Meeting Notice

Missouri Dental Board

August 6-8, 2009

Doubletree Hotel and Conference Center
16625 Swingley Ridge Road
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 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
    Loretta Schouten, Attorney-at-Law
    Office of Administration
    Ms. Vicki 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
August 6 - 8, 2009
Doubletree Hotel and Conference Center
16625 Swingley Ridge Road
Chesterfield, Missouri

Thursday, August 6, 2009
1. 8:00 a.m. - Call to Order Dr. McCoy
2. Roll Call Ms. Lepp
3. Approval of the Agenda Dr. McCoy
4. Approval of Minutes Dr. McCoy
   • May 27, 2009 Conference Call
   • June 12, 2009 Full Board Meeting
5. Small Business Regulatory Fairness Training Mr. Barnett
6. Motion to Close Dr. Wallace
   Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, 324.001.8 RSMo and 324.001.9 RSMo.

The Board will remain in closed session until Friday, August 7, 2009, at 1:00 p.m.

Friday, August 7, 2009
8:00 a.m. – 1:00 p.m.
Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, 324.001.8 RSMo and 324.001.9 RSMo.
7. 1:00 p.m. - Call to Order Dr. McCoy
8. Roll Call Ms. Lepp
9. Well Being Committee Report Dr. Aubert
10. Review and approval of Specialty Committees for FY-10 Dr. McCoy
11. CRDTS Steering Committee Report Dr. McCoy
12. WREB Annual Meeting Report Ms. Lepp
13. Question from Alan Schwartz, DDS regarding the use of CRNAs for Deep Sedation/General Anesthesia

Dr. McCoy

Saturday, August 8, 2009

14. 8:00 a.m. – Call to Order

Dr. McCoy

15. Roll Call

Ms. Lepp

16. Executive Director Report
   • Financial Statement
   • Rulemaking Status Report
   • Legislative Report

Mr. Barnett

17. Proposed Rule change to change CPR requirement for initial licensure to BLS

Mr. Barnett

18. Dialogue with Associations
   • Missouri Primary Care Association
   • Missouri Dental Assistants Educators
   • Missouri Dental Hygienists’ Association
   • Missouri Dental Assistants Association
   • Missouri Dental Association

Dr. McCoy


Dr. Wallace

20. Elections
   • CRDTS Representatives
   • WREB Representatives

Dr. McCoy

21. Election of Officers
   • President
   • Vice President
   • Secretary

Dr. McCoy

22. Future Board Meetings

Dr. McCoy

23. Other Agenda Items

Dr. McCoy

24. Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Rolfe C. McCoy, President, at approximately 8:10 a.m. on Thursday, August 6, 2009 at the Doubletree Hotel and Conference Center, 16625 Swingley Ridge Road, Chesterfield, 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  
Vickie Holtmeyer, Investigator I

**LEGAL COUNSEL PRESENT:**
Earl Kraus, Division Counsel

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**
A motion was made by Ms. Lepp and seconded by Dr. Aubert to approve the open agenda as written. The motion carried unanimously.

**APPROVAL OF THE MINUTES**
A motion was made by Ms. Lepp and seconded by Dr. Aubert to approve the open minutes of the May 27, 2009 telephone conference call and the June 12, 2009 full Board meeting as written. The motion carried unanimously.

**SMALL BUSINESS REGULATORY FAIRNESS TRAINING**
For informational purposes, Mr. Barnett presented the Board with a training presentation from the Small Business Regulatory Fairness Board.
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, AUGUST 7, 2009
The Missouri Dental Board returned to open session at approximately 3:39 p.m. on Friday, August 7, 2009. The open meeting was called to order by Dr. Rolfe C. McCoy, President, at the Doubletree Hotel and Conference Center, 16625 Swingley Ridge Road, Chesterfield, 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
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:
Earl Kraus, Division Counsel

GUESTS PRESENT:
Susan Clifford, R.D.H., Well Being Committee
William Kane, D.D.S., Well Being Committee
Mr. Ira Davis, Well Being Committee
Michael Hoffmann, D.D.S.
Ms. E. Maxine Thompson
Deborah Polc, R.D.H., Advisory Commission for Dental Hygienists
Debra Fletcher-Adams, R.D.H., Advisory Commission for Dental Hygienists
Tia Strait, R.D.H., Advisory Commission for Dental Hygienists
Deborah Trunk, R.D.H.
Ms. Brenda Kane

AGENDA ADDITIONS
A motion was made by Ms. Lepp and seconded by Dr. Aubert to add the following items to the open agenda: a discussion on the advertising rules, a discussion to invite the
dental school program directors to a future meeting to discuss treatment versus treatment planning, a discussion regarding Dr. Modelevsky’s nitrous oxide certification course, a discussion regarding the diversion agreement language and a discussion with Ms. Maxine Thompson. The motion carried unanimously.

**QUESTION FROM ALAN SCHWARTZ, D.D.S. REGARDING THE USE OF CRNAs FOR DEEP SEDATION/GENERAL ANESTHESIA**

Dr. Wallace informed the Board that Dr. Alan Schwartz submitted a question to the Board regarding whether or not a licensed dentist can treat a sedated patient without holding a deep sedation/general anesthesia permit if that dentist uses a CRNA to provide the anesthesia services.

Dr. Michael Hoffmann expressed his concern to the Board that he feels Dr. Schwartz’s proposal breaks up subsection (4) of the rule. Dr. Hoffmann believes that “the dentist” referred to in this section should only be one person, and not one dentist ordering the anesthesia services and another actually performing the procedure. Dr. Hoffmann is also concerned whether or not an unpermitted dentist performing a procedure on a sedated patient has the ability to monitor and evaluate that patient.

It was the decision of the Board to table further discussion on this matter until the Board can obtain a legal opinion in closed session.

**WELL BEING COMMITTEE REPORT**

Mr. Ira Davis informed the Board that things are going well for the Well Being Program and several new volunteers have been added. Mr. Davis believes it is necessary to revamp the program from the inside out with regard to structure and reporting techniques. There are a lot of things that will be required in the future with regard to accountability for healthcare professionals, and the Committee would like to be prepared for that.

**CRDTS STEERING COMMITTEE REPORT**

Dr. McCoy informed the Board that there isn’t much to report with regard to CRDTS until after the annual meeting.

**WREB EXAMINATION REVIEW MEETING REPORT**

Ms. Lepp reported to the Board on her attendance at the WREB Examination Review Meeting. Ms. Lepp informed the Board that an electronic scoring system will be implemented in 2010 for the dental hygiene exam and the computerized exam will be implemented in 2011. Ms. Lepp spoke with Ms. Erica Little with the Missouri Dental Hygienists’ Association about the possibility of having representatives from CRDTS, WREB and SRTA come to the Educators’ Forum in October and present the changes in their exams, but Ms. Little hasn’t gotten back with her yet. Ms. Lepp informed the Board that the WREB office has moved and plans to have an open house in January. Ms. Lepp reported that the WREB Board of Directors is continuing to work on the issue of continued competency. WREB is trying to determine which states would be interested in conducting an in-office audit of incompetent licensees.
REVIEW AND APPROVAL OF SPECIALTY COMMITTEES FOR FY2010
The Board reviewed the lists of members for the specialty committees. A motion was made by Dr. Wallace and seconded by Dr. Aubert to approve the specialty committees as presented for fiscal year 2010. The motion carried unanimously.

DISCUSSION WITH MS. MAXINE THOMPSON
Ms. Thompson, former Public Member of the Missouri Dental Board, informed the Board that Channel 5 News in Kansas City recently reported that amalgam fillings contain mercury and are dangerous. Ms. Thompson is concerned that this report will scare the general public from going to a dentist. Dr. McCoy informed Ms. Thompson that the Food and Drug Administration (FDA) made an announcement on July 28, 2009 with regard to the safety of amalgam fillings in an attempt to offset this report.

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.

SATURDAY, AUGUST 8, 2009
The Board reconvened in open session at approximately 8:16 a.m. on Saturday, August 8, 2009. The meeting was called to order by Dr. Rolfe C. McCoy, President, at the Doubletree Hotel and Conference Center, 16625 Swingley Ridge Road, Chesterfield, 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
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:
Earl Kraus, Division Counsel

GUESTS PRESENT:
Deborah Polc, R.D.H., Advisory Commission for Dental Hygienists
EXECUTIVE DIRECTOR REPORT
Financial Statement
Mr. Barnett provided the Board with the following Financial Statement as of May 31, 2009:

<table>
<thead>
<tr>
<th>Financial Statement Details</th>
<th>Board</th>
<th>$938,355.12</th>
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<tbody>
<tr>
<td>Beginning Fund Balance</td>
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<tr>
<td>Revenue (7/1/08 to 2/28/09)</td>
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<tr>
<td>Estimated Revenue (3/1/09 - 6-30-09)</td>
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<td>Fund Balance Sub Total</td>
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<td>Appropriations to Board:</td>
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<tr>
<td>Personal Service</td>
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<tr>
<td>Expense &amp; Equipment</td>
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<tr>
<td>Total Appropriations</td>
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<tr>
<td>Appropriation Expenditures:</td>
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<tr>
<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>Fund Transfers: (Projected for Year)</td>
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<td>Fringe Benefits</td>
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<td>Rent &amp; Utilities</td>
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<td>General Revenue</td>
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<td>DED/MIS</td>
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<td>Refunds</td>
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<td>Professional Registration</td>
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<td>Workers Comp Fund</td>
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<td>FY-08 Transfers paid in FY-09</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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<td>Special Appropriations</td>
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Mr. Barnett informed the Board that all but $21,000 of the Expense and Equipment appropriation was spent last fiscal year. Mr. Barnett also informed the Board that Ms. Wisdom submitted a final bill totaling approximately $100,000 when she discontinued her work for the Board. Mr. Barnett reported that payment was made for approximately $21,000 of that bill, which came out of last fiscal year’s appropriation, but the remainder of Ms. Wisdom’s bill is currently under review in the Division. The balance of the bill after the review is completed will be paid out of this fiscal year’s appropriation. Because of Ms. Wisdom’s large bill, Mr. Barnett will be continually looking at ways to cut costs. Utilizing the Division attorneys and more tightly managing the use of outside counsel will help significantly in this effort. Mr. Barnett also reported that he is attempting to replace one of the Board staff’s vehicles in this fiscal year.

**Rulemaking Status Report**

Mr. Barnett reported that the proposed changes to the dental assistant rule are currently going through the rulemaking process, and were published in the Missouri Register on Monday. There is also a legislative proposal that has been submitted by the Board regarding dental assistants. The Division has recommended that the Board consider pulling back the rule change proposal temporarily to synchronize the timing on the rule change and the legislative change. A motion was made by Dr. Aubert and seconded by Ms. Lepp to instruct Mr. Barnett to withdraw the proposed dental assistant rule change at this time. The motion carried unanimously.

Mr. Barnett informed the Board that both the volunteer license and the teeth whitening statutes will take effect on August 28, 2009.

Mr. Barnett also informed the Board that he would like to put some measures in place so the staff can be more accountable to the Board. In doing this, Mr. Barnett plans to send out monthly financial statements and reports on licensee counts.
PROPOSED RULE CHANGE TO CHANGE CPR REQUIREMENT FOR INITIAL LICENSURE TO BLS
The Board reviewed the proposed changes to 20 CSR 2110-2.010, 20 CSR 2110, 2.030, 20 CSR 2110 2.050 and 20 CSR 2110 2.070 to change the CPR requirement to BLS for initial licensure. A motion was made by Dr. Aubert and seconded by Ms. Lepp to approve the proposed changes as written. The motion carried unanimously.

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Association (MDA)
Ms. Vicki Wilbers expressed the MDA’s appreciation to Ms. Lepp for her dedication to the Board over the past ten (10) years. Ms. Wilbers informed the Board of the Show-Me Healthy Teeth Sealant Summit on August 27-28, 2009 in Columbia, Missouri. The MDA has been working with both the Missouri Dental Hygienists’ Association and the Missouri Dental Assistants Association on a potential omnibus bill. The MDA and the Oral Health Network are working together to get enhanced dental reimbursement for the developmentally disabled Medicaid patients that aren’t covered. Ms. Wilbers informed the Board that the MDA staff has taken over some of the clerical aspects of the Well Being Program in order to provide better reporting and be more accountable to the Board.

Missouri Primary Care Association (MPCA)
Ms. Karen Dent reported that the MPCA is one of the sponsors for the Sealant Summit Ms. Wilbers mentioned earlier. The MPCA doesn’t have any hard and fast legislative goals for this year, except to maintain funding for the health centers. The MPCA provided a “train the trainer” course in Kansas City in early April. The MPCA plans to send a survey out to all licensed dentists in September to determine what barriers are present in providing care to the developmentally disabled population and to get an idea of how much care is currently being provided.

Missouri Dental Hygienists’ Association (MDHA)
Mr. Barnett provided a report to the Board on behalf of Ms. Erica Little with the MDHA. Ms. Little reported that the MDHA met with the MDA in July to discuss workforce proposals as well as the expansion of the Missouri Dental Board and the proposed registration of expanded functions dental assistants. The MDHA’s summer Board meeting was July 11-12, 2009 at Tan-Tar-A Resort, and they are currently preparing for their annual session on October 15-17, 2009.

POLICY REVIEW COMMITTEE REPORT
A motion was made by Dr. Wallace and seconded by Dr. Aubert to refer the topic of reviewing the advertising rules to the PRC task list. The motion carried unanimously.

A motion was made by Dr. Wallace and seconded by Ms. Lepp to refer the topic of reviewing what standards are being taught in the dental schools to the PRC task list. The motion carried unanimously.
The next PRC meeting is tentatively scheduled for Friday, September 25, 2009 at 1:00 p.m. in Jefferson City.

**FUTURE MEETING SCHEDULE**
The Board scheduled its next telephone conference call for August 31, 2009 at 7:00 p.m.

**ELECTIONS**
It was the decision of the Board that the CRDTS Steering Committee representative and the CRDTS ERC representatives for both dentists and dental hygienists remain the same as fiscal year 2009. Dr. Aubert is the CRDTS Steering Committee representative, Dr. McCoy is the CRDTS ERC representative for dentists and Ms. Lepp is the CRDTS ERC representative for dental hygienists.

It was the decision of the Board that the WREB Board of Directors representative and the WREB ERC representatives for both dentists and dental hygienists remain the same as fiscal year 2009. Dr. McCoy is the WREB Board of Directors representative, Dr. Aubert is the WREB ERC representative for dentists, and Ms. Lepp is the WREB ERC representative for dental hygienists.

**ELECTION OF OFFICERS**
Dr. Aubert suggested that all positions remain the same until the Governor appoints new Board members. Drs. McCoy and Wallace stated that they believe that the Board should go ahead and elect officers at this time.

**President**
Dr. Aubert nominated Dr. Wallace as President of the Missouri Dental Board. A motion was made by Dr. Aubert and seconded by Ms. Lepp that nominations cease. The motion carried unanimously. There being no further nominations, Dr. Wallace was elected as President of the Board by acclamation.

**Vice-President**
Dr. Wallace nominated Dr. Aubert as Vice-President of the Missouri Dental Board. A motion was made by Ms. Lepp and seconded by Dr. Wallace that nominations cease. The motion carried unanimously. There being no further nominations, Dr. Aubert was elected as Vice-President of the Board by acclamation.

**Secretary**
Dr. Aubert nominated Ms. Lepp as Secretary of the Missouri Dental Board. A motion was made by Dr. Aubert and seconded by Dr. Wallace that nominations cease. The motion carried unanimously. There being no further nominations, Ms. Lepp was elected Secretary of the Board by acclamation.
FUTURE MEETING SCHEDULE
The next meeting of the Missouri Dental Board is scheduled for October 22-24, 2009 in Kansas City and the winter meeting is scheduled for January 21-23, 2010 in Jefferson City.
The Board requested that the Commission schedule its next meeting in conjunction with the Board’s October meeting.

A motion was made by Ms. Lepp and seconded by Dr. Aubert to send a Commission member to the MDHA's Annual Educators’ Forum. The motion carried unanimously.

REVIEW OF DR. MODELEVSKY’S NITROUS OXIDE CERTIFICATION COURSE
The Board reviewed the information submitted by Dr. Modelevsky for consideration of his nitrous oxide certification course for dental hygienists and dental assistants. A motion was made by Dr. Wallace and seconded by Ms. Lepp to approve Dr. Modelevsky’s nitrous oxide certification course for dental assistants. The motion carried unanimously. A motion was made by Dr. Wallace and seconded by Dr. Aubert to not approve Dr. Modelevsky’s nitrous oxide certification course for dental hygienists. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Dr. Wallace to refer the diversion agreement language to the PRC for review. The motion carried unanimously.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Dr. Aubert and seconded by Ms. Lepp that the meeting adjourn. The motion carried 4 to 0. The meeting adjourned at approximately 9:34 a.m.

Respectfully submitted,

Bonnie Mengwasser, Executive I

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Brian Barnett, Executive Director

Approved by the Board on: October 23, 2009