Meeting Notice

Missouri Dental Board

October 21-23, 2010

Associated Industries of Missouri
3234 W. Truman 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 Chapters 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 be aware that according to Missouri law, the Board can have open discussion and votes only on items included on the open agenda. If there is a topic you would like included on the open agenda, please notify the Board office not less than forty-eight (48) hours prior to the start of the meeting.

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
Tina Crow Halcomb, Attorney-at-Law
Office of Administration
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
October 21-23, 2010

Associated Industries of Missouri
3234 W. Truman Boulevard
Jefferson City, Missouri

Thursday, October 21, 2010
1. 8:00 a.m. Call to Order Dr. Titterington
2. Roll Call Dr. Aubert
3. Approval of the Agenda Dr. Titterington
4. Michael J. Sawyer, D.D.S.
   • 8:30 a.m. – Probation Violation Hearing Dr. Titterington
5. Motion to go into Closed Session Dr. Saladin
   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, October 22, 2010 at 3:00 p.m., at which time they will convene a joint meeting with the Missouri Dental Board’s Advisory Commission for Dental Hygienists.

Saturday, October 23, 2010
6. 8:00 a.m. – Call to Order Dr. Titterington
7. Roll Call Dr. Aubert
8. Approval of the Open Minutes Dr. Titterington
   • July 20, 2010 Mail Ballot
   • July 22-24, 2010 Full Board Meeting
   • July 23, 2010 Joint Meeting
   • September 1, 2010 Conference Call
   • September 16, 2010 Mail Ballot
9. Executive Director Report Mr. Barnett
   • Financial Statement
   • Rulemaking Status Report
10. Dialogue with Associations Dr. Titterington
    • Missouri Primary Care Association
• Missouri Dental Assistants Educators
• Missouri Dental Hygienists’ Association
• Missouri Dental Assistants Association
• Missouri Dental Association

11. Request from EMS Safety Services, Inc. for Approval of CPR/AED Professional Rescuer Course Ms. Lepp

12. Request from Conscious Sedation Consulting for Approval of Sedation Course and Sedation Monitoring Course Dr. Wallace

13. Consider Posting Public Disciplinary Actions on the Board’s Website Mr. Barnett

14. Request from Dean Marsha Pyle to Reconsider Developing Language for a Faculty Dental Teaching License Dr. Titterington

15. Request from Dean Marsha Pyle to Schedule a Meeting Between the MDB, KDB and UMKC School of Dentistry Dr. Titterington

16. Barbara Archambault, R.D.H. Ms. Lepp
   • Request to become a CRDTS examiner

17. Review of the Advertising Statute and Rule Dr. Titterington
   • 332.321.2(14), RSMo.
   • 20 CSR 2110-2.110 Addressing the Public - Dentists

18. Review of 20 CSR 2110-2.114 Patient Abandonment Dr. Titterington

19. Fifty Year Ceremony Dr. Titterington

20. Review of Board Task List Dr. Titterington

21. Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Paul P. Titterington, President, at approximately 8:12 a.m. on Thursday, October 21, 2010 at the Associated Industries of Missouri, 3234 West Truman Boulevard, Jefferson City, Missouri.

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

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Bonnie Mengwasser, Licensing Supervisor
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 Dr. Saladin and seconded by Ms. Lepp to approve the open agenda as written. The motion carried unanimously.

CLOSED SESSION
At approximately 8:13 a.m., a motion was made by Dr. Saladin 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. Titterington, Dr. Saladin, Dr. Aubert, Dr. Wallace and Ms. Lepp. The motion carried 5 to 0.
FRIDAY, OCTOBER 22, 2010
The Board reconvened in open session at approximately 4:35 p.m. on Friday, October 22, 2010.

RECESS
The Board recessed for the evening at approximately 4:36 p.m.

SATURDAY, OCTOBER 23, 2010
The Board reconvened in open session at approximately 8:14 a.m. on Saturday, October 23, 2010. The meeting was called to order by Dr. Paul P. Titterington at the Associated Industries of Missouri, 3234 West Truman Boulevard, Jefferson City, Missouri.

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

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Bonnie Mengwasser, Licensing Supervisor

GUESTS PRESENT:
Debra Fletcher Adams, R.D.H., Advisory Commission for Dental Hygienists
Nancy S. Maus, R.D.H., Advisory Commission for Dental Hygienists
Marsha Pyle, D.D.S., Dean, UMKC School of Dentistry
Ms. Janet Sell, Ozarks Technical Community College/Missouri Dental Assistants Educators
Mr. Aaron Washburn, Missouri Dental Association
Deborah Trunk, R.D.H., President-Elect, Missouri Dental Hygienists’ Association
J.C. Standlee, D.D.S., Missouri Dental Association
Mark Zust, D.D.S., President-Elect, Missouri Dental Association
Bonnie Branson, R.D.H., Ph.D., President, Missouri Dental Hygienists' Association
Michael Otradovec, D.D.S.
Margaret Bell, R.D.H., Ozarks Technical Community College

APPROVAL OF THE MINUTES
A motion was made by Dr. Aubert and seconded by Dr. Saladin to approve the following open minutes as written:

- July 20, 2010 Mail Ballot
- July 22-24, 2010 Full Board Meeting
- July 23, 2010 Joint Meeting
- September 1, 2010 Conference Call
- September 16, 2010 Mail Ballot

The motion carried unanimously.

**EXECUTIVE DIRECTOR REPORT**

**Financial Statement**

Mr. Barnett provided the Board with the following Financial Statement as of August 31, 2010:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/09</td>
<td>$1,140,152.67</td>
</tr>
<tr>
<td>YTD Revenue</td>
<td>$17,515.00</td>
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<tr>
<td>Fund Balance Sub Total</td>
<td>$1,157,667.67</td>
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<tr>
<td>Appropriations to Board:</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>$372,146.00</td>
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<tr>
<td>Expense &amp; Equipment</td>
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<tr>
<td>Total Appropriations</td>
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<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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<tr>
<td>Total Appropriation Expenditures</td>
<td>$57,042.52</td>
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<tr>
<td>YTD Fund Transfers</td>
<td></td>
</tr>
<tr>
<td>Rent</td>
<td>$0.84</td>
</tr>
<tr>
<td>Refunds</td>
<td>$0.00</td>
</tr>
<tr>
<td>DIFP Cost Allocation</td>
<td>$1,016.43</td>
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<tr>
<td>OA Cost Allocation</td>
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</tr>
<tr>
<td>Fringe Benefits</td>
<td>$23,751.28</td>
</tr>
<tr>
<td>Administrative Hearing Comm.</td>
<td>$76.00</td>
</tr>
<tr>
<td>FY 10 Transfers Carried Over</td>
<td>$143.83</td>
</tr>
<tr>
<td>Total Transfers</td>
<td>$24,988.38</td>
</tr>
<tr>
<td>Total Fund Expenditures</td>
<td>$82,030.90</td>
</tr>
<tr>
<td>Ending Fund Balance as of November 30</td>
<td>$1,075,636.77</td>
</tr>
</tbody>
</table>
Mr. Barnett reported that the Board spent less than ten percent (10%) of its expense and equipment appropriation within the first quarter of the fiscal year.

**Rulemaking Status Report**
Mr. Barnett informed the Board that the proposed changes to the sedation rules, as well as the proposed changes to the dental assistants and dental hygienists rules to implement the expanded functions permits are still being reviewed by the Division and Department. Mr. Barnett is hopeful that the changes will be published in the Register within the next month, which will start the public comment period. If that happens and everything goes through without any issues, a potential effective date would be approximately August or September 2011. The proposed change to the continuing education rule to allow continuing education credit for attending the Advisory Commission's open session meeting should go into effect in December 2010.

**DIALOGUE WITH ASSOCIATIONS**

**Missouri Dental Assistants Educators (MDAE)**
Ms. Sell reported that the MDAE’s Board meeting is scheduled in November. The Missouri Dental Association has given the MDAE their online restorative course, and it is being implemented into the program.

**Missouri Dental Assistants Association (MDAA)**
Ms. Sell informed the Board that she is the current President of the MDAA. Members of the MDAA recently went as delegates for the state of Missouri to the American Dental Association/American Dental Assistants Association convention. Missouri is currently down 230 dental assistant members, and there are approximately 24,000 dental assistant members nationwide.

**Missouri Dental Hygienists’ Association (MDHA)**
Dr. Branson reported that the MDHA’s annual session meeting was last weekend in Branson, Missouri. There were over 300 dental hygienists in attendance. There were several nationally known speakers at the event, giving presentations on topics such as women’s health, methamphetamine use and its impact on the oral cavity, eco-friendly dental hygiene, etc. The MDHA now has a new board in place. The MDHA’s next meeting is January 15, 2011.

**Missouri Dental Association (MDA)**
Dr. Zust reported that the MDA is very interested in seeing the proposed changes to the dental assistants rule go through. The MDA also wonders if there will be further room for change to the dental assistants rule. The MDA believes a way to address the access to care issue in the state is to allow dental auxiliaries to perform more expanded functions under the appropriate level of supervision within a dental practice. Dr. Zust also reported that the State of Missouri is currently facing a big problem due to the fact that several municipalities are choosing to stop fluoridation in their water supplies. This issue is something the MDA will be addressing in the upcoming year.
On a personal note, Dr. Zust commented that he believes the Board spends entirely too much time dealing with advertising issues. Dr. Zust recommends that the Board do away with the entire advertising rule, other than to say that advertisements must be true and not intended to mislead the general public.

With regard to agenda item sixteen (16), Dr. Zust informed the Board that Ms. Barbara Archambault is one of his former employees, who he believes would be a great CRDTS examiner. Dr. Zust asked that the Board tread carefully when discussing any possible changes to the patient abandonment rule.

REQUEST FROM EMS SAFETY SERVICES, INC. FOR APPROVAL OF CPR/AED PROFESSIONAL RESCUE COURSE
The Board considered a request from Ms. Courtney Roemsich with EMS Safety Services for approval of their “CPR/AED Professional Rescuer” training course as an equivalent to the American Heart Association’s (AHA) BLS for the Healthcare Provider course. A motion was made by Ms. Lepp and seconded by Dr. Wallace to deny this course as an equivalent to the AHA’s BLS for the Healthcare Provider course. The motion carried unanimously.

REQUEST FROM CONSCIOUS SEDATION CONSULTING FOR APPROVAL OF SEDATION TEAM MONITORING COURSE
The Board considered a request from Mr. Randy Pigg with Conscious Sedation Consulting for approval of their “Sedation Permit Renewals and Sedation Team Monitoring Course.” A motion was made by Dr. Wallace and seconded by Ms. Lepp to approve the course for the monitoring course requirement outlined in 20 CSR 2110-4.020. The motion carried unanimously.

CONSIDER POSTING PUBLIC DISCIPLINARY ACTIONS ON THE BOARD’S WEBSITE
Mr. Barnett informed the Board that there is a national movement for members of the public to have more accessibility to public disciplinary records. When a license is disciplined, that is an open and public record. To fulfill the Board’s mission of protecting the public, Mr. Barnett is asking that the Board authorize the staff to create a link on the Board’s website that would allow access to public disciplinary records. Mr. Barnett’s intentions are to update the information on a monthly basis with all active disciplinary orders.

Dr. Standlee urged the Board to be cautious with posting documentation regarding disciplinary cases on its website because he feels the public may not fully understand the context of the documents. The Board explained to Dr. Standlee that the only information that would be made available on its website is the actual settlement agreement or disciplinary order, which outlines the specific conduct that was a violation of Missouri law.
A motion was made by Ms. Lepp and seconded by Dr. Aubert to authorize Board staff to post current public disciplinary actions on the Board’s website. The motion carried unanimously.

Dr. Aubert requested that an item be included on the January agenda to discuss how the Board can hold a complainant accountable for making a false allegation to the Board with regard to a licensee.

REQUEST FROM DEAN MARSHA PYLE TO RECONSIDER DEVELOPING LANGUAGE FOR A FACULTY DENTAL TEACHING LICENSE
Dean Pyle expressed her belief to the Board that a teaching license category would be a real asset to the dental school in order to recruit and retain faculty, especially with regard to foreign-trained dentists who have completed a CODA-accredited advanced education program. Dean Pyle reported that, according to the American Dental Association, approximately twenty-three (23) states have this type of provision.

Mr. Barnett informed Dean Pyle that it is too late for the Board to bring a proposal forward for the upcoming legislative session. He stated that if the Board were to bring a proposal forward, it would have to be submitted to the Division in July 2011 for consideration during the 2012 legislative session. Mr. Barnett informed Dean Pyle that if the school has someone else in mind to try to push the legislation forward, the Board could support their position as long as both parties are clear on what the licensure requirements are.

Dean Pyle said that she believes everyone is on the same page as far as requiring all applicants for licensure to have the appropriate competencies. Unfortunately, under current law, there is no mechanism for a person who has graduated from a foreign dental school to obtain licensure in Missouri. Dean Pyle would like to see legislation passed that would allow a person who has obtained his/her D.D.S. or D.M.D. degree from a foreign dental school, which is not CODA-accredited, to be able to obtain a teaching license.

Dean Pyle told the Board this would be an essential piece of legislation in order for the school to be able to recruit and retain faculty because it would give individuals who hold a teaching license the ability to both teach dentistry and treat patients within the context of the dental educational program.

Dr. Wallace doesn’t like the idea of creating a completely separate licensure category for dental school faculty members. He believes that if it isn’t necessary for an individual applying for a teaching license to have obtained their D.D.S. or D.M.D. degree from a CODA-accredited dental school, then the Board shouldn’t make it a requirement for anyone applying for licensure.

A motion was made by Dr. Aubert and seconded by Ms. Lepp that the Board’s position with regard to the development of language for a teaching license is that as long as the proposed teaching license required applicants to pass a Board approved state or
The Missouri Dental Board’s Open Minutes for October 21-23, 2010:

Regional competency exam, all parts of the national board examinations, and the Board’s jurisprudence examination, it would not oppose the legislative proposal. The motion carried unanimously.

REQUEST FROM DEAN MARSHA PYLE TO SCHEDULE A MEETING BETWEEN THE MISSOURI DENTAL BOARD, KANSAS DENTAL BOARD AND UMKC SCHOOL OF DENTISTRY

Dean Pyle reported that there have been a couple of instances where the UMKC School of Dentistry has been called upon by both the Kansas and Missouri Dental Boards to provide retraining to their licensees. There have been questions as to whose responsibility it is to evaluate competence at the end of retraining, who is responsible for paying for the retraining and what the individual state boards’ requirements are. Dr. Pyle would like to have a meeting with faculty from the UMKC School of Dentistry as well as members from both the Kansas and Missouri Dental Boards to discuss this issue.

The Board instructed Mr. Barnett to work with Dean Pyle and Ms. Betty Wright, Executive Director of the Kansas Dental Board, to coordinate a date for the meeting.

BARBARA ARCHAMBAULT, R.D.H.

The Board considered the Commission’s recommendation with regard to Ms. Archambault’s request to be approved as a CRDTS examiner. A motion was made by Ms. Lepp and seconded by Dr. Aubert to accept the Commission’s recommendation to send Ms. Archambault a letter to inform her that the Board has already submitted the total number of dental hygiene examiners to CRDTS for the 2011 examination year, and to recommend that she observe an examination and attend the 2011 annual meeting to prepare herself to become a future examiner. The Board would also like to keep her request to become a CRDTS examiner on file in the Board office until the need for additional Missouri dental hygiene examiners arises. The motion carried unanimously.

REVIEW OF THE ADVERTISING STATUTE AND RULE

Due to the significance of this issue, Mr. Barnett informed the Board that he believes it would be very important to involve as much of the public as possible in the discussions, therefore, he encouraged the Board to consider scheduling a separate meeting to discuss the need for any possible changes.

The Board scheduled a meeting for Friday, December 3, 2010 at 10:00 a.m. in Jefferson City.

REVIEW OF 20 CSR 2110-2.114 PATIENT ABANDONMENT

Dr. Wallace informed the Board that the only situation the current patient abandonment rule addresses is when a licensee moves his/her practice location or ceases to practice. Dr. Wallace is curious if there are cases of patient abandonment that happen outside of those situations that the Board needs to consider implementing into the rule.
It was the consensus of the Board to include this topic on the December 3, 2010 meeting agenda.

**FIFTY YEAR CEREMONY**
The Board reviewed the list of licensees who are eligible for recognition during the fifty year licensee recognition ceremony in January 2011. Mr. Barnett informed the Board that it could be difficult to coordinate the ceremony details this year because of the large number of senators and representatives who will not be coming into office until January. The Board office will make arrangements for the honorees to be recognized by both the Senate and the House of Representatives, but it is unlikely that the resolutions will be ready to present to the honorees at that time. If that is the case, the Board office will make arrangements for the resolutions to be shipped to each honoree at a later date.

**REVIEW OF BOARD TASK LIST**
The Board reviewed the latest Policy Review Committee (PRC) task list. The Board requested that item number five (5), “Define assisting in the administration of nitrous oxide for dental assistants,” be added to the January meeting agenda.

Dr. Aubert asked what the Board’s intentions are with regard to the PRC and the Complaint Review Committee (CRC). A motion was made by Dr. Aubert and seconded by Ms. Lepp to dissolve the PRC. The motion carried unanimously. A motion was made by Dr. Aubert and seconded by Dr. Saladin to table any discussion regarding the CRC until additional Board members are appointed. 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 Dr. Saladin that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 10:57 a.m.

Respectfully submitted,

Bonnie Mengwasser, Licensing Supervisor

Brian Barnett, Executive Director

Approved by the Board on: April 16, 2011