contact Mr. Barry Ogden, Executive Director of the Louisiana State Board of Dentistry, to ask about the form the Louisiana Board provides to the complainant in cases involving a fee dispute.

Ms. Lepp informed the Board that the North Carolina State Board of Dental Examiners has a meeting every year with the associations and the dental school. Dr. McCoy instructed Mr. Barnett to include an item on the August meeting agenda for further discussion on this topic.

**CRDTS UPDATE**

Dr. McCoy informed the Board that a CRDTS Steering Committee meeting is scheduled for June 19, 2009 to discuss bylaw changes. Dr. Jacob Lippert attended the CRDTS Examination Review Committee (ERC) meeting last weekend and assisted with the development of a new exam. As of June 30, 2009, CRDTS will no longer administer the ADEX exam. Dr. McCoy reported that he spoke with Ms. Mary Helen Schooley who informed him that the junior dental class at UMKC voted to take the WREB exam next year.

A motion was made by Dr. Aubert and seconded by Ms. Lepp to contact the regional dental testing agencies to request that they allow a Board-approved examiner to be present for the administration of the exams at UMKC each year. The motion carried unanimously. A motion was made by Dr. Wallace and seconded by Ms. Lepp to refer this same topic to the Commission. The motion carried unanimously.

Ms. Lepp informed the Board that the CRDTS Hygiene ERC meeting is scheduled for July 11, 2009.
REVIEW AND APPROVAL OF CRDTS EXAMINERS
A motion was made by Ms. Lepp and seconded by Dr. Wallace to approve the list of 2009 CRDTS examiners as presented. The motion carried unanimously.

REVIEW AND APPROVAL OF WREB EXAMINERS
A motion was made by Dr. Aubert and seconded by Ms. Lepp to approve the list of 2009 WREB examiners as presented. The motion carried unanimously.

BOARD TRAVEL
A motion was made by Dr. Aubert and seconded by Ms. Lepp to submit Dr. Aubert and Mr. Barnett’s names for approval to attend the AADE meeting in October. The motion carried unanimously.

RENEWAL OF CONTRACTS FOR FY2010
The Board instructed Mr. Barnett to e-mail a copy of the contracts to each of the Board members for review and to vote on renewal during an upcoming telephone conference call.

Ms. E. Maxine Thompson informed the Board that there was an article regarding the Give Kids a Smile program in the March 2009 issue of Rural Missouri, and expressed her appreciation to the dental profession for its efforts. Dr. McCoy expressed his appreciation to Ms. Thompson for proctoring the National Board dental hygiene examination at UMKC earlier this month.

FUTURE BOARD MEETINGS
The Board determined the following dates and locations for future meetings:

- Wednesday, May 27, 2009 telephone conference call at 6:00 p.m.
- Friday, August 7, 2009 joint meeting between the Board and the Commission
- January 21-23, 2010 – Jefferson City, Missouri

CLOSED SESSION
A motion was made by Dr. Wallace and seconded by Ms. Lepp to move into closed session pursuant to Chapter 610.021, sections (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, 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. McCoy, Dr. Wallace, Dr. Aubert and Ms. Lepp. The motion carried 4 to 0.

SATURDAY, APRIL 25, 2009
The Missouri Dental Board reconvened in open session on Saturday, April 25, 2009 at approximately 9:12 a.m. The open meeting was called to order by Dr. Rolfe C. McCoy, President, at the Grand River Inn, 606 West Business 36, Chillicothe, Missouri.
BOARD MEMBERS PRESENT:
Dr. Rolfe C. McCoy, President
Dr. Kevin D. Wallace, Vice President
Dr. Eric J. Aubert, Member
Ms. Patricia A. Lepp, R.D.H., Dental Hygiene Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Bonnie Mengwasser, Executive I
Mark Dudenhoeffer, Investigator III
Joseph Sears, Investigator II

LEGAL COUNSEL PRESENT:
Nanci Wisdom, Attorney at Law
Loretta Schouten, Attorney at Law

GUESTS PRESENT:
Tia M. Strait, R.D.H., Advisory Commission for Dental Hygienists
Deborah K. Polc, R.D.H., Advisory Commission for Dental Hygienists
Debra A. Fletcher-Adams, R.D.H., Advisory Commission for Dental Hygienists
William Kane, D.D.S., Well Being Committee
Ms. E. Maxine Thompson

ARNOLD S. BARBER, D.D.S.
At approximately 9:35 a.m., the Board began its disciplinary hearing in the matter of
Missouri Dental Board, Petitioner, v. Arnold S. Barber, D.D.S., Respondent, Case
Number 07-0052 DB. The record will show that Dr. Barber was present and was
represented by counsel, Mr. Pete Smith. 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 10:04 a.m.

CLOSED SESSION
A motion was made by Dr. Wallace and seconded by Ms. Lepp to move into closed
session pursuant to Chapter 610.021, sections (1), (3), (5), (7), (13) and (14), RSMo,
and Chapter 324.001.8 and 324.001.9, 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. McCoy, Dr. Wallace, Dr. Aubert and Ms. Lepp. The motion
carried 4 to 0.

RECONVENE
The Board reconvened in open session at approximately 10:19 a.m.

GUESTS PRESENT:
Tia M. Strait, R.D.H., Advisory Commission for Dental Hygienists
Deborah K. Polc, R.D.H., Advisory Commission for Dental Hygienists
Debra A. Fletcher-Adams, R.D.H., Advisory Commission for Dental Hygienists
Ms. E. Maxine Thompson

JOSEPH KERWIN, D.D.S.
At approximately 10:30 a.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. Joseph H. Kerwin, D.D.S., Respondent, Case Number 07-1073 DB. The record will show that Dr. Kerwin was present and was represented by counsel, Ms. Mariam Decker. 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 10:53 a.m.

CLOSED SESSION
A motion was made by Dr. Wallace and seconded by Ms. Lepp to move into closed session pursuant to Chapter 610.021, sections (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, 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. McCoy, Dr. Wallace, Dr. Aubert and Ms. Lepp. The motion carried 4 to 0.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Dr. Wallace and seconded by Dr. Aubert that this meeting adjourn. The motion carried 4 to 0. The meeting adjourned at approximately 11:09 a.m.

Respectfully submitted,

Bonnie Mengwasser, Executive I

Brian Barnett, Executive Director

Approved by the Board on: May 27, 009