Meeting Notice

Missouri Dental Board

January 19-21, 2012

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
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  
January 19-21, 2012

Thursday Morning  
January 19, 2012

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

Thursday Afternoon  
January 19, 2012

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

1. 1:00 p.m. – Call to Order  
   Dr. Saladin

2. Roll Call  
   Mr. Relford

3. Approval of the Agenda  
   Dr. Saladin

4. Motion to go into Closed Session  
   Ms. Polc  
   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,  
   January 20, 2012 at 8:00 a.m.

Friday, January 20, 2012

5. 8:00 a.m. – Call to Order  
   Dr. Saladin

6. Roll Call  
   Mr. Relford

7. Aaron Schertzer, D.D.S.  
   Dr. Saladin  
   • 8:00 a.m. – Probation Violation Hearing

8. Kamlesh Makwana, D.D.S.  
   Dr. Saladin  
   • 9:00 p.m. – Disciplinary Hearing

9. Motion to go into Closed Session  
   Ms. Polc  
   Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, 324.001.8, RSMo and 324.001.9, RSMo.

Saturday, January 21, 2012

10. 8:00 a.m. – Call to Order  
    Dr. Saladin
11. Roll Call
   Mr. Relford

12. Dialogue with Associations
    Dr. Saladin
    - Missouri Dental Hygienists' Association
    - Missouri Dental Assistants Association
    - Missouri Dental Association
    - Missouri Dental Assistants Educators
    - Missouri Primary Care Association

13. Approval of the Minutes
    Dr. Saladin
    - October 20-22, 2011 Full Board Meeting
    - December 7, 2011 Conference Call
    - December 20, 2011 Mail Ballot

14. Executive Director Report
    Mr. Barnett
    a. Financial Report
    b. Rulemaking Status Report
    c. Legislative Report

15. Well Being Committee Report
    Dr. Saladin

16. Review and Approval of CRDTS/WREB Examiners
    Dr. Saladin

17. Future Board Meetings
    Dr. Saladin

18. Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Mark F. Saladin, President, at approximately 1:08 p.m. on Thursday, January 19, 2012 at the Missouri Council of School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:  
Dr. Mark F. Saladin, President  
Ms. Deborah K. Polc, R.D.H., Vice President  
Mr. Randall Relford, Secretary  
Dr. Kevin D. Wallace, Member  
Dr. Eric J. Aubert, Member  
Dr. Paul P. Titterington, Member

STAFF MEMBERS PRESENT:  
Brian Barnett, Executive Director  
Bonnie Mengwasser, Processing Technician Supervisor  
Kevin Davidson, Investigator II  
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:  
Sarah Ledgerwood, 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. Aubert and seconded by Ms. Polc to approve the open agenda as written. The motion carried unanimously.

CLOSED SESSION  
At approximately 1:09 p.m., a motion was made by Ms. Polc 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
FRIDAY, JANUARY 20, 2012
The Board reconvened in open session at approximately 8:51 a.m. on Friday, January 20, 2012. The meeting was called to order by Dr. Mark F. Saladin, President, at the Missouri Council of School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Mark F. Saladin, President
Ms. Deborah K. Polc, R.D.H., Vice President
Mr. Randall Relford, Secretary
Dr. Eric J. Aubert, Member
Dr. Kevin D. Wallace, Member
Dr. Paul P. Titterington, Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Bonnie Mengwasser, Processing Technician Supervisor
Kevin Davidson, Investigator II
Vickie Holtmeyer, Investigator I

LEGAL COUNSEL PRESENT:
Sarah Ledgerwood, Division Counsel
Tina Crow Halcomb, Litigation Counsel
Kelisen Molloy

KAMLESH R. MAWKANA, D.D.S.
At approximately 9:00 a.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. Kamlesh R. Makwana, D.D.S., Case No. 08-1754 DB. The record will show that Dr. Makwana 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 9:13 a.m.

CLOSED SESSION
At approximately 9:15 a.m., a motion was made by Ms. Polc 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. Saladin, Ms. Polc, Mr. Relford, Dr. Aubert, Dr. Wallace and Dr. Titterington. The motion carried 6 to 0.
SATURDAY, JANUARY 21, 2012
The Board reconvened in open session at approximately 8:02 a.m. on Saturday, January 21, 2012. The meeting was called to order by Dr. Mark F. Saladin, President, at the Missouri Council of School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Mark F. Saladin, President
Ms. Deborah K. Polc, R.D.H., Vice President
Mr. Randall Reiford, Secretary
Dr. Eric J. Aubert, Member
Dr. Kevin D. Wallace, Member
Dr. Paul P. Titterington, Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director

GUESTS PRESENT:
Thomas R. Wiedemann, D.D.S.
Vicki Wilbers, Executive Director, Missouri Dental Association
Marvin E. Rice, D.D.S., President, Missouri Dental Association
Joseph E. Sokolowski, D.D.S., Speaker of the House, Missouri Dental Association
Aaron Washburn, Assistant Executive Director, Missouri Dental Association
Merle A. Nunemaker, D.D.S., Legislative and Regulatory Committee Chair, Missouri Dental Association
Deborah D. Trunk, R.D.H., President, Missouri Dental Hygienists’ Association
Bonnie S. Branson, R.D.H., Immediate Past-President, Missouri Dental Hygienists’ Association

DIALOGUE WITH ASSOCIATIONS
Missouri Dental Association (MDA)
Ms. Vicki Wilbers expressed her appreciation to the Board for all of the opportunities for dialogue throughout the course of this meeting. Ms. Wilbers stated that the MDA does want to continue supporting the revision to the advertising statute. The MDA does have some concern with regard to changing the advertising rule, and would like to have the opportunity to discuss that with the Board as soon as possible.

Mr. Aaron Washburn informed the Board that during this legislative session, the MDA will be pushing for an insurance reform as well as the Dental Carve Out bill.

Missouri Dental Hygienists’ Association (MDHA)
Ms. Trunk informed the Board that the MDHA initiated a meeting with members of the MDA last night to open the lines of communication between both groups in order to work towards some common goals. The MDHA’s 2012 Annual Session will be held at Camden on the Lake November 2-3, 2012. The MDHA’s Lobby Day will be February 8, 2012 in Jefferson City.
**APPROVAL OF THE MINUTES**

A motion was made by Dr. Aubert and seconded by Ms. Polc to approve the open minutes of the October 20-22, 2011 Board meeting as written. The motion carried unanimously.

A motion was made by Dr. Titterington and seconded by Mr. Relford to approve the open minutes of the December 7, 2011 conference call as written. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Dr. Titterington to approve the open minutes of the December 20, 2011 mail ballot 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, 2011:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/10</td>
<td>$2,124,170.48</td>
</tr>
<tr>
<td>YTD Revenue</td>
<td>$40,635.00</td>
</tr>
<tr>
<td>Fund Balance Sub Total</td>
<td>$2,164,805.48</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>$372,146.00</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$262,863.00</td>
</tr>
<tr>
<td>Total Appropriation Expenditures</td>
<td>$143,630.42</td>
</tr>
<tr>
<td>YTD Fund Transfers</td>
<td>$57,899.97</td>
</tr>
<tr>
<td>Rent</td>
<td>$1,234.74</td>
</tr>
<tr>
<td>Refunds</td>
<td>$175.00</td>
</tr>
<tr>
<td>DIFP Cost Allocation</td>
<td>$1,015.00</td>
</tr>
<tr>
<td>OA Cost Allocation</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>PR Transfer</td>
<td>$3,601.73</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>$49,123.50</td>
</tr>
<tr>
<td>Administrative Hearing Comm.</td>
<td>$765.60</td>
</tr>
<tr>
<td>FY 10 Transfers Carried Over</td>
<td>$734.40</td>
</tr>
<tr>
<td>Total Transfers</td>
<td>$57,899.97</td>
</tr>
</tbody>
</table>
Mr. Barnett reported that he received the budget proposal for fiscal year 2013 on Thursday and learned that the Board’s appropriation is going to be reduced. Mr. Barnett explained that if the Board's fund balance exceeds three times the annual appropriation, the additional funds are subject to a government sweep. Because of this reduction in the appropriation, it will be necessary for the Board to lower renewal fees for the 2012 renewal to avoid being swept. Mr. Barnett's initial calculation is that the Board would need to reduce its renewal fees by approximately thirty percent (30%). This will have to be done as an emergency rule change. Mr. Barnett would like some additional time to go over the numbers with the Division’s Accounting Director to determine the exact amount that the renewal fees will need to be reduced by, and he will send the information to the Board in the form of a mail ballot in the upcoming weeks.

**Rulemaking Status Report**

Mr. Barnett reported that he is hopeful the proposed changes to the sedation rules and the changes necessary to implement the issuance of expanded functions permits will be posted in the Missouri Register soon. Last week, the Division’s review team indicated that they were finished with their review and that the proposals would be submitted to the Governor’s office this week. Once Mr. Barnett is notified that the proposals have been submitted to the Governor’s office, he will work with Ms. Wilbers to try to coordinate some sort of a joint effort to try to get them approved. Mr. Barnett reported that several rules were affected by the Board’s decision to change the language for the basic life support requirement, which have all been submitted to the rulemaking process. Some other proposed changes that are going through the rulemaking process are changing the requirement for how many times an applicant can fail a competency examination before remediation, establishing the application and renewal fees for teaching licenses, and establishing the application fee for temporary military spouse licenses.

**Legislative Report**

Mr. Barnett informed the Board that the Division is currently tracking HB1072, which would establish the Volunteer Health Services Act, which would allow someone licensed in another state to practice his/her profession on a gratuitous basis without obtaining a Missouri license.

Mr. Barnett also said that the Division is tracking HB1135, which would create a sunset on all administrative rules.

**Technology Changes**

Mr. Barnett reported that the Division is looking at implementing a new licensure system. The current system is outdated and doesn’t interface well with the Boards’
websites. The new system will allow users to interact directly with the database by submitting applications, fees, complaints, etc. online.

Mr. Barnett also reported that the Department is implementing some changes to the website. A link has been added called “Sign up for Dental Board News,” which will allow anyone to subscribe to the Board’s list serve in order to be notified of changes to the website.

**WELL BEING COMMITTEE REPORT**
Dr. Saladin reported that he attended his first Well Being Committee meeting last night, which was very productive. Dr. Saladin believes that the Board has made strides with Rebecca and that the program is headed in the right direction.

**REVIEW AND APPROVAL OF CRDTS/WREB EXAMINERS**
Mr. Barnett informed the Board that Dr. Thomas Stone has requested to be a CRDTS examiner. A motion was made by Dr. Titterington and seconded by Dr. Aubert to add Dr. Stone to the list of CRDTS examiners. The motion carried unanimously. A motion was made by Dr. Titterington and seconded by Dr. Aubert to approve the list of CRDTS examiners as amended. The motion carried unanimously.

A motion was made by Ms. Polc and seconded by Dr. Aubert to remove Dr. Journee’s name from the list of WREB examiners. The motion carried unanimously. A motion was made by Dr. Titterington and seconded by Dr. Aubert to approve the list of WREB examiners as amended. The motion carried unanimously.

**FUTURE MEETING SCHEDULE**
**AADB Mid-Year Meeting**
Dr. Aubert asked that the Board request that at least one Board member and the Executive Director be approved to attend the AADB Mid-Year Meeting in April. Mr. Barnett said that he would submit the request, but he is doubtful that the Division will approve more than one person to attend.

The Board tentatively scheduled its next winter meeting for January 17-19, 2013. The Board also scheduled a meeting for June 22, 2012 to review the regional competency examinations.

Mr. Barnett said that the open session of the April 2012 meeting may be moved to Friday afternoon instead of Saturday.

A conference call was scheduled for March 7, 2012 at 6:00 p.m.

Ms. Wilbers informed the Board that the Missouri Missions of Mercy event is scheduled for the week of April 11, 2013.

Mr. Barnett informed the MDA members that were present at the meeting that the Board is looking into the possibility of scheduling the 2013 fifty year recognition ceremony later
in the year. This year, there were approximately thirteen (13) licensees eligible for recognition, but only three (3) were able to attend, and the Board’s concern is that it is largely due to the unpredictable weather in January. The Board is considering working with the Governor’s office, which would allow for the ceremony to be scheduled later in the year. Mr. Barnett asked if the MDA would still be interested in providing the luncheon for the honorees if it is held at a different time. Ms. Wilbers stated that the MDA meets in January, April and August, so she doesn’t see any issue in working with the Board to coordinate a date.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Ms. Polc and seconded by Dr. Titterington that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 9:25 a.m.

Respectfully submitted,

Bonnie Mengwasser, Processing Technician Supervisor

________________________________
Brian Barnett, Executive Director

Approved by the Board on: ________