Meeting Notice

Missouri Dental Board

October 22-23, 2015 at 8:00 a.m.

Best Western Hotel
1937 Christy Drive
Jefferson City, Missouri 65101

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.
Open Agenda

Missouri Dental Board
October 22 - 23, 2015

Best Western Hotel
1937 Christy Drive
Jefferson City, Missouri 65101

Thursday, October 22, 2015

1. 8:00 a.m. Call to Order Dr. Wallace

2. Roll Call Dr. Chapman

3. Approval of the Agenda Dr. Wallace

4. 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.
   Mr. Relford

   The Board will remain in closed session until
   Friday, October 23, 2015

Friday, October 23, 2015

5. 9:30 a.m. Call to Order Dr. Wallace

6. Roll Call Dr. Chapman

7. Approval of the Open Minutes
   • July 30-31, 2015 Board Meeting Dr. Wallace

8. Executive Director Report
   • Financial Statement Mr. Barnett

9. Dialogue with Associations
   • Missouri Primary Care Association
   • Missouri Dental Assistants Educators
   • Missouri Dental Hygienists’ Association
   • Missouri Dental Assistants Association
   • Missouri Dental Association
   Dr. Wallace

10. Request from Dental Careers Institute for approval of
    nitrous oxide administration course for dental hygienists
    Dr. Wallace
11. Review of Clinical Competency Exam Components  
   Dr. Wallace
12. Sleep Apnea  
   Dr. Chapman
13. CRDTS and WREB Reports  
   Dr. Wallace
14. Election of Officers  
   • Vice President  
   Dr. Wallace
15. Review of Task List  
   Dr. Wallace
16. Future Meeting Schedule  
   Dr. Wallace
   • 10:30 a.m. – Probation Violation Hearing  
   Dr. Wallace
18. 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.  
   Mr. Relford

Adjournment
OPEN MINUTES
Missouri Dental Board

October 22-23, 2015

Best Western Hotel
1937 Christy Drive
Jefferson City, Missouri 65101

The Missouri Dental Board was called to order by Dr. Kevin Wallace, President, approximately at, 8:02 a.m. on Thursday, October 22, 2015, at the Best Western Hotel, 1937 Christy Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Kevin D. Wallace, President
Dr. Bryan Chapman, Secretary
Dr. Eric J. Aubert, Member
Ms. Nancy Maus, RDH, Member
Mr. Randall Relford, Public Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Sarah Becker, Processing Technician Supervisor
Josh Fisher, Investigator II
Tracey Pfaff, Investigator II
Rhonda Robinett, Investigator I

LEGAL COUNSEL PRESENT:
Sarah Ledgerwood, Division Counsel

APPROVAL OF THE AGENDA
A motion was made by Mr. Relford and seconded by Dr. Chapman to approve the open agenda as written. The motion carried unanimously.

CLOSED SESSION
At approximately 8:03 a.m., a motion was made by Dr. Aubert and seconded by Dr. Chapman 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. Chapman, Ms. Maus, Mr. Relford, Dr. Aubert and Dr. Wallace. The motion carried 5 to 0.
FRIDAY, JULY 31, 2015
The Board reconvened in open session approximately at 9:35 a.m. on Friday, October 23, 2015. The meeting was called to order by Dr. Kevin Wallace, at the Best Western Hotel, 1937 Christy Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Kevin D. Wallace, President
Dr. Bryan Chapman, Secretary
Dr. Eric J. Aubert, Member
Ms. Nancy Maus, RDH, Member

BOARD MEMBERS ABSENT:
Mr. Randall Relford, Public Member

STAFF MEMBERS PRESENT:
Brian Barnett, Executive Director
Sarah Becker, Processing Technician Supervisor
Rhonda Robinett, Investigator I
Josh Fisher, Investigator II
Tracey Pfaff, Investigator II

LEGAL COUNSEL PRESENT:
Sarah Ledgerwood, Division Counsel

GUESTS PRESENT:
Lori Bruce, RDH, Advisory Commission for Dental Hygienists
Erika O’Malley, RDH, Advisory Commission for Dental Hygienists
Marsha Henderson, RDH, Advisory Commission for Dental Hygienists
Ashton Frank, RDH, Advisory Commission for Dental Hygienists
LeeAnn Turnbough, Missouri Dental Assistants Association
Vickie Wilbers, Missouri Dental Association
Cheryl Haley, Missouri Dental Association
Katie Reichard, Missouri Dental Association
Bonnie Branson, Missouri Dental Hygienists Association
Samuel D. Dednaro, D.M.D.

APPROVAL OF THE MINUTES
A motion was made by Dr. Aubert and seconded by Dr. Chapman to approve the open minutes of the July 30-31, 2015 full board meeting as written. The motion carried unanimously.
**EXECUTIVE DIRECTOR REPORT**

Financial Statement
Mr. Barnett provided the Board with the following Financial Statement as of August 31, 2015.

**Missouri Dental Board**  
**FY-2016 Financial Statement**  
**As of August 31, 2015**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance – 7/1/15</td>
<td>$2,730,388.10</td>
</tr>
<tr>
<td>YTD Revenue</td>
<td>$18,355.00</td>
</tr>
<tr>
<td>Fund Balance Sub Total</td>
<td>$2,748,743.10</td>
</tr>
<tr>
<td><strong>Total Appropriations</strong></td>
<td>$618,428.00</td>
</tr>
<tr>
<td>Personal Service</td>
<td>$383,078.00</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$237,475.00</td>
</tr>
<tr>
<td>Year to Date Appropriation Expenditures:</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>$49,727.90</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$10,596.99</td>
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<tr>
<td>Total Appropriation Expenditures</td>
<td>$60,324.89</td>
</tr>
<tr>
<td>YTD Fund Transfers:</td>
<td></td>
</tr>
<tr>
<td>Licensure System Cos:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Rent</td>
<td>$518.75</td>
</tr>
<tr>
<td>Refunds</td>
<td>$0.00</td>
</tr>
<tr>
<td>DIFP Cost Allocation</td>
<td>$1,748.69</td>
</tr>
<tr>
<td>OA Cost Allocation</td>
<td>$323.00</td>
</tr>
<tr>
<td>PR Transfer</td>
<td>$2,412.00</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>$23,838.58</td>
</tr>
<tr>
<td>Administrative Hearing Comm.</td>
<td>$0.00</td>
</tr>
<tr>
<td>Attorney General Costs</td>
<td>$0.00</td>
</tr>
<tr>
<td>FY 15 Transfers Carried Over</td>
<td>$1,212.85</td>
</tr>
<tr>
<td>Total Transfers</td>
<td>$30,053.87</td>
</tr>
<tr>
<td><strong>Total Fund Expenditures</strong></td>
<td>$90,378.76</td>
</tr>
<tr>
<td><strong>Ending Fund Balance as of August 31, 2015</strong></td>
<td>$2,653,364.34</td>
</tr>
</tbody>
</table>
Mr. Barnett reported that the Board’s fund balance is in great shape. Expenditures have been consistent within that last 4 years and no changes are expected.

Mr. Barnett reported to the Board that the department has decided not to move forward with the defibrillator legislative proposal this year. The Board will need to resubmit the proposal to the department next year.

Mr. Barnett reported to the Board that the State Auditor is finished with the Dental Board audit. The report should be coming out within the next few weeks with the final findings.

The well-being contract is up this year and doesn’t have any more automatic renewals. Mr. Barnett reported the Board they will need to start the process of rebidding. A motion was made by Dr. Chapman and seconded by Dr. Aubert to start the process of rebidding the well-being contract. The motion carried unanimously.

**DIALOGUE WITH ASSOCIATIONS**

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

**Missouri Dental Assistants Educators (MDAE)**
There were no representatives for the MDAE at this meeting.

**Missouri Dental Hygienists’ Association (MDHA)**
Bonnie Branson, RDH, representing the Missouri Dental Hygienists Association reported that she is here on behalf of their newly elected President, Ann Keller, RDH. Ms. Keller will be joined by a new Board. Past President Bobbie Brown, RDH, sent a letter of invitation to the MDA to talk about their access to care legislation and that the invitation was accepted. The meeting is scheduled for October 30, 2015. Dr. Aubert asked how the membership numbers are. Ms. Branson said she would have to verify on totals, but it seems to her that the numbers are strong.

**Missouri Dental Assistants Association (MDAA)**
LeeAnn Turnbough, representing the Missouri Dental Assistants Association reported that they had a successful nitrous oxide course in the fall and is hoping to have another one in the spring. Membership for the Association has dropped somewhat due to lack of participants so it has been hard to schedule a meeting, hopefully sometime in January they will be able to have a meeting.

**Missouri Dental Association (MDA)**
Vicki Wilbers, representing the Missouri Dental Association reported that the MDA is celebrating their 150th anniversary this year. Their House of Delegates meeting will be held on November 13-14, 2015. A resolution is being presented stating that the Association will work with the Missouri Dental Board to create a specialty teaching license. Mr. Barnett asked if the MDA has some kind of timeline if the resolution does go forward. Ms. Wilbers stated that it will have to go before our House of Delegates then from there, through our LRC (legislative and regulatory committee) to review the
concept. The measure could then go to the MDA Board of Directors for consideration and possible filing of a legislative proposal during the 2016 legislation. Ms. Wilber's stated that the timeline is questionable because the Missouri Dental Board had a lot of concerns the last time this was presented, specifically relating to the idea that applicants would not have to be a graduate of a U.S. trained dental school, but could qualify if they had graduated from a specialty training program accepted by CODA. Mr. Barnett stated that the concerns actually come down to competency testing. With the current limited teaching license someone who had not graduated from an accredited dental school can practice dentistry in the dental school setting as long as they have passed the competency exam. The proposal for the limited specialty teaching license would not require a clinical competency exam and allow the person to practice dentistry without having graduated from an accredited dental school and without having passed a competency exam. Mr. Barnett explained that he asked about the timeline for moving forward with this idea because do to the vetting process for legislative proposals that the Dental Board has to go through with the Division, Department and the Governor's office it would not be possible for the Board to get a proposal approved for filing during this upcoming legislative session. Ms. Wilbers stated that she is sure that there will be a lot of discussion on the floor of their House of Delegates meeting. Dr. Wallace indicated that Dr. Pyle has contacted him regarding this, and his suggestion was for her to send the details to him and exactly what she wants to happen then he can have it placed on an agenda and have a detailed discussion with the board during an open session meeting.

Ms. Wilbers said the MDA has a meeting coming up with the Missouri Dental Hygienists Association to discuss the upcoming legislation session. The items that MDA has on its legislative agenda are Medicaid funding, provider insurance reform legislation, changing inspection requirements for CBCT/Panoramic X-Ray systems from annual inspection to inspections every six (6) years and community water fluoridation.

REQUEST FROM DENTAL CAREERS INSTITUTE FOR APPROVAL OF NITROUS OXIDE ADMINISTRATION COURSE FOR DENTAL HYGIENISTS
A motion was made by Dr. Chapman and seconded by Dr. Aubert to send a letter to Dental Careers Institute to notify them that there is no legal mechanism to provide the clinical component, so the Board will need to deny the request for approval of this course. The motion carried unanimously.

REVIEW OF CLINICAL COMPETENCY EXAM COMPONENTS
Dr. Wallace said the Board has been working on this for several meetings. At a prior meeting the Board decided to send letters to the various testing agencies to let them know what Missouri would like to see in an exam going forward. Dr. Wallace has been thinking of this and is no longer sure that this is the right action to take. He explained that the Board has witnessed problems with how some of the exams are administered and has seen quality care concerns in the complaints the Board has reviewed. Dr. Wallace feels that this is partly due to the fact that Missouri accepts all competency exams for licensure. Dr. Wallace added that different skills aren't tested in all the
exams, for instance, some exams may not test competency in perio. Based upon some of the cases the Board has seen involving perio, without that skill set being tested, Dr. Wallace is concerned that the Board may not be adequately protecting the public.

Dr. Wallace suggested that instead of sending a letter to the testing entities, the Board should review the rule and to add language clarifying what a clinical exam must include to be accepted. Dr. Wallace feels strongly that the rule needs to be changed. There are other states that have changed their requirements in this way. Missouri is becoming a minority on accepting all the exams without acknowledging that there are significant differences between the exams.

Dr. Wallace will bring proposed language back to the next meeting and the Advisory commission will work on language for the Dental Hygienist proposed language.

**SLEEP APNEA**

Dr. Chapman reported to the Board that he has attended a sleep apnea training course. He stated that sleep apnea is a medical condition and he is concerned about the Dental Board trying to regulate something that is a medical condition. Dr. Chapman said that since the Dental Board regulates dentists, the Board should clarify that since sleep apnea is a medical condition, the condition can only be diagnosed by a licensed physician. Dentists can play a role in the treatment of the medical condition of sleep apnea by constructing oral devices that can be used in the treatment of the condition.

Mr. Barnett stated that the Board could clarify this by making a change to Section 332.071, practice of dentistry defined. The simplest way to change this is to change 332.071 to include a definition that says construction of an oral appliance for the treatment of sleep apnea under the proper prescription/work order from a licensed physician.

Dr. Chapman will draft proposed language and bring to the next meeting.

**CRDTS AND WREB REPORTS**

A motion was made by Dr. Aubert and seconded by Dr. Chapman to appoint Ms. Maus as the board's Steering Committee of CRDTS. The motion carried unanimously.

Dr. Chapman will be attending the ADEX meeting scheduled for November 15, 2015.

Dr. Wallace said that he and Ms. Deb Polc are scheduled to observe a SRTA exam in Memphis at the beginning of December. Dr. Wallace stated that in talking to Mr. Barnett, Ms. Polc was previously approved to attend the observation so Ms. Polc will still attend and then give a report on her observation to the Board.

**ELECTION OF OFFICERS**

A motion was made by Ms. Maus and seconded by Dr. Chapman to nominate Dr. Eric Aubert as Vice President. The motion carried unanimously.
REVIEW OF TASK LIST
The Board reviewed the items on its task list. The Board will add a new task of reviewing the language in the regulation limiting the amount of times than an applicant can fail a clinical competency exam. The Board will put the issues of sleep apnea for January meeting as Dr. Chapman will provide the Board with draft of statute language. The tasks of sedation rules, teledentistry and the review of expanded function delegable duties are moved to April, 2016 meeting.

FUTURE MEETING SCHEDULE
The Board set a joint meeting with the Advisory Commission for January 15, 2016.

The Board set a Board Training/Orientation and strategic planning meeting for January 15, 2016.

The Board set a meeting date for October 27-28, 2016.

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 Ms. Maus to adjourn. The motion carried unanimously. The meeting adjourned at approximately 10:57 a.m.

Respectfully submitted,
Sarah Becker, Processing Technician Supervisor

[Signature]
Brian Barnett, Executive Director

Approved by the Board on: January 14-15, 2016