

Kansas Dental Board
Minutes of April 23, 2010

The Kansas Dental Board met on April 23, 2010, at 1:00 p.m. in Rm 108 of Landon State Office Bldg, Topeka, Kansas.

1. MEETING CALLED TO ORDER: Ms. Denise Maus, RDH, President, called the meeting to order at 1:00 p.m.

2. MEMBERS PRESENT: Ms. Denise Maus, RDH, President; Dr. Glenn Hemberger, DDS, Vice President; Dr. Richard Darnall, DDS; Jim Showalter, Public Member; Ms. Jane Criser, RDH; Dr. Karen Callanan, DDS; Dr. Roger Stevens, DDS; and Dr. Richelle Roy, DDS (by telephone conference)

STAFF PRESENT: Betty Wright, Executive Director; Melissa Graham, Admin. Officer; Mr. Randy Forbes, attorney, Justin McFarland, attorney; Dr. Steven Johnson, DDS; and (towards end of meeting) Vanda Collins, Sr. Admin Assistant.

ABSENT: Dr. Michael Milford, DDS, Secretary.

3. APPROVAL OF AGENDA: It was moved (M) and seconded (S) to approve the agenda. The motion passed.

4. Approval of minutes. It was (M) and (S) to approve the minutes of the February 12, 2010 meeting. The motion passed.

5. Hearing on Summary Denial of Ms. Colby Barron. Mr. McFarland presented the agency's exhibits:
Exhibit A- Summary Order of Denial Case 09-85 dated 2/18/2010.
Exhibit B - Ms. Barron's Application by Examination received 5/6/09
Exhibit C – Ms. Barron's request for a hearing on the denial, received 3/3/2010.
Exhibit D – Judgment in US District Court of Kansas Case 6:08CR10106-28 for Unlawful Use of a Communication Device to Facilitate a Drug Trafficking Crime dated 11/20/09.

Ms. Barron testified regarding her felony conviction. She admitted to the 2006 crime. She was charged in 2008 and convicted in 2009 while in hygiene school. She described that she went to jail and is on probation and is currently being drug tested. She no longer has any connections with former friends involved in using illicit drugs and she described that she warns everyone about the damage that such activity can do to one's life. She provided the following exhibits:

Exhibit A – A letter from her Probation Officer describing that her random drug testing would be done by the US probation Office effective 3/31/2010.

Exhibit B- US Probation officer letter describing she had 35 random drug testing from 9/12/08 – 11/11/09 all negative for illicit substances.

Exhibit C – A character reference of 4/17/2010 from a hygiene instructor for her 2 years in hygiene school. The instructor vouched for her skills and dedication, and for her character in continuing through school during the difficult time in her life.

At 1:40 pm the meeting was closed for deliberations. AT 2:10 pm the meeting was opened.

It was (M) and (S) to grant a hygiene license upon completion of her application requirements and subject to her compliance with probation. She must keep the board notified annually of her probation status and of any changes in her probation terms, to notify the board of the completion of probation, and enter the HAPN program for no less than one year. The motion passed.

6. The board decided that due to the fact that few of our new licensees take the ADEX examinations for dental or hygiene licenses, and some board members are examining for CRDTS and for WREB, we do not have the time needed to be active members in ADEX. Dr. Callanan will draft a letter to send to ADEX withdrawing Kansas as a member. The board continues to accept the ADEX clinical examinations.

7. The board discussed nominees for citizen of the year for AADB. Dr. Darnall wished to nominate Dr. Stevens for Citizen of the Year for AADB, however, Dr. Stevens declined the nomination.

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

Stipulation and Final Agency Order – Scott Kennedy, DDS – Case 08-138 -Fined \$1,000.

After a record review of ten randomly selected patient records the Respondent failed to adequately record decay or other appropriate diagnosis, record a treatment plan, or record the results of periodontal charting. Respondent would often make chart entries on sticky notes that would become dislodged and lost rather than permanent entries in the patient chart. **It was (M) and (S) to approve the stipulation. The motion passed.**

Stipulation and Final Agency Order – Brian Jenkins, DDS – Case 09-156 and 09-144. Fined \$500 and license limitation, he will perform no bony impacted extractions until further order of the Board.

In Case 09-156 Respondent failed to provide crown lengthening before the bridge was started and the apparent short margins were below the applicable standard of care.

In Case 09-144 – Respondent performed a difficult extraction in August 2009, patient returned in Sept. 2009 with continuing pain in lower jaw and inner ear, chewing problems, she was unable to open her mouth very far, and she had numbness in chin and lower lip. Respondent advised that the nerve needed time to heal. A subsequent visit to an oral surgeon revealed a broken jaw on an x-ray. Patient required surgery to remove bone fragments. The breaking of the patient's jaw, failure to evaluate the patient's complaints after surgery, and failure to take post-op x-rays was treatment below the standard of care. **It was (M) and (S) to approve the stipulation. The motion passed.**

Stipulation and Final Agency Order – Kate Garrens, RDH – Case 10-10 -Probation until 12/1/2010. Respondent's Missouri dental hygiene license is on probation for failing to document completion of 30 hours of continuing education for Dec. 1, 2006 – Nov 30, 2008. Respondent will supply Kansas Board with evidence of compliance of continuing education from her last renewal within 15 days. **It was (M) and (S) to approve the stipulation. The motion passed.**

9. Board by consensus agrees that we need to take action in district court against any unlicensed dentistry, such as a non-licensee owning a dental practice. The board wishes to act with injunctive power on the unlicensed practice of dentistry.

10. Inspection and Investigative report – Dr. Johnson described there are 1556 practice locations, with inspections done on 527 locations in last 6 months, 1094 in last 2 years, 500 3 years ago. Currently there are 38 locations that have not been inspected, with 24 of these opened less than one year. ***Roughly 90% of all offices keep autoclaved burs and hinged instruments in sealed bags after sterilization. The rest used a closed cover over the burs and hinged instruments.*** The sealed bag for those items is required in the reg but the Board in about 2004-2005 made a policy change to allow "covered" for these items. He requested that the current board revert back to the original rules and regs for these items so that there is consistency with the net result being a positive change for those 10% who do not bag those items. Dr. Darnall indicated the newsletter needs to inform dentists of the best practices in recordkeeping, since many of our actions pertain to this problem.

11. Public Forum – Mark Stafford, attorney for Dr. Kelly Bridenstine made suggestions regarding the investigative process. Although a stipulation was signed by the dentist and Mr. Stafford, he describes a perception of bias, prejudice and lack of opportunity to be judged by his peers.

12. Executive Report – Betty Wright reported that she has been attending meetings of the KHPA Data Consortium. The board is not interested in expanding the renewal form questions to include data they need unless there is a statute passed that requires the information on licensees.

The board reviewed proposed sedation application forms, and agreed that Dr. Callanan had the authority to approve sedation courses.

The board was presented with the names of cancelled licensees and the latest data on HAPN participants.

The Executive Director, Ms. Wright was invited expenses paid to two regional clinical exam Conferences. CRDTS Annual meeting Aug 26-28, 2010 in KC, MO and NERB Dental/Dental Hygiene Conference and Public Advocacy Educational Conference in Washington, DC June 18-19, 2010. Ms. Wright indicated she checked with Governmental Ethics and it is ethical to attend an expense paid conference if the board would have been willing to send the director, due to the value of the program to the board. The board indicated that if the presentation is of interest, they would consider the matter informative. Ms. Wright elected not to attend either.

Dr. Roger Stevens reported that he will be attending the WREB Dental Exam Review Committee, Board of Directors meeting and the Western Conference of Dental Examiners and Dental School Deans in Seattle, July 21-24, 2010.

Ms. Wright was instructed to check into the costs of providing electronic notebooks to board members for board meetings, so that board information would not need to be mailed in hard copies.

A plaque was presented to Jane Criser for her 10 years of service as a board member.

Next meeting dates: Aug. 20, 9:00 a. m., LSOB Rm 108; Nov 5, 9:00 a.m.

It was (M) and (S) to adjourn at 4:35 p.m. The motion passed. The meeting was adjourned.

The following guests were present for the board meeting: Mark Stafford, Reenie Olson, RDH.



Michael Milford, DDS Secretary date