

KANSAS DENTAL BOARD

October 2009

Landon State Office Building, 900 SW Jackson St., Ste 564S, Topeka, KS 66612-1572

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Email: info@dental.state.ks.us Visit our website at www.kansas.gov/kdb/

...Our mission is to protect the public

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Betty Wright, Exec. Dir., Melissa Graham, Admin. Officer, Vanda Collins, Senior Admin. Assistant

Board meetings: Feb. 12, 2010, location Rm 108 Landon State Office Bdg.

		Statistics 10/19/09			
Total Dentists	2065	Total Hygienists	2302	Level I Sedation Permits	24
Active	1828	Active	2127	Level II Sedation Permits	53
Practicing in KS	1407	Practicing in KS	1633	Extended Care I Permits	37
				Extended Care II Permits	75

RENEWALS IN PROGRESS

If your license number ends in an odd number, you should have received your renewal form in the mail. Your deadline to renew is Nov 30. If you have not received your form, let us know. You may have changed addresses, if so-fax or email us with your latest address, and we will mail you the form. You can renew on line at our website, click on the link on our homepage www.kansas.gov/kdb. Do not send in your CE certificates unless you are asked in an audit, and dentists will need only 30 hours for 2009, for this renewal.

NEW REGULATION APPLIES TO TEETH BLEACHING BUSINESSES

The Board has finalized its regulation regarding the unlicensed practice of dentistry. The new regulation K.A.R 71-11-1 is now in effect and you view or download the updated Dental Practice Act from our website, www.kansas.gov/kdb. We are in the process of sending letters to bleaching businesses telling them to cease and desist the practice of dentistry. We currently have 16 cases, and we will proceed on the cases if the complainant will provide a business name, address, phone number and copy of the advertisement if possible. We thank all of those who have provided us with that information.

JULY 24, 2009 BOARD MEETING DISCIPLINARY ACTIONS

Trevor Clemons, DDS - Case 08-165 The action was based upon a Missouri discipline by probation of his license until May 5, 2010 for failing to properly secure a controlled substance, for failing to provide effective controls and procedures to guard against theft and diversion of controlled substances in his office, in that he left an open stock bottle of a controlled drug unsecured and unmonitored in an examination room with a patient. He dispensed controlled substances to patients at the office in plain white paper envelopes without a label showing the date, his name and address, the name of the patient, directions for use and the exact name and strength of the drug dispensed, constituting misconduct in the performance of his functions and duties as a licensed dentist. His license will be on probation in Kansas and he was required to take the jurisprudence exam. He has completed the order.

Charles Webber, DDS - Case 08-97 The action is based upon a record review in which the records of many patients failed to adequately record disease, results of examinations and to document the patients have been fully informed of their dental problems and made aware of their treatment options. Fine of \$1000 and licensee is to create and maintain adequate clinical records and have a record review in six months.

Stephen Jones, DDS - Case 08- 46. The action is based upon his use of Versed for sedation of a patient. He failed to record the amount used or method of delivery in the patient's record. For failing to maintain adequate records -: fine of \$1000.

INVESTIGATIVE COMMITTEE REPORT TO BOARD

Below is a report that Melissa Graham assembled that provides a breakdown of the types of cases reviewed in the Investigative Committee 7/24/09. She will be doing a report on the committee for each board meeting.

STATUS OF INVESTIGATIVE COMMITTEE CASES From 3/31/2009-7/13/2009

- 5 Disciplinary Actions Completed
- 7 Applicant Cases Completed
- 6 Informally Notified of HAPN
- 17 No Action – no violations found, first cases, incidents not rising to level of violation
 - 1 Now in compliance
 - 3 Letter of Instruction (not discipline)
 - 5 Letter of Reprimand (not discipline)
- 44 Total

48 New Cases Opened

77 Cases in Progress

51 Monitored – closed cases waiting for licensee's action to close or cases sent to legal for discipline

- 5 Referred to HAPN
- 7 With Board Orders
- 2 Waiting for appeal times to expire
- 19 with Forbes, pending Legal Action
- 4 Waiting for proof of Compliance
- 14 Whitening cases – Waiting on new Regulations
- 51 Total

JURISPRUDENCE EXAM QUESTION

True or False? Every dentist shall post and keep conspicuously displayed their name, license and current license renewal certificate in each office in which he/she practices, in plain sight of patients. ANSWER: True. See KSA 65-1430.

PROGRESS ON ANESTHESIA REGULATIONS

The Board made more revisions to the sedation/anesthesia permit regulations at a phone conference meeting on Sept. 11, 2009. There were several revisions after the November 8, 2008 public hearing, and after those revisions were made, the board felt that the draft we had ready to go was too restrictive for the general dentist who wished to do pediatric sedations. The Board is currently drafting a change that would allow general dentists to do pediatric sedations with a new Level I permit and additional training in pediatric sedations. The most recent draft of the sedation regulations is online. The public hearing for the proposed regulations will be at 9:00 a.m. at the next board meeting, February 12, 2010.

RECORDKEEPING – CAN BE A DOWNFALL

You may notice that many of our disciplinary actions are for recordkeeping violations. Patients do not complain about their dentist's recordkeeping. We did have a discipline in which the dentist had none of the patient's records for a long period of time. The dentist was sanctioned with a fine. More commonly however, a patient will complain about their treatment. The board normally asks dentists for copies of a patient's dental records and a response to the patient's complaint. Dentists' records most often show that he/she has followed the standard of care, and has documented the patient's diagnosis, along with a proposed treatment plan. However, when the dentist's records are illegible, or if legible - show no diagnosis, no record of an exam, and lacks any pertinent information about the patient's dental conditions, or the records do not describe what was accomplished during visits to the dental office...the members of the Investigative committee are not able to determine whether or not the dentist has provided adequate dental treatment; however, they are able to determine that the dentist has failed to document the patient's dental information as required by the Dental Practices Act. The minimal documentation required is found at pg 31 of the Dental Practices Act:

K.A.R. 71-1-15. Dental recordkeeping requirements. For the purposes of K.S.A. 65-1436 and amendments thereto, each licensee shall maintain for each patient an adequate dental record for 10 years after the date any professional service was provided. Each record shall disclose the justification for the course of treatment and shall meet all of the following minimum requirements:

- (a) It is legible.
- (b) It contains only those terms and abbreviations that are comprehensible to similar licensees.
- (c) It contains adequate identification of the patient.
- (d) It indicates the date any professional service was provided.
- (e) It contains pertinent and significant information concerning the patient's condition.
- (f) It reflects what examinations, vital signs and tests were obtained, performed or ordered and the findings and results of each.
- (g) It indicates the initial diagnosis and the patient's initial reason for seeking the licensee's services.

- (h) It indicates the medications prescribed, dispensed or administered and the quantity and strength of each.
- (i) It reflects the treatment performed or recommended.
- (j) It documents the patient's progress during the course of treatment provided by the licensee.

A very thorough description of the most recommended methods for patient dental recordkeeping will soon be for sale by the American Association of Dental Boards (AADB) formerly the AADE. They will have the guidelines for sale on their website http://www.aadexam.org/AADE_Home/aade_default.htm

APPROVED DENTAL AND DENTAL HYGIENE SCHOOLS FOR EXTERNSHIPS

In order for a dental student or dental hygiene student to practice outside of their student clinics, they must be supervised through a program that has been approved by the Dental Board. These regulations were passed in 2009 KAR 71-9-1 through 71-10-4. The following dental and dental hygiene schools have externship programs approved by the board:

UMKC School of Dentistry, University of Nebraska Dental School, Arizona School of Dentistry and Oral Health, and Johnson County Community College, Dental Hygiene Program.

The board has an impaired provider program. For help call HAPN- 913-236-7575 for more information

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