Meeting Notice

Missouri Dental Board

April 24-25, 2014 @ 8:00 a.m.

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

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

Posted: 10/17/2013
4:13 p.m.
Open Agenda
Missouri Dental Board
April 24-25, 2014

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

Thursday, April 24, 2014

1.  8:00 a.m. Call to Order  Dr. Wallace
2.  Roll Call  Ms. Polc
3.  Approval of the Agenda  Dr. Wallace
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 25, 2014

Friday, April 25, 2014

5.  8:00 a.m. Call to Order  Dr. Wallace
6.  Roll Call  Ms. Polc
7.  Approval of the Open Minutes  Dr. Wallace
   •  November 15, 2013 Mail Ballot
   •  January 16-17, 2014 Full Board
   •  February 11, 2014 Conference Call
   •  February 24, 2014 Mail Ballot
   •  February 28, 2014 Mail Ballot
   •  March 10, 2014 Mail Ballot

8.  Executive Director Report  Mr. Barnett
    •  Financial Statement

9.  Dialogue with Associations  Dr. Wallace
    •  Missouri Primary Care Association
    •  Missouri Dental Assistants Educators
    •  Missouri Dental Hygienists’ Association
10. Kenneth P. Webb, D.M.D. Dr. Wallace
   • 10:30 a.m. – Disciplinary Hearing

11. Request from Missouri Dental Assistants Association for approval of Nitrous Oxide Course for Dental Assistants Dr. Wallace

12. Request from Alexander Lin, MD of Cardinal Glennon Children’s Hospital to consider a statute change to allow licensure of foreign trained specialists Dr. Wallace

13. Review of Proposed Infection Control Rule Dr. Wallace

14. Manpower Surveys for Renewals Mr. Barnett

15. Discussion of Potential Legislative Proposals for 2015 Dr. Wallace
   • Advertising

16. CRDTS and WREB Updates Dr. Wallace

17. Future Meeting Schedule Dr. Wallace

18. 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.

Adjournment
The open meeting of the Missouri Dental Board was called to order by Dr. Kevin Wallace, President, at approximately 8:10 a.m. on Thursday, April 24, 2014 at the Missouri Council School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

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

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Rhonda Robinett-Fogle, Licensing Supervisor
Kevin Davidson, Investigator II
Vickie Holtmeyer, Investigator I
Tracey Pfaff, Investigator II

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 Mr. Relford and seconded by Dr. Aubert to approve the open agenda as written. The motion carried unanimously.

CLOSED SESSION
At approximately 8:12 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. Aubert, Dr. Saladin, Ms. Polc, Dr. Wallace, Mr. Relford and Dr. Chapman. The motion carried 6 to 0.

FRIDAY, April 25, 2014
The Board reconvened in open session at approximately 8:03 a.m. on Friday, April 25, 2014. The meeting was called to order by Dr. Kevin Wallace, at the Missouri Council School Administrators, 3550 Amazonas Drive, Jefferson City, Missouri.

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

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Rhonda Robinett-Fogle, Processing Technician Supervisor
Kevin Davidson, Investigator II
Vickie Holtmeyer, Investigator I
Tracey Pfaff, Investigator II

LEGAL COUNSEL PRESENT:
Sarah Ledgerwood, Division Counsel
Scott Evans, Litigation Counsel

GUESTS PRESENT:
Karen Reiner, President, Missouri Dental Hygienists' Association
Linda Twehous, Missouri Dental Assistants Educators
Janet Sell, Missouri Dental Assistants Educators
Mandy Lewis, Missouri Dental Association
Mary Young, Missouri Dental Assistants Association
Dr. Kwai Young, Missouri Dental Association
Wanda Stout, Missouri Dental Assistant Educators
Dr. Mike Otradovec, Lake Dental Clinic
Patrick Baker, Missouri Dental Association

APPROVAL OF THE MINUTES
A motion was made by Dr. Aubert and seconded by Mr. Relford to approve the open minutes of the November 15, 2013 Mail Ballot meeting as written. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Mr. Relford to approve the mail ballot open minutes of the January 16-17, 2014 full board minutes as written. The motion carried unanimously.
A motion was made by Dr. Aubert and seconded by Mr. Relford to approve the mail ballot open minutes of the February 11, 2014 conference call minutes as written. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Mr. Relford to approve the mail ballot open minutes of the February 24, 2014 mail ballot as written. The motion carried unanimously.

A motion was made by Dr. Aubert and seconded by Mr. Relford to approve the mail ballot open minutes of the March 10, 2014 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 February 28, 2014.

Missouri Dental Board
FY-2014 Financial Statement
As of February 28, 2014

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/013</td>
<td>$2,627,897.24</td>
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<tr>
<td>YTD Revenue</td>
<td>$69,855.00</td>
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<tr>
<td>Fund Balance Sub Total</td>
<td>$2,697,752.24</td>
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<tr>
<td>Appropriations to Board:</td>
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</tr>
<tr>
<td>Personal Service</td>
<td>$380,953.00</td>
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<tr>
<td>Expense &amp; Equipment</td>
<td>$237,475.00</td>
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<tr>
<td>Total Appropriations</td>
<td>$618,428.00</td>
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<tr>
<td>Year to Date Appropriation</td>
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<tr>
<td>Expenditures:</td>
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</tr>
<tr>
<td>Personal Service</td>
<td>$185,238.72</td>
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<tr>
<td>Expense &amp; Equipment</td>
<td>$61,172.24</td>
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<tr>
<td>Total Appropriation Expenditures</td>
<td>$246,410.96</td>
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<tr>
<td>YTD Fund Transfers:</td>
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</tr>
<tr>
<td>Licensure System Cost</td>
<td>$5,096.17</td>
</tr>
<tr>
<td>Rent</td>
<td>$3,772.39</td>
</tr>
<tr>
<td>Refunds</td>
<td>$795.00</td>
</tr>
<tr>
<td>DIFP Cost Allocation</td>
<td>$2,556.50</td>
</tr>
<tr>
<td>OA Cost Allocation</td>
<td>$1,172.00</td>
</tr>
<tr>
<td>PR Transfer</td>
<td>$9,237.12</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>$89,013.53</td>
</tr>
</tbody>
</table>
Administrative Hearing Comm. $ 9,304.50
Attorney General Costs $0.00
FY 13 Transfers Carried Over $ (579.36)
Total Transfers $115,271.68

Total Fund Expenditures $366,778.81

Ending Fund Balance as of February 28, 2014 $ 2,330,973.43

Mr. Barnett stated the financial statement is really straightforward. Mr. Barnett said the fee decrease rule change proposal is working its way through and should be in good shape before the renewals go out in September 2014.

**Legislative Report**

Mr. Barnett stated there are a couple bills that are floating around out there. He said one Bill is to create restrictions on rule promulgation. Mr. Barnett said in order to promulgate a rule you would need to justify it as a public safety need. Mr. Barnett stated thus far, the Bill does not seem to be headed towards fruition.

Mr. Barnett said on the rule change proposal of notice of injury and death, he has met with Division rule making staff and it has now been forwarded on to the Department for their approval.

Mr. Barnett stated the Board discussed possibly looking at a rule change proposal for a full time employee - board attorney; however, this will be discussed later under potential legislative proposals.

**DIALOGUE WITH ASSOCIATIONS**

**Missouri Dental Association (MDA)**

Mr. Patrick Baker discussed the proposed changes to the advertising statute/rule and stated the MDA has been in support of proposal in the past and it is on their agenda to discuss today. Mr. Baker also discussed the proposed infection control rule change and stated the MDA does not have a position on this yet; however, they will be discussing it today as well. Additionally, Mr. Baker also spoke about the licensure on foreign trained dentists and stated that he does not think the MDA will have a position on it today either. Mr. Baker stated the MDA submitted comments/questions on the sedation and EFDA rules as written last fall and was wondering the status and response on those. Mr. Barnett said it was still under review and explained that Ms. Ledgerwood has been doing two jobs as she is currently the only division counsel at this time. Ms. Ledgerwood stated it is on her list of things to do and assured Mr. Baker she would get it done as soon as possible.

**Missouri Primary Care Association (MPCA)**

There were no representatives for the MPCA at this meeting.
Missouri Dental Assistants Educators (MDAE)
Ms. Twehous and Ms. Sell thanked the Board for always placing them on the agenda. Ms. Sell stated they have been working really close with the MDA on expanded functions and she said she feels like everyone is all on the same page now with the Missouri basic skills and DANB taking that course completely over. Ms. Twehous stated DANB will not be doing a formal review. Dr. Wallace commended the time and effort that Ms. Sell and Ms. Twehous has dedicated to this task.

Missouri Dental Hygienists’ Association (MDHA)
Ms. Karen Reiner, President of the MDHA stated the MDHA had a very successful lobby day. Ms. Reiner said they will have their third board meeting tomorrow. Ms. Reiner stated they are looking forward to their upcoming annual session in October 2014.

Missouri Dental Assistants Association (MDAA)
There were no representatives for the MDAA at this meeting.

KENNETH WEBB, D.M.D. DISCIPLINARY HEARING
At approximately 10:47 a.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. Kenneth Webb, D.M.D. Respondent, Case Number 12-0909 DB. The record will show that Dr. Webb was present and represented by counsel; Audrey Hanson McIntosh. 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 11:20 a.m.

REQUEST FROM MISSOURI DENTAL ASSISTANTS ASSOCIATION FOR APPROVAL OF NITROUS OXIDE COURSE FOR DENTAL ASSISTANTS
After detailed discussion, the following motion was made.

A motion was made by Ms. Polc and seconded by Dr. Aubert to request that MDAA change “deliver” to “monitor” and to clarify assistant’s role in monitoring. The motion carried unanimously.

REQUEST FROM ALEXANDER LIN, MD OF CARDINAL GLENNON CHILDREN’S HOSPITAL TO CONSIDER A STATUTE CHANGE TO ALLOW LICENSURE OF FOREIGN Trained SPECIALISTS
After detailed discussion, the following motion was made.

A motion was made by Ms. Polc and seconded by Dr. Saladin to deny the request for a legislative change to the existing licensure requirements. The motion carried unanimously.

REVIEW OF PROPOSED INFECTION CONTROL RULE
Mr. Barnett said there were some concerns with how the proposed rule change is presented so he has made some revisions to it as of this morning. Mr. Barnett read the revised proposed changes of the language to the Board.

After detailed discussion, Mr. Barnett stated he will send out a mail ballot to the Board once he has made the additional language revisions to the proposed rule change in order for the Board to approve the final language of the proposed infection control rule change.

Discussion only, no motions were made at this time.

**MANPOWER SURVEYS FOR RENEWALS**
After detailed discussion, the following motion was made.

A motion was made by Dr. Saladin and seconded by Dr. Aubert to approve volunteer data collection for the 2014-2016 renewal and place this issue back on the July 31 – August 1, 2014 meeting agenda to discuss mandatory collection of data for future renewal periods. The motion carried unanimously.

**DANB BASIC SKILLS BLUEPRINT**
After detailed discussion, the following motion was made.

A motion was made by Ms. Polc and seconded by Dr. Saladin to approve the DANB Basic Skills Examination blueprint. The motion carried unanimously.

**DISCUSSION OF POTENTIAL LEGISLATIVE PROPOSALS FOR 2015 –**
After detailed discussion, the following motions were made.

**ADVERTISING**
A motion was made by Dr. Saladin and seconded by Ms. Polc to re-submit the proposed changes to the Advertising Statute that was submitted a couple years prior as written. The motion carried unanimously.

**FULL TIME EMPLOYEE (FTE)**
A motion was made by Mr. Relford and seconded by Ms. Polc to submit a proposal for one full time employee (FTE) in order for the Board to obtain general legal counsel exclusively to the Board. The motion carried unanimously.

**CRDTS AND WREB REPORTS**
Ms. Polc said there is nothing new to report; however, Ms. Polc did say the ERC for both WREB and CRDTS will be in July 2014.

The Board commended Ms. Polc for her involvement with CRDTS and WREB.

Dr. Saladin stated how important independent board agencies are; Dr. Saladin stated that by him getting to attend WREB, he was able to see just how organized and
committed WREB is and it made him realize just how important it is to have an independent check and balance system for board exams. Dr. Saladin informed the board of a few highlights from his written report. Dr. Saladin reported that reimbursement will be online and be direct deposited in your account, complete treatment planning exam will begin in fall 2015, and the Board may possibly be able to utilize their portable exam as mediation. Dr. Saladin stated that it was a good meeting. Dr. Saladin stated he will go to Portland, OR in July 2014 unless Dr. Chapman attends.

Mr. Barnett reported that he had been approached by a representative of ADEX asking if they could make a presentation to the Board at an upcoming meeting. Mr. Barnett said the Board has had WREB and CRDTS in for presentations and suggested that the Board consider inviting ADEX (NERB) to the July 2014 board meeting.

A motion was made by Dr. Saladin and seconded by Aubert to invite ADEX to the upcoming July 31-August 1, 2014 board meeting. The motion carried unanimously.

A motion was made by Ms. Polc and seconded by Aubert to change the question on the initial application for licensure to reflect the number of times applicant has taken the examination. The motion carried unanimously.

**FUTURE MEETING SCHEDULE**
The Board set a conference call meeting for Tuesday, June 17, 2014.

**CLOSED SESSION**
At approximately 11:25 p.m., a motion was made by Dr. Saladin and seconded by Ms. Polc 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. Aubert, Dr. Saladin, Ms. Polc, Dr. Wallace, Mr. Relford and Dr. Chapman. 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 Mr. Relford that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 12:15 p.m.

Respectfully submitted,

Rhonda Robinett-Fogle, Processing Technician Supervisor

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Brian Barnett, Executive Director

Missouri Dental Board
Open Minutes
April 24-25, 2014
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