

Kansas Dental Board
Minutes of February 12, 2010

The Kansas Dental Board met on February 12, 2010, at 9:00 a.m. in Rm 108 of Landon State Office Bldg, Topeka, Kansas.

1. MEETING CALLED TO ORDER: Ms. Jane Criser, RDH, Vice-President called the meeting to order at 9:00 a.m.

2. MEMBERS PRESENT: Dr. Richard Darnall, DDS, President (arrived in the afternoon); Jim Showalter, Public Member (arrived at 10:35 a.m.); Ms. Jane Criser, RDH, Vice President; Ms. Denise Maus, RDH, Secretary; Dr. Karen Callanan, DDS; Dr. Michael Milford, DDS; and Dr. Glenn Hemberger, DDS; and Dr. Roger Stevens, DDS.

STAFF PRESENT: Betty Wright, Executive Director; Melissa Graham, Admin. Officer; Mr. Randy Forbes, attorney; and Dr. Steven Johnson, DDS.

ABSENT: Dr. Richelle Roy, DDS

3. APPROVAL OF AGENDA: It was (M) and (S) to approve the agenda with correction of AADE to AADB. The motion to approve the agenda as modified passed.

4. The public hearing on sedation/anesthesia regulations K.A.R. 71-5-1 through K.A.R. 71-5-13 began at 9:03 a.m.

The board received written comments from:

Dr. Paul Kittle, DDS

Margaret LoGiudice, RDH, Johnson County Community College

John Bitting, DOCS

Joint Committee on Administrative Rules and Regulations

Marybeth Schombert, Health and Safety Institute

Dr. John Provenzano, DDS

Dr. Paul Hund, DDS

Public comments were made by:

Dr. Paul Kittle, DDS - He suggested that we restructure the regulations. Rather than categorize according to the route of administration of the sedatives, he would prefer to structure the regulations according to the level of consciousness of the patient. He also proposed that children should have a higher requirement for anxiolysis. He proposed the board follow the "Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures" endorsed by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry.

Dr. Paul Hund, DDS – pointed out an inconsistency in the anxiolysis provision at 71-5-9(k) in which it appeared that a permit may be necessary for anxiolysis. Also that "severe systemic disease" at 71-5-10 may be purposefully vague. He otherwise testified in favor of the new regulations.

It was Moved (M) and Seconded (S) to close the public hearing after all comments were made. The public hearing was closed at 10:05 a.m. The Board reconvened at 10:05 a.m.

5. It was (M) and (S) to insert the words "license or" after appropriate and before permit at 71-5-9(k) so that the regulation would read:

(k) On and after December 1, 2010, only a dentist with an appropriate license or permit, another person authorized by Kansas law to administer the sedative agent under supervision at the time of administration, or a person authorized by Kansas law to administer the sedative agent without supervision may administer a sedative agent that is designed to achieve anxiolysis, enteral conscious sedation, parenteral conscious sedation, deep sedation, or general anesthesia as part of a dental procedure.

The motion passed. The board declared that it would not be a substantial change in the regulations.

It was (M) that the definition of anxiolysis be amended to a single drug for pediatric patients. There was no second.

6. It was (M) and (S) to adopt the sedation/anesthesia regulations K.A.R. 71-5-1 through K.A.R. 71-5-13 as amended. A roll call vote was taken with the following votes: Callanan-yes; Milford-yes; Maus-yes; Hemberger -no; Showalter-yes; Stevens-yes; Criser-yes. The regulations were adopted.

RECESS: Vice-president Criser recessed the meeting at 10:56 a.m.

RECONVENE: Vice-president Criser reconvened the Board meeting at 11:10 a.m.

The board discussed that the issue of revising the definition of anxiolysis regarding pediatric patients may be referred to the regulatory review committee for future consideration.

7. APPROVAL OF MINUTES: It was (M) and (S) to approve the Sept. 11, 2009 minutes. It was (M) and (S) to approve the October 30, 2009 minutes as amended with corrections by adding the board motions on the stipulations. The motion passed. The board realized that the minutes of Sept 11, 2009 had been approved at the Oct 30, 2009 meeting.

8. BOARD ACTIONS: The following Stipulation Orders were presented by Randy Forbes:

Stipulation and Final Agency Order - Philip Gaus, DDS - Fined \$5,000. While attending to multiple patients, and after applying local anesthetic to one patient, he proceeded to apply anesthetic to a second patient with the same needle and syringe.

Stipulation and Final Agency Order - Marvin Clothier, DDS - Fined \$500. On 12/10/03 he performed a root canal. The sodium hydrochlorite irrigant used during his treatment went past the apex of the tooth and caused an inflammatory reaction in the periradicular area causing the pain the patient experienced and complained of during the procedure. The respondent did not record in writing the type or amount of local anesthetic used or mention the incident. There was no record of the canal lengths that were being cleaned and irrigated. Respondent failed to keep adequate records.

Stipulation and Final Agency Order - Brent Jones, DDS - Fined \$1,000. Respondent treated a patient by performing restorations that were ¾ crowns and not full coverage crowns. He submitted an insurance claim incorrectly identified and miscoded as full crowns.

Stipulation and Final Agency Order - Kelly Bridenstine, DDS – Fined \$2,500. Respondent permitted an unlicensed assistant to perform interproximations under his authority and supervision for the purpose of removing less than .01 mm of enamel as necessary for Invisalign devices. Respondent further states he remained in charge and responsible for the patient care, and that he believed he was authorized to delegate such service. Respondent has taken steps to assure that patient records will clearly identify the person who performs a task and will identify the person who recorded the notes from Respondent's dictation.

9. Investigative report – there were 7 Investigative meetings in calendar year 2009.

10. Public Forum – No speakers.

11. Executive Report – Betty Wright reported that 6 Board members and Randy Forbes plan to attend the Mid year conference of the AADB in Chicago in April. Dentist and Dental Hygiene School externships were presented and are being reviewed. She noted that Manhattan Area Technical College is beginning a dental hygiene program with the first class to start fall of 2010.

The list of approved regional clinical exams was reviewed. The regional clinical exams listed were ADLEX, ADHLEX, CRDTS, SRTA, NERB, WREB and CITA. It was (M) and (S) to approve the list of regional clinical exams for licensure. The motion passed.

The list of ADA/CODA approved dental and dental hygiene schools was reviewed. It was (M) and (S) to approve the list of CODA approved dental and dental hygiene schools. The motion passed.

It was (M) and (S) at 11:45 a.m. to recess to executive session for personnel matters of nonelected personnel until 12:30 p.m. The meeting was opened and it was (M) and (S) at 12:32 p.m. to recess to executive session for personnel matters of nonelected personnel until 1:00 p.m.

12. The Board meeting was reconvened at 1:00 pm. It was (M) and (S) to approve Betty Wright's request for a 2% increase in her salary beginning in July 2010. The motion passed

13. **Committee Reports – The Licensing committee** Denise Maus reports that she is revising the Jurisprudence Examination.

14. **New Business -** The issue of CPR for health care providers as a requirement for all dentists was discussed. It was (M) and (S) to have the Regulatory Review Committee review this matter. The motion passed.

Dr. Roger Stevens briefed the board on licensure by credential and older state board clinical examinations. The consensus of the board is that if the applicant presents state clinical examination results from an examination taken over 5 years ago, that examination will be considered providing the applicant has also practiced within the last 5 years.

Dr. Roger Stevens explained that WREB is asking state boards to respond to their plan to restructure their board so that states can be active or affiliate members. The board discussed this is a reasonable proposal and Betty Wright will send a letter to WREB that Kansas is in favor of their proceeding with the restructuring.

The board requested that future board packets include the clinical examinations taken by the applicants.

The board discussed the issue of members missing board meetings. It was decided not to pursue a formal change in the statute or regulation in order to address this matter.

Dr. Roger Stevens reminds the board members that if they wish to be WREB examiners, they need to observe a WREB exam.

The Board discussed the issue of general dentists who have specialty training, but who do not get a specialty certificate. It was decided that the Regulatory Review Committee could look into an approach to this issue, Missouri has a disclaimer by law that is required.

Betty Wright noted that there were areas in the Practice Act that needed to be "cleaned up". A few areas that were noted included: Chapter 74, Article 14 74-1404(c) discussed area about progression of expansion of the KDB which was completed back in early 2000. Also, 74-1408, Report to legislature on plans for increasing number of dental hygienists, is dated back to 1999. The board is to review the Practice Act for other areas that have become obsolete and may need to be removed or changed.

RECESS: Vice-President Criser recessed the meeting at 2:30 p.m.

RECONVENE: Vice-President Criser reconvened the Board meeting at 2:35 p.m.


15. **Election of Officers for 2010 -** It was (M) and (S) to nominate Denise Maus as president. The board voted and unanimously elected Ms. Maus as president. It was (M) and (S) to nominate Dr. Glenn Hemberger as vice-president. The board voted and unanimously elected Dr. Hemberger as

vice-president. It was (M) and (S) to nominate Dr. Michael Milford as Secretary. The board voted and unanimously elected Dr. Milford as Secretary of the Board.

Next meeting dates: April 23, at 1:00 pm; Aug. 20, 9:00 a.m.; Nov 5, 9:00 a.m.

It was (M) and (S) to adjourn at 2:50 p.m. The motion passed. The meeting was adjourned.

The following guests were present for the board meeting:
Ms. Caron Shipley, RDH, KDHE and Reenie Olson, RDH.


Michael Milford, DDS Secretary date