Meeting Notice

Missouri Dental Board

April 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
April 19 - 21, 2012

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

Thursday, April 19, 2012
1.  8:00 a.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, April 20, 2012 at 12:30 p.m.

Friday, April 20, 2012
5.  Call to Order Dr. Saladin

6.  Roll Call Mr. Relford

7.  Approval of the Open Minutes Dr. Saladin
   • January 18, 2012 Full Board Meeting
   • January 19 - 20, 2012 Full Board Meeting
   • February 6, 2012 Mail Ballot
   • March 7, 2012 Conference Call
   • March 30, 2012 Mail Ballot

8.  Aaron Schertzer, D.D.S. Dr. Saladin
    • 1:00 p.m. – Probation Violation Hearing

9.  George Graham, D.D.S. Dr. Saladin
    • 2:00 p.m. – Disciplinary Hearing

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

11. Dialogue with Associations
   • Missouri Primary Care Association
   • Missouri Dental Assistants Educators
   • Missouri Dental Hygienists’ Association
   • Missouri Dental Assistants Association
   • Missouri Dental Association
   Dr. Saladin

    Ms. Bruce

13. Fingerprinting for Licensure
    Mr. Barnett

14. Social Coupons and Fee Splitting
    Mr. Barnett

15. Future Meeting Schedule
    Dr. Saladin

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

Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Mark F. Saladin, President, at approximately 8:06 a.m. on Thursday, April 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
Rhonda Robinett-Fogle, 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 Dr. Titterington to approve the open agenda as written. The motion carried unanimously.

CLOSED SESSION
At approximately 8:09 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. Wallace, Dr. Aubert and Dr. Titterington. The motion carried 6 to 0.

FRIDAY, April 20, 2012
The Board reconvened in open session at approximately 1:15 p.m. on Friday, April 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
Rhonda Robinett-Fogle, Processing Technician Supervisor
Kevin Davidson, Investigator II
Vickie Holtmeyer, Investigator I

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

GUESTS PRESENT:
Lori Bruce, Advisory Commission for Dental Hygienists
Mary Young, Missouri Dental Assistants Association
Anna Lippert, RN
Janet Sell, Ozark Technical Community College, MDAE, MDAA
Mark Haefner, Legal Counsel
Robin Graham
K.L. Young, Missouri Dental Association
Jacob Lippert, D.D.S
Vicki Wilbers, Executive Director, Missouri Dental Association
Marvin E. Rice, D.D.S., President, 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
APPROVAL OF THE MINUTES
A motion was made by Dr. Titterington and seconded by Ms. Polc to approve the open minutes of the January 18, 2012 Full Board meeting as written. The motion carried unanimously.

A motion was made by Ms. Polc and seconded by Mr. Relford to approve the open minutes of the January 19-20, 2012 Full Board meeting as written. The motion carried unanimously.

A motion was made by Dr. Titterington and seconded by Ms. Polc to approve the open minutes of the February 6, 2012 mail ballot 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 March 7, 2012 conference call 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 March 30, 2012 mail ballot as written. The motion carried unanimously.

Aaron Schertzer, D.D.S.
At approximately 1:17 p.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Aaron Schertzer, D.D.S., Case No. 2010-003763. The record will show that Dr. Schertzer was present and was 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 2:19 p.m.

George Graham, D.D.S.
At approximately 2:21 p.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. George Graham, D.D.S., Case No. 10-0008 DB. The record will show that Dr. Graham was present and was 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 3:17 p.m.

EXECUTIVE DIRECTOR REPORT
Financial Statement
Mr. Barnett provided the Board with the following Financial Statement as of February 29, 2012.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/010</td>
<td>$2,124,170.48</td>
</tr>
<tr>
<td>YTD Revenue</td>
<td>$ 66,705.00</td>
</tr>
<tr>
<td>Fund Balance Sub Total</td>
<td>$2,190,875.48</td>
</tr>
</tbody>
</table>

Missouri Dental Board
Open Minutes
April 19-20, 2012
Page 3 of 9
Appropriations to Board:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<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><strong>Total Appropriations</strong></td>
<td><strong>$635,009.00</strong></td>
</tr>
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Year to Date Appropriation Expenditures:

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Service</td>
<td>$156,697.97</td>
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<tr>
<td>Expense &amp; Equipment</td>
<td>$67,079.66</td>
</tr>
<tr>
<td><strong>Total Appropriation Expenditures</strong></td>
<td><strong>$223,777.63</strong></td>
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</table>

YTD Fund Transfers:

<table>
<thead>
<tr>
<th>Transfer Type</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Rent</td>
<td>$3,211.92</td>
</tr>
<tr>
<td>Refunds</td>
<td>$685.00</td>
</tr>
<tr>
<td>DIFP Cost Allocation</td>
<td>$1,742.77</td>
</tr>
<tr>
<td>OA Cost Allocation</td>
<td>$3,750.00</td>
</tr>
<tr>
<td>PR Transfer</td>
<td>$1,288.66</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>$76,838.39</td>
</tr>
<tr>
<td>Administrative Hearing Comm.</td>
<td>$998.10</td>
</tr>
<tr>
<td>FY 11 Transfers Carried Over</td>
<td>$734.40</td>
</tr>
<tr>
<td><strong>Total Transfers</strong></td>
<td><strong>$89,249.24</strong></td>
</tr>
</tbody>
</table>

Total Fund Expenditures: $313,026.87

Ending Fund Balance as of February 29, 2012: $1,877,848.61

Mr. Barnett reported there was a reduction in the Board’s appropriation. 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.

**Rulemaking Status Report**

Mr. Barnett stated, because of the reduction in the appropriation and the increase in revenue; as revenue has been unpredictable due to the licensing of new hygienists, it is necessary for the Board to lower renewal fees for the 2012 renewal to avoid being swept. Mr. Barnett’s current calculation is that the Board would need to reduce its renewal fee by thirty ($30.00) to fifty dollars ($50.00) per license. This will need to be done as an emergency rule change. Mr. Barnett informed the Board that renewals will be mailed on or around September 1, 2012 and the Board will need to make a decision on the fee reduction soon. Mr. Barnett suggested the Board either hold a conference call or he will send the information in the form of a mail ballot in the next couple weeks. Mr. Barnett also stated that in planning for the dental assistant rule to go through and
the issuing of Expanded Function permits the Board may be looking at the necessity of another full time employee and renovations to the office to accommodate such.

**Legislative Report**
Mr. Barnett informed the Board the Volunteer Health Services Act has passed out of the House and is currently in the Senate and is set for hearing on April 24, 2012 in front of the Senate Commerce Energy Environment Committee. If passed, the Volunteer Health Services Act would allow someone licensed in another state to practice his/her profession on a gratuitous basis without obtaining a Missouri license.

Mr. Barnett also updated the Board on the Administrative Rules Bill which would repeal all administrative rules and cause any administrative agency to have to re-file those. Mr. Barnett stated that this Bill is moving but has been changed to require a periodic review of all administrative rules by administrative agencies and requires that the agencies must report those reviews to the Joint Committee on Administrative Rules (JCAR).

**DIALOGUE WITH ASSOCIATIONS**

**Missouri Primary Care Association (MPCA)**
There were no representatives of the MPCA present at this meeting.

**Missouri Dental Assistants Educators (MDAE)**
Ms. Janet Sell informed the Board that the MDAE has not met in over a year due to changes in faculty and directors.

Ms. Sell asked the Board for clarification on whether Dental Assistants are authorized to place dental sealants. Mr. Barnett stated the Board can tell you what the law says; however, they can not interpret the law for you and then he referred Ms. Sell to 332.093 RSMo.

**Missouri Dental Hygienists’ Association (MDHA)**
Ms. Deborah Trunk informed the Board that representatives of the MDHA had a meeting with Dr. Rolfe McCoy, Chairperson of the MDA workforce committee where they discussed workforce issues as far as “access to care”. They came to an agreement that both associations should work jointly together on this issue and Dr. McCoy invited the MDHA Legislative Committee to join their Committee meeting in Jefferson City which will be held either on May 11, 2012 or May 12, 2012. Ms. Truck stated the MDHA has also been working with the Missouri Coalition for Oral Health.

**Missouri Dental Assistants Association (MDAA)**
Ms. Mary Young expressed her appreciation to the Board for the privilege to attend the meeting. Ms. Young provided copies of the Dental Assisting National Board’s Certified Press to the board members. Ms. Young informed the Board about continuing education courses that will be offered to dental assistants this summer. She also provided a handout regarding the basic skills review course to be shared with the board members at a later date.
Missouri Dental Association (MDA)
Ms. Vicki Wilbers informed the Board that the MDA will be having their next board meeting on April 27, 2012 and invited the Board to attend the MDA meeting and welcomed the Board to give a report.

Ms. Wilbers asked the Board about the current proposed rule changes to find out where they are in the rule making process. Mr. Barnett reported that he inquired about the proposed rule changes this week and was informed they are still at the Division/Department level. Mr. Barnett was informed and is hopeful the proposed rule changes, including the sedation rules and the changes necessary to implement the issuance of expanded functions permits (EFDA) will be submitted to the Governor’s office within the next couple weeks.

Dr. Elwood Rice asked the Board if the EFDA rule and the conscious sedation rule was together or separate and Mr. Barnett informed him there are multiple rules that are going through the rule process at the same time; however, each rule is separate and not joined together. Dr. Rice also suggested the MDA write a letter in support of the proposed rule changes and Mr. Barnett agreed; however, Mr. Barnett believes a letter will be better received once the proposals arrive at the Governor’s office. Mr. Barnett will work with Ms. Wilbers to coordinate a joint letter of support signed by Dr. Saladin and Dr. Rice to try to get the rules approved. Once Mr. Barnett is notified the proposals have been submitted to the Governor’s office, he will resend the same letter.

Dr. Rice also asked the Board about statistical information regarding a statement on the shortage of dentists in the State of Missouri. Mr. Barnett informed Dr. Rice that the Board runs a report of license numbers on July one (1) of each year and has been doing this for the past fifteen (15) years. Mr. Barnett stated this would be the only type of statistical information the Board would have regarding workforce. Dr. Rice expressed his appreciation for keeping the lines of communication open and allowing the MDA time at the board meeting.

ADVISORY COMMISSION REPORT
Ms. Lori Bruce, RDH, Chairperson of the Advisory Commission informed the Board that the Advisory Commission met in Jefferson City at Professional Registration on February 7, 2012. At the meeting, Ms. Debra Adams reported that as of January 30, 2012, there are nineteen (19) dental hygienists registered with Medicaid which has increased from seventeen (17) the year before.

Ms. Bruce also reported the Advisory Commission voted to update their mission statement to match the Dental Board’s mission statement.

Ms. Bruce stated that the Advisory Commission conducted its yearly review of the Statutes and Rules and they would like to request the Board to review 20 CSR 2110-2.240 Continuing Dental Education section two (2) and subsections (F) and (I).
• (F) Licensees who give presentations through a board-approved sponsor relating to dentistry will receive two (2) continuing education hours for each hour of the original presentation and an hour-for-hour credit for subsequent presentation of the same material up to sixteen (16) hours per year.

• (I) Licensees who attend the open session of the Missouri Dental Board’s quarterly meetings or an open meeting of the Advisory Commission for Dental Hygienists will receive two (2) hours of continuing education credit per meeting. To qualify, licensees must sign in at the beginning of the open meeting and sign out at the end of the open meeting. These continuing education credits do not qualify as directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient.

Ms. Bruce also reported the Advisory Commission reviewed and updated their PowerPoint presentation that is given in conjunction with the jurisprudence exam at various dental hygiene schools. Additionally, Ms. Bruce announced she was elected Chair and Nancy Maus was elected Secretary of the Commission for the upcoming year.

A motion was made by Dr. Titterington and seconded by Ms. Polc to review 20 CSR 2110-2.240 Continuing Dental Education section two (2) and subsections (F) and (I) at the August 2012 board meeting. The motion carried unanimously.

FINGERPRINTING FOR LICENSURE
The Board discussed the possibility of implementing fingerprinting for initial licensure. Mr. Barnett informed the Board that it would take a rule change to require fingerprinting for initial licensure. Mr. Barnett suggested, if it is the board’s decision to implement fingerprinting then the Board should draft some type of procedure for staff that would indicate guidelines on approval for some positive hits.

A motion was made by Dr. Titterington and seconded by Mr. Relford to instruct Mr. Barnett to draft some language on fingerprinting for initial licensure and bring it to the Board at the August 2012 meeting. The motion carried unanimously.

SOCIAL COUPONS AND FEE SPLITTING
Mr. Barnett explained social coupons and fee splitting. Dr. Aubert informed the Board that he has participated in social couponing and explained his experience to the Board.

A motion was made by Dr. Aubert and seconded by Ms. Polc to instruct Legal Counsel to formulate an opinion on social coupons and fee splitting and bring it to the August 2012 meeting for board review. The motion carried unanimously.

FUTURE MEETING SCHEDULE
The Board discussed and agreed to schedule all upcoming board meetings as two day meetings instead of three day meetings. It was mutually agreed upon to schedule all future meetings on Thursday’s and Friday’s.

The Board tentatively scheduled its next spring meeting for April 18-19, 2013.

The Board will hold a conference call on Wednesday, May 30, 2012 beginning at 6:00 p.m.

The Board discussed the June 22, 2012 meeting regarding the regional exam comparison. Mr. Barnett stated that he will send all of the comparison information to the Board. Mr. Barnett will assign each board member an exam to review, research, and to be the lead on at the June 22, 2012 meeting. Mr. Barnett stated he will also assign hygiene exams to members of the Hygiene Commission and will have the ACDH prepared to discuss the exams. The Board set the June 22, 2012 meeting to begin at 9:00 a.m.

A motion was made by Dr. Aubert and seconded by Dr. Titterington to send Dr. Aubert, Ms. Polc, and Ms. Ledgerwood to the American Association of Dental Boards (AADB) 129th Annual Meeting in San Francisco, CA, October 17-18, 2012. The motion carried unanimously.

CLOSED SESSION
At approximately 4:55 p.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.

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 5:38 p.m.

Respectfully submitted,

Rhonda Robinett-Fogle, Processing Technician Supervisor

Brian Barnett, Executive Director