

Kansas Dental Board  
Minutes of May 6, 2011

The Kansas Dental Board met on May 6, 2011, at 9:00 a.m. in Rm 106 of Landon State Office Bldg, Topeka, Kansas.

**1. MEETING CALLED TO ORDER:** Dr. Glenn Hemberger, DDS, President, called the meeting to order at 9:00 a.m.

**2. MEMBERS PRESENT:** Dr. Glenn Hemberger, DDS, President; Dr. Richard Darnall, DDS Vice-President; Susan Rodgers, RDH, Secretary; Ms. Denise Maus, RDH; Dr. Michael Milford, DDS; Dr. Roger Stevens, DDS; and Jim Showalter, public member.

**STAFF PRESENT:** Betty Wright, Executive Director; Melissa Graham, Admin. Officer; Mr. Randall Forbes

**ABSENT:** Dr. Steven Johnson, Investigator

**3. APPROVAL OF AGENDA:** It was moved (M) and seconded (S) to revise the order of the agenda and provide public comments after the Executive Report and approve the agenda. The motion passed.

**4. Approval of minutes. It was (M) and (S) to approve the minutes of the February 22, 2011 meeting. The motion passed.**

**5. Report of the President.** Dr. Hemberger described that a recent case raised the issue of shielding of patients during radiographs. The KDHE regulates use of radiographic equipment. It was discussed whether or not it is a standard of care in Kansas to use radiographic shielding including thyroid protection. It was agreed by consensus that radiographic shielding including thyroid protection should be used on all dental patients. This information will be published in the newsletter.

Dr. Hemberger raised the issue of responsibility of a dentist when he/she is employed by another dentist or by a clinic. After discussion the board by consensus agreed that the board must regulate the dentist and hygienist in any work situation. Dental licensees are responsible to assure that their facility is compliant with the dental laws, they can not defer to their employers or others, it is their responsibility. Ms. Wright is to do an article for the newsletter on this topic.

The board discussed a request for an opinion from the Attorney General regarding immunity or defense of non-board member dentist when testifying on behalf of the Board. The board has asked the AG for an opinion.

Dr. Roy was presented a plaque for her service to the board from 2004 to the present. She resigned due to retirement.

**6. Dr. Brian Jenkins testified along with his attorney Rick Merker to receive a modification of his board order. After his testimony, the board went in to deliberations from 10:23 a.m. to 11:10 a.m. It was (M) and (S) that all prior orders remain unchanged with the exception of restriction of employment exclusively for Dr. Boe and the quarterly reports restriction will be stricken. The motion passed.**

11:14 a.m. Board took a break.

11:20 a.m. reconvened.

**7. Dr. Roger Nolte testified requesting the board to lift all restrictions from his board order. The board went in to deliberations from 11:30 a.m. – 11:32 a.m. It was (M) and (S) that an order of completion be issued. The motion passed.**

sd

8. The Board had received a request in writing from Dr. Loudon to modify his board order. Dr. Loudon was not present. **It was (M) and (S) to deny the request and all restrictions stay in place. The motion passed.**

9. **BOARD ACTIONS:** The following Stipulation Order was presented by Randy Forbes, attorney:

**Stipulation and Final Agency Order – Dennis Jones, DDS , Case 10-100.** Randy Forbes presented a stipulation on Dennis Jones, DDS. Forbes indicated that one sentence needed correction, we would delete 90 days and replace it with 6 months, regarding the time frame for his submission of CEs. The basis of the stipulation was a patient complaint of not treating a chronic infection. The dentist's treatment notes in March 2010 did not indicate diagnosis of an infection, the patient was prescribed antibiotics and in August 2010 a second dentist diagnosed a large abscess. Dr. Jones was fined \$1000 and must complete 8 hours of CE on record keeping and diagnosis or treatment planning. **It was (M) and (S) to approve the stipulation. The motion passed.**

Mr. Forbes requested an executive session for consultation on a matter protected by attorney-client privilege. **It was (M) and (S) to go into executive session. The motion passed.**

**11:50 a.m., Board in executive session**

**12:10 p.m., Board reconvened.**

**By consensus it was decided to break for lunch**

**Reconvened at 12:25 p.m.**

10. Board considered request of Dr. Gier for order modification. Discussed he must complete Navy CE hours on endodontics, plus pass the endodontic portion of a regional clinical exam to be considered.

**11. Investigations and Inspections Report -** During an investigation of an unidentified complainant, the board provided the complaint to a dentist for a response. A board member described that the complainant had contacted the board member, and indicated that the complainant felt the dentist was able to discern her as the complainant. The board staff is to retype complaints if it appears the complainant is an employee of the dentist in the complaint.

Ms. Wright reported that Vanda Collins and Jesse Springer created a practice location database, so that inspections can be tracked more effectively.

There were some recent complaints to the board in which the term "expert" was used. The board held that the use of the word "expert" in an advertisement may be a claim of superiority and should be investigated.

**12. Public Forum –** A hygienist described that the board had provided her handwritten complaint to the dentist for a response. She claimed the dentist was able to determine it was from her and she was eventually fired. The board described that complaints could be paraphrased in order to protect complainants from retaliation.

**13. Executive Report –** Ms. Wright reported that our ending fiscal year spending is getting very close to the spending limit. We will be watching spending very closely and holding off purchasing until after July 1, 2011.

14. Ms. Wright asked the board's position on the issue of the new regulations to requiring an American Heart Association approved BLS or ACLS course or certification of a course equivalent to BLS or ACLS course as continuing education for all licensees. Should the hours be considered as a part of their regular CE for renewal? The board held that the continuing education hours earned towards these courses can be applied towards the continuing hours required for renewal. Specialists can apply them towards their specialty hour requirement. Ms. Wright will research the number of hours that each course would be allotted, and report back at the next board meeting.

15. Sedation renewal courses will need to be reviewed by the board. Dr. Darnall and Dr. Milford volunteered to help office staff review and locate courses. It was (M) amended and (S) to approve the ADA course part 1 (4 hrs) and part 2 (5 hrs), "Recognition and Management of Complications During Minimal and Moderate Sedation" for application towards renewal of Level I and Level II permits. An amendment included approval of the American Society of Dental Anesthesiology courses will apply to any level of sedation permit. The motion passed.

Next meeting dates: August 5, November 4, 2011

It was (M) and (S) to adjourn at 1:32 p.m. The motion passed. The meeting was adjourned.

The following guests were present for the board meeting: Maureen Olson, RDH; Daniel Lassley, KDHE.

  
Susan Rodgers, RDH Secretary date 8-5-11