Meeting Notice

Missouri Dental Board

January 21, 2010

Division of Professional Registration
Main Conference Room
3605 Missouri Boulevard
Jefferson City, 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
    Members, Advisory Commission for Dental Hygienists
    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
    Missouri Dental Assistants’ Association
    Missouri Dental Assistants Educators
    Jane Rackers, Director, Division of Professional Registration
Open Agenda
Missouri Dental Board
January 21-23, 2010

Thursday Morning
January 21, 2010

9:30 a.m. – Recognition of 50 Year Licensees – State Capitol Building
• Luncheon to Follow at Missouri Dental Association Headquarters

Thursday Afternoon
January 21, 2010
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

1. 1:00 p.m. – Call to Order Dr. Wallace
2. Roll Call Ms. Lepp
3. Approval of the Agenda Dr. Wallace
4. Dialogue with Associations Dr. Wallace
   • Missouri Dental Hygienists' Association
   • Missouri Dental Assistants Association
   • Missouri Dental Association
   • Missouri Dental Assistants Educators
   • Missouri Primary Care Association
5. Approval of the Minutes Dr. Wallace
   • September 25, 2009 PRC Meeting
   • October 22-24, 2009 Full Board Meeting
   • October 23, 2009 Joint Meeting
6. Executive Director Report Mr. Barnett
   a. Financial Report
   b. Rulemaking Status Report
   c. Legislative Report
7. Jurisprudence Examinations for Dentists and Dental Hygienists Mr. Barnett
8. MDA Request for Continuing Education Approval Dr. Wallace
9. MDA Request for Board Liaison to EFDA Committee Dr. Wallace

Posted: 1/13/2010
10:20 a.m.
10. Policy Review Committee Report  Dr. Wallace
11. Well Being Committee Report  Dr. Aubert
12. CRDTS Report  Dr. Aubert
13. Future Board Meetings  Dr. Wallace
14. Other Agenda Items  Dr. Wallace
15. Motion to Close  Dr. Aubert
   Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, 324.001.8 RSMo and 324.001.9 RSMo.
16. Adjournment  Dr. Wallace
   - Upon completion of closed session
The open meeting of the Missouri Dental Board was called to order by Dr. Kevin D. Wallace, President, at approximately 1:21 p.m. on Thursday, January 21, 2010 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Kevin D. Wallace, President
Dr. Eric J. Aubert, Vice President
Ms. Patricia A. Lepp, R.D.H., Secretary
Dr. Paul P. Titterington, Member
Dr. Mark F. Saladin, Member

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

GUESTS PRESENT:
Merle Nunemaker, D.D.S., Missouri Dental Association
Mr. Aaron Washburn, Missouri Dental Association
Deborah Polc, R.D.H., Advisory Commission for Dental Hygienists
Debra Fletcher-Adams, R.D.H., Advisory Commission for Dental Hygienists
Ms. LeeAnn Turnbaugh, Missouri Dental Assistants Association
Ms. Kathy Jeffries, Missouri Dental Assistants Educators
Ms. Janet Sell, Ozark Technical Community College
William T. Kane, D.D.S., Well Being Committee
Mr. Ira Davis, Well Being Committee
Jacob Lippert, D.D.S., Central Regional Dental Testing Service
Ms. Ida Guynn, Ozark Technical Community College

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 Dr. Aubert and seconded by Dr. Titterington to approve the open agenda as written. The motion carried 4 to 0. Ms. Lepp was not present for the vote.

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Hygienists’ Association (MDHA)
Mr. Barnett presented the Board with a report from the MDHA President, Kim Rogers, R.D.H. Ms. Rogers’ report stated that the MDHA’s last Board meeting was January 16, 2010. The MDHA Board plans to utilize the “Go to Meeting” system for communications between its committee members. The MDHA’s Annual Session will be held October 15-17, 2010 in Branson, Missouri. The MDHA finalized the details for its Lobby Day activities in February. The MDHA has also continued to meet with the MDA via conference call to discuss access to oral healthcare issues and possible solutions.

Missouri Dental Assistants Association (MDAA)
Ms. LeeAnn Turnbaugh reported that the MDAA is continuing to provide the basic skills review for dental assistants. The MDAA last provided the review course in September and plans to provide it again tomorrow, followed by the basic skills exam on Saturday. The next MDAA Board meeting will be January 23, 2010. Ms. Turnbaugh also informed the Board that Ms. Mary Lou Young was presented with the ADA Heart Award during the ADA’s annual meeting.

Missouri Dental Association (MDA)
Dr. Merle Nunemaker reported that the MDA is currently in the middle of its Board meeting, and the main reason he and Mr. Aaron Washburn were in attendance during this meeting was to see if the Board had any questions regarding the MDA’s request for continuing education approval and its request for a Board-appointed liaison to the MDA’s EFDA Committee.

Mr. Washburn reported that during the last MDA House of Delegates meeting, a resolution was passed to ask for clarification on whether or not continuing education credit could be awarded for attendance at a House of Delegates meeting. Dr. Wallace explained that the Board approves continuing education sponsors; not individual courses. Dr. Wallace suggested that the MDA consider setting a specific number of hours to be awarded for attendance at House of Delegates meetings. Dr. Wallace also pointed out that the continuing education rule requires that forty (40) of the fifty (50) hours required for renewal be related to clinical subject matters.

Ms. Polc asked if this would also apply to MDHA meetings. Mr. Barnett explained that because both the MDA and MDHA are already Board-approved continuing education sponsors, each group has the ability to award continuing education credit for whatever they deem appropriate.

Mr. Washburn reported that the MDA along with UMKC and some educators have begun updating the EFDA curriculum with the intention of making it available online in order to make the information more accessible to students. In order to ensure the
Board is kept in the loop on this project’s progress, the MDA is requesting that the Board appoint Dr. McCoy, or some other liaison, to the EFDA Committee. Ms. Lepp commented that she feels the Board should consider appointing a current Board member. Dr. Wallace expressed his concern that it could be a potential conflict of interest for a Board member to have input on the development of a course that the full Board would later need to vote to approve. Mr. Barnett asked if the Board would allow him an opportunity to speak with Division counsel to determine if there would be any potential conflict of interest for a current Board member to serve in this capacity, and to also speak with the Division’s accounting staff to see if per diem would need to be paid to someone in this position.

Missouri Dental Assistants Educators (MDAE)
Ms. Janet Sell reported that she and Ms. Kathy Jeffries have been working closely with the MDA in the development of the online EFDA training course, and they are very impressed with the new curriculum that UMKC and the MDA are creating. Ms. Sell reported that, in November, the MDA presented the EFDA course during a meeting of all the educators from accredited dental assisting schools in Missouri. During this meeting, the educators voted to adopt the MDA’s course as their accepted curriculum. Ms. Sell reported that five of the dental assisting educators will be present during the MDA’s “Train the Trainer” session tonight.

Ms. Sell reported that she along with other educators built a bank of five hundred (500) questions for the basic skills exam. Both the review course and the test became available online around June or July of last year.

AGENDA ADDITION
Mr. Barnett requested that a discussion regarding Johnson County Community College’s request for approval of their dental assisting nitrous oxide course be added to the agenda. A motion was made by Ms. Lepp and seconded by Dr. Aubert to amend the agenda as requested. The motion carried unanimously.

APPROVAL OF THE MINUTES
A motion was made by Ms. Lepp and seconded by Dr. Aubert to approve the September 25, 2009 Policy Review Committee meeting minutes as written. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Dr. Titterington to approve the October 22-24, 2009 full Board meeting minutes as written. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Dr. Titterington to approve the October 23, 2009 Joint meeting minutes as written. The motion carried unanimously.
EXECUTIVE DIRECTOR REPORT

Financial Statement

Mr. Barnett provided the Board with the following Financial Statement as of November 30, 2009:

<table>
<thead>
<tr>
<th>Financial Statement Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/09</td>
<td>$1,653,232.16</td>
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<tr>
<td>YTD Revenue</td>
<td>$24,360.00</td>
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<tr>
<td>Fund Balance Sub Total</td>
<td>$1,677,592.16</td>
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<tr>
<td>Appropriations to Board:</td>
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</tr>
<tr>
<td>Personal Service</td>
<td>$372,146.00</td>
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<tr>
<td>Expense &amp; Equipment</td>
<td>$262,863.00</td>
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<tr>
<td>Total Appropriations</td>
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<tr>
<td>Year to Date Appropriation Expenditures:</td>
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<tr>
<td>Personal Service</td>
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<tr>
<td>Expense &amp; Equipment</td>
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<td>Total Appropriation Expenditures</td>
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<td>YTD Fund Transfers:</td>
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<tr>
<td>Rent</td>
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<td>Refunds</td>
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<td>DIFP Cost Allocation</td>
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<tr>
<td>OA Cost Allocation</td>
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<td>Fringe Benefits</td>
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<td>Professional Registration</td>
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<td>Administrative Hearing Comm.</td>
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<tr>
<td>FY 09 Transfers Carried Over</td>
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<td>Total Transfers</td>
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<tr>
<td>Total Fund Expenditures</td>
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<tr>
<td>Ending Fund Balance as of November 30</td>
<td>$1,447,073.75</td>
</tr>
</tbody>
</table>

Mr. Barnett reported that there were some considerable expenses paid out in December that do not appear on the above financial statement, including the October Board meeting expenses and the bill for attorney services. Mr. Barnett mentioned that the Board’s appropriation should still be in good shape at this time, but he reiterated that the Board and staff will need to continue to be mindful of their expenses.
Rulemaking Status Report
Mr. Barnett reported that the proposed change to 20 CSR 2110-2.240 to grant continuing education for licensees who attend the Commission meetings, and the proposed changes to the licensure rules to require BLS for initial licensure instead of CPR have been formatted and have been submitted to the Division for review. Mr. Barnett mentioned that there could potentially be some Small Business Regulatory Fairness Board issues with the proposed changes to the licensure rules.

Legislative Report
Mr. Barnett reported that a bill has been introduced that would change the penalty for the unlicensed practice of dentistry from a Class A Misdemeanor to a Class C Felony. Mr. Barnett also informed the Board that the proposal to permit expanded functions hasn’t been filed yet, but it should be filed with the Division’s legislative proposals.

JURISPRUDENCE EXAMINATIONS FOR DENTISTS AND DENTAL HYGIENISTS
Mr. Barnett explained that the Board currently has two tests for both the dental and dental hygiene jurisprudence exams. Mr. Barnett has been speaking with the Division’s MIS staff about utilizing a bank of questions that can be randomly selected from every time an applicant accesses the online exam. Mr. Barnett requested that the Board instruct the staff to do away with the two separate exams and create a bank of questions that can be pulled from.

Ms. Lepp volunteered the Commission members to assist the Board staff in developing a question bank. Once the question bank is developed, Ms. Lepp suggested that the Board vote via mail ballot on the acceptance of the questions. Ms. Lepp would like to make the online jurisprudence exam available to new Board members. Mr. Barnett said that he would need to check with the Division’s MIS staff to determine if the online exam can be made available to them.

A motion was made by Dr. Titterington and seconded by Dr. Aubert to do away with the two separate exams for both dental and dental hygiene, and to instruct the staff to create a bank of seventy-five (75) questions to randomly draw from. The motion carried unanimously.

AGENDA ADDITIONS
Dr. Aubert requested that two items be added to the agenda; one to discuss CRDTS and WREB examiners, and one to discuss the Board’s thoughts on utilizing a clinical assessment and remediation program.

A motion was made by Dr. Aubert and seconded by Ms. Lepp to amend the agenda as requested. The motion carried unanimously.

POLICY REVIEW COMMITTEE REPORT
With regard to reinstating the PRC, Dr. Wallace would like to continue holding meetings with all Board members present when discussing items on the PRC task list, due to the fact that there are currently only five Board members. Dr. Wallace also feels it is very
important for the full Board to be involved in all of the discussions regarding policy issues, so that everyone will be able to make an educated vote.

The next meeting to discuss the sedation rules is scheduled for Wednesday, March 3, 2010 at 10:00 a.m. in Jefferson City.

**WELL BEING COMMITTEE REPORT**
Mr. Ira Davis and Dr. William Kane informed the Board that the Well Being program has recently performed a couple of interventions and some new participants have been added to the program.

Dr. Kane informed the Board that he will be giving a presentation on March 11, 2010 on the subject of treating the chemically dependent dental patient.

**CRDTS REPORT**
Dr. Aubert reported that CRDTS organized a search committee to find a new executive director, which resulted in Dr. Lippert being hired for the position. The Board congratulated Dr. Lippert on his accomplishment.

Dr. Aubert reported that CRDTS is in the process of developing a contract with the Minnesota Board of Dentistry to develop a dental therapist examination. A dental therapist would be allowed to perform operative and restorative dental services once a dentist has made the appropriate diagnosis.

Dr. Lippert informed the Board that CRDTS will now be utilizing electronic scoring.

**CRDTS AND WREB EXAMINERS**
Dr. Aubert recommended that Dr. Titterington and Dr. Saladin become CRDTS and WREB examiners. Dr. Lippert invited both Drs. Titterington and Saladin to be observers to assist in their decisions to become examiners.

**CLINICAL ASSESSMENT/REMEDICATION PROCESS**
Dr. Aubert would like to see the Board have some way to assess a licensee’s clinical skills when the Board feels that a practitioner’s skills may be lacking and/or impaired. At the Board’s last meeting, the director from the Oral Health Enrichment program in Ohio presented the Board with their clinical assessment and remediation program. One of the problems Mr. Barnett sees in implementing this program is that the only way the Board can require a licensee to undergo a clinical assessment is through a settlement agreement or disciplinary order.

Ms. Lepp asked Dr. Lippert if state boards would have the ability to refer licensees to CRDTS to complete certain portions of their exam to determine minimal clinical competencies. Dr. Lippert said he’d be glad to present the concept during the next CRDTS Steering Committee meeting on March 20, 2010.
REVIEW OF JOHNSON COUNTY COMMUNITY COLLEGE’S DENTAL ASSISTANT NITROUS OXIDE COURSE

Mr. Barnett informed the Board that Johnson County Community College (JCCC) has a nitrous course for dental hygienists that was approved by the Board in 1991. Ms. Margaret LoGiudice, Director of JCCC’s Dental Hygiene Department informed Mr. Barnett that they have also been allowing dental assistants to attend this course. Mr. Barnett explained to Ms. LoGiudice that the Board would not accept a course designed for dental hygienists as acceptable curriculum for dental assistants because the students would be learning how to administer nitrous oxide, and the Board’s rules do not allow that. As a result of this conversation, Ms. LoGiudice submitted a revised course outline for the Board to review that JCCC could use for dental assistants.

Mr. Barnett explained to the Board that any course provided by JCCC would automatically be approved because they have an accredited dental hygiene program, but he feels it is necessary for the Board to send JCCC a letter to explain the need for a distinction between the curriculum taught to dental hygienists and dental assistants. A motion was made by Ms. Lepp and seconded by Dr. Aubert to send a letter to JCCC to explain the need for a distinction between the courses being offered for both dental hygienists and dental assistants. The motion carried unanimously.

Ms. Sell doesn’t understand why the Board would prevent dental assistants from obtaining additional education in the administration of nitrous oxide. Dr. Wallace explained that if dental assistants are allowed to administer nitrous oxide as part of their clinical instruction, they are taking part in the illegal practice of dentistry.

CRDTS STEERING COMMITTEE REPRESENTATIVE

Dr. Lippert informed the Board that, at any time, a formal resolution can be made to replace the CRDTS Steering Committee representative. A motion was made by Dr. Saladin and seconded by Dr. Titterington to appoint Ms. Lepp as the CRDTS Steering Committee representative. The motion carried unanimously.

FUTURE MEETING SCHEDULE

Mr. Barnett explained to the Board that it is becoming more difficult to schedule meetings in the Jefferson City area due to the fact that most state government entities are holding their meetings locally; therefore it is imperative that the Board not change the meeting dates once they are determined.

The Board determined the following dates for future meetings:

- July 22-24, 2010
- October 21-23, 2010
- January 20-22, 2011
- April 14-16, 2011
CRDTS EXAMINATION REVIEW COMMITTEE (ERC) REPRESENTATIVE
A motion was made by Dr. Titterington and seconded by Dr. Aubert to remove Dr. Lippert as the Board’s CRDTS ERC representative and to appoint Dr. McCoy in his place. The motion carried unanimously.

CLOSED SESSION
At approximately 3:44 p.m., a motion was made by Dr. Aubert and seconded by Dr. Titterington 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. Wallace, Dr. Aubert, Ms. Lepp, Dr. Titterington and Dr. Saladin. The motion carried 5 to 0.

FRIDAY, JANUARY 22, 2010
The Board reconvened in open session at approximately 2:45 p.m. on Friday, January 22, 2010. The meeting was called to order by Dr. Kevin Wallace at the Missouri Council of School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Kevin D. Wallace, President
Dr. Eric J. Aubert, Vice President
Ms. Patricia A. Lepp, R.D.H., Secretary
Dr. Paul P. Titterington, Member
Dr. Mark F. Saladin, 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:
Sarah Ledgerwood, Division Counsel

FUTURE MEETING SCHEDULE
The Board scheduled a conference call for Monday, February 22, 2010 at 7:00 p.m., as well as, Monday, March 22, 2010 at 7:00 p.m.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Ms. Lepp and seconded by Dr. Titterington that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 2:58 p.m.
Respectfully submitted,

Bonnie Mengwasser, Executive I

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Brian Barnett, Executive Director

Approved by the Board on: April 17, 2010