Meeting Notice

Missouri Dental Board

April 14-16, 2011

Missouri Council of School Administrators
3550 Amazonas Drive
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 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
April 14 – 16, 2011

Missouri Council of School Administrators
3550 Amazonas Drive
Jefferson City, MO  65109

Thursday, April 14, 2011
1.  8:00 a.m. Call to Order Dr. Titterington
2.  Roll Call Dr. Aubert
3. Approval of the Agenda Dr. Titterington
4. 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, April 15, 2011 at 8:00 a.m.

Friday, April 15, 2011
5.  Call to Order Dr. Titterington
6.  Roll Call Dr. Aubert
7. Michael Edlin, D.M.D. Dr. Titterington
   • 9:30 a.m. – Probation Violation Hearing
8. Samuel Hedgepeth, D.D.S. Dr. Titterington
   • 10:30 a.m. – Probation Violation Hearing
9. Wayne Markman, D.D.S. Dr. Titterington
   • 1:00 p.m. – Suspension Violation Hearing
10. Arnold S. Barber, D.D.S. Dr. Titterington
    • 2:00 p.m. – Probation Violation Hearing
11. Approval of the Open Minutes Dr. Titterington
    • October 21-23, 2010 Full Board Meeting
October 22, 2010 Joint Meeting
December 3, 2010 Full Board Meeting
January 20-21, 2011 Full Board Meeting
February 23, 2011 Conference Call
March 9, 2011 Mail Ballot
March 23, 2011 Conference Call
March 28, 2011 Mail Ballot

12. Request From Michael Hoffmann, D.D.S. for Approval of Nitrous Oxide Monitoring Course
   Dr. Titterington

13. Request for Approval of Illinois State Dental Society’s Nitrous Oxide Anxiolysis for Hygienists and Assistants Course
   Dr. Titterington

Saturday, April 15, 2011

14. 8:00 a.m. – Call to Order
    Dr. Titterington

15. Roll Call
    Dr. Aubert

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

17. Dialogue with Associations
    Dr. Titterington
    • Missouri Primary Care Association
    • Missouri Dental Assistants Educators
    • Missouri Dental Hygienists’ Association
    • Missouri Dental Assistants Association
    • Missouri Dental Association

18. Advisory Commission Report
    Ms. Polc

19. CRDTS Report
    Dr. Aubert

20. Review and Approval of CRDTS/WREB Examiners
    Dr. Titterington

21. Future Meeting Schedule
    Dr. Titterington

22. Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Paul P. Titterington, President, at approximately 8:06 a.m. on Thursday, April 14, 2011 at the Missouri Council of School Administrators, 3550 Amazonas Drive, 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. Deborah K. Polc, R.D.H., Member

**STAFF MEMBERS PRESENT:**
Brian Barnett, Executive Director
Bonnie Mengwasser, Licensing Supervisor
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 Dr. Aubert to approve the open agenda as written. The motion carried unanimously.

**CLOSED SESSION**
At approximately 8:07 a.m., a motion was made by Dr. Saladin and seconded by Dr. Wallace 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. Polc. The motion carried 5 to 0.
FRIDAY, APRIL 15, 2011
The Board reconvened in open session at approximately 10:21 a.m. on Friday, April 15, 2011. The meeting was called to order by Dr. Paul P. Titterington, President, at the Missouri Council of School Administrators, 3550 Amazonas Drive, 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. Deborah K. Polc, R.D.H., Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Bonnie Mengwasser, Licensing Supervisor
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:
Earl Kraus, Division Counsel
Tina Crow Halcomb, Litigation Counsel

GUESTS PRESENT:
Lori Bruce, R.D.H., Advisory Commission for Dental Hygienists

SAMUEL L. HEDGEPETH, D.D.S.
At approximately 10:32 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Samuel L. Hedgepeth, D.D.S., Respondent, Case Numbers 2010-005075 and 2010-005342. The record will show that Dr. Hedgepeth was present and was not represented by counsel. 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 11:03 a.m.

CLOSED SESSION
At approximately 11:09 a.m., a motion was made by Dr. Saladin 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. Titterington, Dr. Saladin, Dr. Aubert, Dr. Wallace and Ms. Polc. The motion carried 5 to 0.

RECONVENE
The Board reconvened in open session at approximately 12:50 p.m.
WAYNE MARKMAN, D.D.S.
At approximately 1:07 p.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Wayne S. Markman, D.D.S., Respondent, Case Number 2011-000824. The record will show that Dr. Markman was present and was not represented by counsel. 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 1:22 p.m.

CLOSED SESSION
At approximately 1:25 p.m., a motion was made by Dr. Saladin 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. Titterington, Dr. Saladin, Dr. Aubert, Dr. Wallace and Ms. Polc. The motion carried 5 to 0.

RECONVENE
The Board reconvened in open session at approximately 5:17 p.m.
REQUEST FROM MICHAEL HOFFMANN, D.D.S. FOR APPROVAL OF NITROUS OXIDE MONITORING COURSE
A motion was made by Dr. Wallace and seconded by Dr. Saladin to approve Dr. Hoffmann's “Nitrous Oxide Monitoring” course. The motion carried unanimously.

REQUEST FOR APPROVAL OF ILLINOIS STATE DENTAL SOCIETY’S NITROUS OXIDE ANXIOLYSIS FOR HYGIENISTS AND ASSISTANTS COURSE
A motion was made by Dr. Saladin and seconded by Ms. Polc to deny the Illinois State Dental Society’s request for approval of its “Nitrous Oxide Anxiolysis for Hygienists and Assistants” course. The motion carried unanimously.

RECESS
The Board recessed for the evening at approximately 5:21 p.m.

SATURDAY, APRIL 16, 2011
The Board reconvened in open session at approximately 8:09 a.m. on Saturday, April 16, 2011. The meeting was called to order by Dr. Paul P. Titterington, President, at the Missouri Council of School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Paul P. Titterington, President
Dr. Mark F. Saladin, Vice President
Dr. Kevin D. Wallace, Member
Ms. Deborah K. Polc, R.D.H., Member

BOARD MEMBERS ABSENT:
Dr. Eric J. Aubert, Secretary

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

GUESTS PRESENT:
Ms. Vicki Wilbers, Executive Director, Missouri Dental Association
Missouri Dental Board
Open Minutes
April 14-16, 2011
Page 5 of 10

Bonnie Branson, R.D.H., Ph.D., President, Missouri Dental Hygienists’ Association
Ms. Karen Dent, Missouri Primary Care Association/Oral Health Network of Missouri
Nancy S. Maus, R.D.H., Advisory Commission for Dental Hygienists
Debra Fletcher Adams, R.D.H., Advisory Commission for Dental Hygienists
Margaret Bell, R.D.H., Ozarks Community Technical College
Dr. Elwood Rice, President-Elect, Missouri Dental Association

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

- October 21-23, 2010 Board Meeting
- October 22, 2010 Joint Meeting
- December 3, 2010 Board Meeting
- January 20-22, 2011 Board Meeting
- February 23, 2011 Conference Call
- March 9, 2011 Mail Ballot
- March 23, 2011 Conference Call
- March 28, 2011 Mail Ballot

The motion carried unanimously.

EXECUTIVE DIRECTOR REPORT
Financial Statement
Mr. Barnett provided the Board with the following Financial Statement as of February 28, 2011:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/10</td>
<td>$1,140,152.67</td>
</tr>
<tr>
<td>YTD Revenue</td>
<td>$1,415,907.54</td>
</tr>
<tr>
<td>Fund Balance Sub Total</td>
<td>$2,556,060.21</td>
</tr>
<tr>
<td>Appropriations to Board:</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>$372,146.00</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$262,863.00</td>
</tr>
<tr>
<td>Total Appropriations</td>
<td>$635,009.00</td>
</tr>
<tr>
<td>Year to Date Appropriation Expenditures:</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>$172,564.57</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$66,843.40</td>
</tr>
<tr>
<td>Total Appropriation Expenditures</td>
<td>$239,407.97</td>
</tr>
<tr>
<td>YTD Fund Transfers</td>
<td></td>
</tr>
</tbody>
</table>
Rent $ 3,349.43
Refunds $835.00
DIFP Cost Allocation $2,921.06
OA Cost Allocation $7,431.00
PR Transfer $20.30
Fringe Benefits $86,193.24
Administrative Hearing Comm. $479.75
FY 10 Transfers Carried Over +$1,299.53
Total Transfers $99,930.25

<table>
<thead>
<tr>
<th>Total Fund Expenditures</th>
<th>$339,338.22</th>
</tr>
</thead>
</table>

| Ending Fund Balance as of February 28 | $2,216,721.99 |

Mr. Barnett reported that the Board’s fund balance is doing very well. The fund balance is still below three (3) times the annual appropriation, so the Board is in no danger of being swept at this time. Mr. Barnett is anticipating the Board will exceed its revenue projections by approximately $12,000 this year. This increase is partly due to the increase in the number of dental hygienists that were licensed this fiscal year. Mr. Barnett informed the Board that he is considering purchasing a new copy machine for the office this spring. Mr. Barnett is also looking into a possible fee reduction for the 2012 renewal cycle.

**Rulemaking Status Report**

Mr. Barnett reported that the proposed changes to the sedation, dental assistant and dental hygienist rules are still pending Division approval. Dr. Wallace recommended that if there is still no word from the Division on the proposed rule changes by the next meeting, the Board draft a letter to send to the Division.

Mr. Barnett informed the Board that the office staff is going through its first major renewal cycle on enteral conscious sedation permits and site certificates. The current rule requires the dentist-in-charge of every site certificate to submit five (5) unedited, complete patient records. There is no provision in the current rule for if and/or how those patient records are to be reviewed, so it has left some concerns among the office staff as to how to handle the renewals. The process the office staff has developed is to send the patient records to the Enteral Conscious Sedation Committee members for review, and they will reply with any concerns they might have. The office staff then sends a letter to the dentist-in-charge outlining the committee member’s concerns, and requesting that s/he provide the Board office with a written response as to how the issues will be corrected. The final step will be for the Board’s investigator to confirm that the appropriate changes have been implemented in the dental office during the facility inspection. The Board staff is looking at ways to correct the concerns with the renewal process.
Legislative Report
Mr. Barnett reported that the Board hasn’t put forth any legislation this year, but the Division is tracking some legislation that could be of interest. The limited teaching license bill passed in the House and was introduced in the Senate on Thursday.

DIALOGUE WITH ASSOCIATIONS
Missouri Primary Care Association (MPCA)
Ms. Dent reported that the Missouri Coalition for Oral Health was started in 2002. The original lead agency was the MPCA. It was a coalition of stakeholders throughout the state from safety net organizations, private practitioners, public health dentists, policy makers, educators, school nurses, etc. who wanted to form an oral health coalition in the State of Missouri in order to address issues surrounding oral health throughout the state. In 2005, the MPCA gave the leadership of the organization to the Missouri Head Start Association. The Missouri Head Start Association soon ran out of funding and lost momentum. Approximately two years ago, members from the Missouri Foundation for Health, the Reach Healthcare Foundation and the Healthcare Foundation of Greater Kansas City contacted MPCA’s CEO to see if they could collaborate with some of the remaining members of the coalition to discuss reviving the coalition. Members from the various groups formed a task force, and at their last meeting, they made changes to the bylaws and plan to look for an executive director. The focus of the coalition will be on policy and advocacy.

Ms. Dent also reported that in July of 2010, the Arizona School of Dentistry and Oral Health approached the MPCA and proposed developing a branch of the Arizona School of Dentistry and Oral Health in Kirksville, Missouri. In order to provide clinical training for their students, the students will be trained in community health centers throughout the state. The first class of students is proposed to begin in the fall of 2013. The first two years of their training will be in a classroom setting in Kirksville, and the last two years will be in clinical rotations in community health centers. The entire third year will comprised of clinical training in regional community health centers, and during the fourth year, students will spend half of their time in the community health centers and the other half in clinical rotations at other locations.

Missouri Dental Hygienists’ Association (MDHA)
Dr. Branson informed the Board that the report she had provided for the January meeting is included in the agenda materials, and she has nothing new to report.

Missouri Dental Association (MDA)
Ms. Wilbers reported that the MDA’s carve out bill made it through the Senate and there will hopefully be a floor vote this coming week.

Ms. Wilbers informed the Board that the Well Being Foundation originally had designated Dr. Saladin and Mr. Barnett as members, but they have since been removed because it was found to be a conflict of interest due to the fact that the Board determines which organization to award the well being program contract to.
Ms. Wilbers also reported that with regard to the Arizona School of Dentistry and Oral Health program being developed in Kirksville, the MDA has taken a position that it cannot support the program at this time because of the clinical education standards.

Ms. Wilbers informed the Board that the Well Being Foundation is comprised of Dr. William Kane, Dr. J.C. Standlee and Ms. Susan Clifford. The Foundation is looking to add another MDA member in the near future. The Foundation has also bid on the Missouri Board of Pharmacy’s well being contract, and if the Foundation is awarded that contract, there is a possibility that a physician or pharmacist could be added to the Foundation’s Board. The name is going to be changed to the Missouri Professionals’ Well Being Foundation. The Foundation would like to do some fundraising to assist licensees that have difficulty paying for the well being program services. The Foundation is also looking into designing an online education program.

**ADVISORY COMMISSION REPORT**

For informational purposes, Ms. Polc presented the Board with a written report on the Commission’s February 8, 2011 meeting. This report is made a part of the Board’s file and as such, will not be summarized in the minutes.

A motion was made by Ms. Polc and seconded by Dr. Wallace to schedule a joint meeting between the Board and the Commission to discuss the issue of the definition of “patient of record” as it pertains to a dental hygienist treating new patients, and to determine if any action is merited. The motion carried unanimously. The meeting was tentatively scheduled for May 27, 2011.

**CRDTS REPORT**

Dr. Wallace reported that several states are currently dealing with the teaching license issue, and after speaking with members from other state boards, he has some new concerns on the subject. According to the President of the Minnesota Board of Dentistry, in 2003, the Minnesota Board developed a law which allowed foreign-trained dentists to obtain a license. About three years later, the Minnesota Board changed the law due to the number of complaints lodged against foreign dentists. Most of the complaints were due to the licensees’ inability to effectively communicate with their patients due to the language barrier. The President of the Minnesota Board recommended Missouri require some form of English proficiency testing as a prerequisite to licensure.

Mr. Barnett informed the Board that if the teaching license legislation passes, it will require a change to the Fees rule in order to create a teaching license application fee.

A motion was made by Dr. Saladin and seconded by Dr. Wallace to instruct Mr. Barnett to obtain information from the Minnesota Board to determine if the Minnesota Board had a rule that was significant, if the rule was rescinded or amended, and what the driving force was behind that decision. The motion carried unanimously.
A motion was made by Dr. Saladin to convey the Board’s concerns to the Senate. The motion died due to lack of a second.

A motion was made by Dr. Wallace and seconded by Dr. Saladin to amend the Board’s position to oppose the teaching license bill at this time on the basis of the Board’s concerns with foreign-trained dentists not being able to effectively communicate with their patients. It is the Board’s belief that the proposed language needs to include a requirement for some kind of English proficiency testing. Those voting yes: Dr. Saladin, Dr. Wallace and Ms. Polc. Those voting no: Dr. Titterington. The motion carried 3 to 1.

Dr. Wallace reported that another “hot topic” among other licensing boards is the subject of dental therapists. Dental therapists are currently being trained in Minnesota, and the first group is preparing to be tested for competency. Currently, CRDTS is the only regional examining body that is testing dental therapists.

Dr. Wallace informed the Board that the Springfield Dental Society is working vigorously to compose legislation on this subject. Dr. Wallace believes that licensing dental therapists in the State of Missouri will soon be a reality, and he feels it is the Board’s responsibility to take a proactive approach and develop language to regulate those individuals.

A motion was made by Dr. Wallace and seconded by Ms. Polc to have a discussion during the May 27, 2011 meeting with members of the Springfield Dental Society regarding the regulatory aspects of their proposed legislation. Dr. Wallace stated that while this would be an open meeting, he would request that individuals wanting to participate in the discussion try to come to the meeting prepared to talk about solutions. The motion carried unanimously.

**REVIEW AND APPROVAL OF CRDTS/WREB EXAMINERS**

A motion was made by Ms. Polc and seconded by Dr. Saladin to research CRDTS’ and WREB’s bylaws to determine how long people can remain as examiners, and approve the lists based on those bylaws, and to also send a letter to the examiners to let them know that the Board has accepted CRDTS’ and WREB’s bylaws. The motion carried unanimously.

A motion was made by Ms. Polc and seconded by Dr. Saladin to remove Dr. Wallace and Dr. Titterington from the list of WREB examiners. The motion carried unanimously.

**FUTURE MEETING SCHEDULE**

The Board tentatively scheduled the following meeting dates:

May 27, 2011 at 9:00 a.m. – Board Meeting
June 8, 2011 at 6:00 p.m. – Telephone Conference Call
October 20-22, 2011 – Board Meeting
January 19-21, 2012 – Board Meeting
April 19-21, 2012 – Board Meeting
GRATUITOUS DENTAL SERVICES
Mr. Barnett referred the Board to 332.072, RSMo., which is the statute that allows dentists and dental hygienists who are licensed in another state to practice in Missouri, without obtaining a license, on the basis of gratuitous service for a period of not more than fourteen days in any one calendar year. The Board office recently received a letter from a dental hygienist who is physically unable to practice due to a traumatic head injury that would like to volunteer her time during the Missions of Mercy event coming up in September. Mr. Barnett is concerned that situations such as this could pose a potential public safety issue. A motion was made by Dr. Saladin and seconded by Ms. Polc to include this topic on the July meeting agenda. 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. Saladin and seconded by Ms. Polc that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 10:47 a.m.

Respectfully submitted,

Bonnie Mengwasser, Licensing Supervisor

Brian Barnett, Executive Director

Approved by the Board on: July 29, 2011