Meeting Notice

Missouri Dental Board

October 26-28, 2016 at 9:00 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 26 - 28, 2016

Best Western Hotel
1937 Christy Drive
Jefferson City, Missouri 65101

Wednesday, October 26, 2016

1. 9:00 a.m. Call to Order Dr. Aubert

2. Roll Call Ms. Maus

3. Approval of the Agenda Dr. Aubert

   • 9:00 a.m. – Probation Violation Hearing Dr. Wallace

5. 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.

   The Board will remain in closed session until
   Thursday, October 27, 2016

Thursday, October 27, 2016

6. 8:00 a.m. Call to Order Dr. Aubert

7. Roll Call Ms. Maus

8. Dwight Daugherty, D.D.S.
   • 8:15 a.m. – Discipline Hearing Dr. Aubert

9. 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.

   The Board will remain in closed session until
   Friday, October 28, 2016

Friday, October 28, 2016
10. 8:00 a.m. Call to Order Dr. Aubert
11. Roll Call Ms. Maus
12. Approval of the Open Minutes Dr. Aubert
   • July 28-29, 2016 Board Meeting
   • August 25, 2016 Mail Ballot
   • September 28, 2016 Mail Ballot
13. Executive Director Report Mr. Barnett
    • Financial Statement
14. Dialogue Dr. Aubert
    • Missouri Primary Care Association
    • Missouri Dental Assistants Educators
    • Missouri Dental Hygienists’ Association
    • Missouri Dental Assistants Association
    • Missouri Dental Association
    • UMKC Dental School
15. Teledentistry Dr. Aubert
16. Review of Clinical Competency Exam Components Dr. Aubert
17. Sleep Apnea Dr. Chapman
18. Review of proposal from Dean Pyle, UMKC Dental School, regarding Limited Teaching License statute Dr. Aubert
19. Request from National Provider Compliance Corporation to Amend 20 CSR 2110-2.240 Continuing Dental Education Dr. Aubert
20. CRDTS and WREB Reports Dr. Aubert
21. Review of Task List Dr. Aubert
22. Future Meeting Schedule Dr. Aubert
23. Motion to go into Closed Session Dr. Wallace
   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
OPEN MINUTES
Missouri Dental Board

October 26-28, 2016

Best Western Hotel
1937 Christy Drive
Jefferson City, Missouri 65101

The meeting of the Missouri Dental Board was called to order by Dr. Kevin D. Wallace, Vice President, at approximately, 9:01 a.m. on Wednesday, October 26, 2016, at the Best Western Hotel, 1937 Christy Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Kevin D. Wallace, Vice President
Ms. Nancy Maus, RDH, Secretary
Dr. Bryan Chapman, Member
Dr. William T. Kane, Member

BOARD MEMBERS ABSENT:
Dr. Eric J. Aubert, President
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 Dr. Chapman and seconded by Ms. Maus to approve the open agenda as written. The motion carried unanimously.

GUILAN NOROUZI, D.D.S. PROBATION VIOLATION HEARING
At approximately 9:02 a.m., the Board began its probation violation hearing in the matter of Missouri Dental Board, Petitioner, v. Guilan Norouzi, D.D.S., Respondent, Case Number DB-16-001-PV. The record will show that Dr. Norouzi was present and represented by counsel; Nicole Sublett. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board.
CLOSED SESSION
At approximately 1:20 p.m., a motion was made by Dr. Kane 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, Dr. Kane and Dr. Wallace. The motion carried 4 to 0.

The Board returned to open session at approximately 4:35 p.m. and recessed for the day.

THURSDAY, OCTOBER 27, 2016
The Board reconvened in open session at approximately 8:14 a.m. on Thursday, October 27, 2016. The meeting was called to order by Dr. Eric J. Aubert at the Best Western Hotel, 1937 Christy Drive, Jefferson City, Missouri.

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

DWIGHT DAUGHERTY, D.D.S. DISCIPLINARY HEARING
At approximately 8:15 a.m., the Board began its disciplinary hearing in the matter of Missouri Dental Board, Petitioner, v. Dwight Daugherty, D.D.S., Respondent, Case Number 16-2508 DE. The record will show that neither Dr. Daugherty nor his counsel was present. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board.

CLOSED SESSION
At approximately 8:24 a.m., a motion was made by Dr. Wallace and seconded by Mr. Relford 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, Dr. Kane, Dr. Aubert, Mr. Relford and Dr. Wallace. The motion carried 6 to 0.

The Board returned to open session at approximately 4:46 p.m. and recessed for the day.

FRIDAY, OCTOBER 28, 2016
The Board reconvened in open session at approximately 8:01 a.m. on Friday, October 28, 2016. The meeting was called to order by Dr. Eric J. Aubert at the Best Western Hotel, 1937 Christy Drive, Jefferson City, Missouri.

BOARD MEMBERS PRESENT:
Dr. Eric J. Aubert, President
Dr. Kevin D. Wallace, Vice President
Ms. Nancy Maus, RDH, Secretary
Dr. Bryan Chapman, Member
Dr. William T. Kane, Member
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:
Diann Bomkamp, RDH, Missouri Dental Hygienist’s Association
John Dane, DDS, State Dental Director
Janet Sell, Ozark Technical College
Rebecca Caceres, Ozark Technical College
Philip Batson, Missouri Attorney General’s Office
Jody Vance, DDS, Missouri Dental Association
Connie White, UMKC Dental School
Lee Ann Turnbaugh, Missouri Dental Assistant’s Association
Merle Nunemaker, DDS, Missouri Dental Association
Samuel Dednam, DMD
Katie Reichard, Missouri Dental Association
APPROVAL OF THE MINUTES
A motion was made by Mr. Relford and seconded by Ms. Maus to approve the open minutes of the July 28-29, 2016 full board meeting as written. The motion carried unanimously.

A motion was made by Ms. Maus and seconded by Mr. Relford to approve the open minutes of the August 25, 2016 mail ballot as written. The motion carried unanimously.

A motion was made by Mr. Relford and seconded by Dr. Kane to approve the open minutes of the September 28, 2016 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 August 31, 2016.

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

<table>
<thead>
<tr>
<th>Beginning Fund Balance – 7/1/16</th>
<th>$ 2,314,729.89</th>
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<tbody>
<tr>
<td>YTD Revenue</td>
<td>$ 21,890.00</td>
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<tr>
<td>Fund Balance Sub Total</td>
<td>$2,336,619.89</td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td>Appropriations to Board:</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>$ 386,905.00</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$ 237,475.00</td>
</tr>
<tr>
<td>Total Appropriations</td>
<td>$624,380.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Year to Date Appropriation</td>
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<tr>
<td>Expenditures:</td>
<td></td>
</tr>
<tr>
<td>Personal Service</td>
<td>$ 49,380.24</td>
</tr>
<tr>
<td>Expense &amp; Equipment</td>
<td>$ 16,569.64</td>
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<tr>
<td>Total Appropriation Expenditures</td>
<td>$ 65,949.88</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>YTD Fund Transfers:</td>
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</tr>
<tr>
<td>Licensure System Cost</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Rent</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Refunds</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>DIFP Cost Allocation</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>OA Cost Allocation</td>
<td>$ 2,045.00</td>
</tr>
<tr>
<td>PR Transfer</td>
<td>$ 4,625.77</td>
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<tr>
<td>Fringe Benefits</td>
<td>$24,204.55</td>
</tr>
<tr>
<td>Administrative Hearing Comm.</td>
<td>$ 368.25</td>
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<tr>
<td>------------------------------</td>
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</tr>
<tr>
<td>Attorney General Costs</td>
<td>$0.00</td>
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<tr>
<td>FY 15 Transfers Carried Over</td>
<td>$ 0.00</td>
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<tr>
<td>Total Transfers</td>
<td>$31,243.57</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total Fund Expenditures</td>
<td>$ 97,193.45</td>
</tr>
<tr>
<td></td>
<td>$ 97,193.45</td>
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<tr>
<td>Ending Fund Balance as of</td>
<td></td>
</tr>
<tr>
<td>May 31, 2016</td>
<td>$ 2,239,426.44</td>
</tr>
</tbody>
</table>

Mr. Barnett advised the Board that the fund balances and expenditures are very consistent with years past. Mr. Barnett stated that this is a renewal year so there will be a big influx of revenue in the next few months.

Dr. Wallace commented that he recently renewed his dental license online. Dr. Wallace said that he was very impressed with how quick and easy the online renewal process was.

Mr. Barnett informed the Board that he is anticipating that the Board will see increased expenditures in their appropriation in the coming months as he is anticipating that the Board will have higher litigation costs than in years past based upon a couple of cases currently in litigation. Mr. Barnett said that the higher expenditures will still not exceed appropriation amounts.

Mr. Barnett reported that the Board had at one point expressed an interest in looking into fingerprint based criminal background checks for license applicants. Mr. Barnett asked if the Board would like to have someone from the Missouri State Highway Patrol come to the January meeting and give a presentation on the program. Dr. Aubert requested that Mr. Barnett schedule to have someone from MSHP attend the January meeting to discuss the fingerprinting process.

Mr. Barnett reported that he has been approached by a member of the New Mexico Dental Board, Sarah Thiel, RDH, who has created a CE reporting and auditing program. Ms. Thiel would like to come to a Board meeting and present information on the program. Dr. Aubert instructed Mr. Barnett to arrange for Ms. Thiel to present her information at the January Board meeting.

Mr. Barnett reminded Board members that the CDCA Annual Meeting is scheduled for January 12 – 14, 2017. The Board needs to designate three members to serve as Steering Committee Representatives for CDCA.

Ms. Ledgerwood thanked the Board for sending her to the AADA meeting in Denver, CO.
DIALOGUE WITH ASSOCIATIONS

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

Missouri Dental Assistants Educators (MDAE)
Janet Sell, representing the MDAE reported that they are working with the MDA on revising the Orthodontic Expanded Function Course.

Ms. Sell stated that she would like to see a dental assistant member on the Missouri Dental Board and asked what the process for getting a dental assistant on the Board would be. Mr. Barnett explained that such a change would require a statute change from the Legislature.

Missouri Dental Hygienists’ Association (MDHA)
Diann Bomkamp, RDH representing the MDHA, informed the Board that the MDHA had a great annual meeting recently with great attendance. She also reminded everyone that October is National Dental Hygiene Month.

Ms. Bomkamp said that the Greater St. Louis Dental Hygienists’ Association held a 5K race. As a result, they were able to donate over $4,000 to the Missouri Coalition for Oral Health.

Ms. Bomkamp reported that the two distance learning dental hygiene programs through Missouri Southern, Rolla and Sikeston, are going to be closing. The Joplin dental hygiene program at Missouri Southern will be changing to a bachelor’s degree program.

Ms. Bomkamp also reported that the new President of MDHA is Ashton Frank, RDH and the new President Elect is Linda Hoffmann, RDH.

Missouri Dental Assistants Association (MDAA)
Lee Ann Turnbaugh, representing the MDAA, reported that the MDAA offered a nitrous oxide training course for dental assistants this past summer and had around ten dental assistants complete the course.

Ms. Turnbaugh stated that the MDAA had good representation at the recent MOMOM event.

Ms. Turnbaugh announced that she has retired from practice as a dental assistant after 59 years of practice.

Missouri Dental Association (MDA)
Dr. Jody Vance, representing the Missouri Dental Association reported that the MOMOM event in Independence, MO was a great success, treating over 1,300 patients. The next MOMOM event will be in Joplin in 2017.
Dr. Vance reported that Dr. John Dane, State Dental Director, has secured a grant for dental sealants for at risk children.

Dr. Vance also reported that the MDA hosted the Sixth District Caucus of the ADA and the Mid-States Dental Leaders Conference in St. Louis.

The MDA has recognized Senator Kraus and Representative Burlison with the MDA Legislative Excellence Award.

Dr. Vance said 2017 will be the last year for the Mid-Winter Meeting for the MDA. That meeting will be combined with the MDA’s Connect for Success meeting in 2018.

MDA Legislative Day will be January 25, 2017.

Dr. Vance reported that the MDA is working hard to increase membership through a membership drive.

**UMKC DENTAL SCHOOL**

Dr. Connie White represented the UMKC Dental School. Dr. White reported that everything seems to be going well at the dental school. Dr. White said they have been preparing for a mock accreditation site visit in anticipation of the School’s 2017 accreditation process. Dr. White said that the preparation for the 2017 accreditation has been a positive experience as it has allowed them to exam their processes to ensure that they are delivering the highest quality education.

The Joplin distance education program is moving forward. Dr. White said that they will be starting the first class in 2018. She said that she anticipates that the program will start with approximately 15 students.

Dr. White reported that they have been making some changes to improve security at the School.

**REVIEW OF PROPOSAL FROM DEAN PYLE, UMKC DENTAL SCHOOL, REGARDING CREATION OF A NEW FACULTY TEACHING PERMIT**

Dr. White spoke regarding a proposal that Dean Pyle presented to the Board that would create a new permit authorizing faculty to teach didactic courses, preclinical laboratories and supervise students on the clinic floor. This new authorization would allow faculty to perform what would be commonly considered to be teaching duties but not authorize them to be practicing dentistry in the faculty practice.

Dr. Wallace reminded the Board that Dr. Chapman had pointed out at a previous meeting that the School has a series of checks and balances in place to ensure quality and competency of faculty. Dr. Wallace stated that if the proposal was to limit the holder of the proposed permit to teaching duties he would be more comfortable with the proposal.
The Board asked Dr. White to work on a draft of specific language regarding the issuing of the proposed permit and present it to the Board for its review.

**REPORT FROM STATE DENTAL DIRECTOR**
John Dane, DDS, State Dental Director reported that the new Office of Dental Health is now an entity within the Department of Health and Senior Services.

Delta Dental has awarded a grant for the provision of dental sealants. The grant will be administered through the Office of Dental Health.

Since January, there have been over 50,000 claims processed for Adult Dental Services.

MO HealthNet has been working on promulgating rules for telehealth pursuant to the legislation that was passed in the 2016 Legislative session.

**TELEDENTISTRY**
Mr. Barnett reported that at the Board’s last meeting, they had asked for a legal opinion on whether or not a dental hygienist could gather the information and documents necessary for a dentist to create a diagnosis and treatment plan on a patient who is not yet a patient of record as defined in existing rules. Mr. Barnett reported that the legal opinion was that there were some parts of the information that could be obtained prior to the patient being a patient of record as long as the gathering of that information and documentation would not be considered the practice of dental hygiene. Once the dental hygienist begins performing duties that would be considered the practice of dental hygiene, the patient must be a patient of record.

Ms. Bomkamp asked if the Board is willing to consider creating a teledentistry supervision level that would allow the dental hygienist to perform duties such as periodontal probing on a new patient to enable the supervising dentist to establish the patient as a patient of record.

Ms. Reichard from the MDA stated that the MDA will be providing information from their teledentistry ad-hoc committee to the Board prior to the Board’s January meeting.

Dr. Aubert requested that the issue be brought back to the next meeting for further discussion. No motions were made.

**REVIEW OF CLINICAL COMPETENCY EXAM COMPONENTS**
The Board will be requesting presentations from WREB and CRDTS at upcoming meetings to assist in this review. No motions were made.
SLEEP APNEA
Dr. Chapman stated that there was nothing further to report on this issue. No motions were made.

REQUEST FROM NATIONAL PROVIDER COMPLIANCE CORPORATION TO AMEND 20 CSR 2110-2.240 CONTINUING DENTAL EDUCATION
The Board reviewed a request from National Provider Compliance Corporation to modify subsection (2)(B) of the Board's continuing education rule, 20 CSR 2110-2.240. After careful review and consideration pursuant to Section 536.041, RSMo, a motion was made by Dr. Wallace and seconded by Ms. Maus to not make the changes to the rule suggested by National Provider Compliance Corporation. The motion carried unanimously.

CLINICAL EXAM REPORTS
Dr. Chapman reported that he recently attended the ADEX annual meeting in Chicago. He stated that a motion was made to eliminate the time limit for the exam. The motion was defeated. He also reported that member states of ADEX have access to a data bank that shows infc regarding how many times an applicant has taken an exam.

A motion was made by Dr. Wallace and seconded by Dr. Chapman that Dr. Kane, Dr. Aubert, and Ms. Maus be the representatives to the CDCA Steering Committee.

REVIEW OF TASK LIST
The Board reviewed the items on its task list. The Sleep Apnea topic was removed from the list. The Board will have the topics of teledentistry, review of sedation rules and specifying continuing education requirements placed on the October agenda for Board discussion.

FUTURE MEETING SCHEDULE
The Board set a meeting date for October 26-27, 2017.

ADJOURNMENT
There being no further open business to be brought before the Board at this time, a motion was made by Dr. Chapman and seconded by Mr. Relford to adjourn. The motion carried unanimously. The meeting adjourned at approximately 10:35 a.m.

Respectfully submitted,

[Signature]

Brian Barnett, Executive Director

Approved by the Board on: January 19-20, 2017