

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, JANUARY 18, 2013, 9:00 A.M.
LONDON STATE OFFICE BUILDING
900 SW JACKSON, ROOM 108
TOPEKA, KANSAS**

A. Call To Order / Approval of the Agenda.

Call To Order: Appearing at the Board meeting on videoconference via Skype, Glenn Hemberger, D.D.S., President, called the Board meeting to order at 9:02 a.m.

Members Present At Call To Order: Glenn Hemberger, D.D.S. (videoconference via Skype), President; Susan Rodgers, R.D.H., Secretary; Scott Hamilton, D.D.S.; Charles Squire, D.D.S.; Jeff Stasch, D.D.S.; Roger Stevens, D.D.S.; Jackie Leakey, R.D.H.; and James Showalter, Public Member.

Members Arriving After Call To Order: None.

Members Absent: None.

Staff Present: Randy Forbes, Attorney for the Board; Steve Johnson, D.D.S., Board Investigator; Lane Hemsley, Executive Director; Melissa Graham, Administrative Officer; and Vanda Collins, Senior Administrative Assistant.

Attendees: Russell Coad, D.D.S.; Wanda Droge; Kevin Robertson; Reenie Olson; Charlotte Turner-Williams, D.D.S.; and Rachael Wiebe.

Approval Of The Agenda: It was moved and seconded to approve the agenda. The motion passed.

B. Welcome New Board Member: Jeff Stasch, D.D.S.

The Board officially welcomed Jeff Stasch, D.D.S., as the new dentist member from the First Congressional District. Dr. Stasch was appointed on November 29, 2012, and succeeds Michael Milford, D.D.S. Dr. Stasch is looking forward to his term on the Board.

C. Minutes of November 2, 2012.

It was moved and seconded to approve the minutes of November 2, 2012, after modifying Paragraph N.2. (Nitrous Oxide Course) as follows: "Susan Rodgers, R.D.H., is evaluating a nitrous oxide education course. As the course is currently proposed, compressed air will be used for instructional purposes during the course and a dentist will not provide direct supervision

during the administration of nitrous oxide competency. The Board denied approval of the course because nitrous oxide and the direct supervision of a dentist would be required for course approval. Ms. Rodgers will continue to consult with the course administrator and the Board as necessary.”

D. Charlotte Turner-Williams, D.D.S., Case No. 12-133: Formal Adjudicative Hearing on Petition to Revoke Kansas License to Practice Dentistry.

At 9:09 a.m., the hearing on the disciplinary petition in the matter of Charlotte Turner-Williams, D.D.S., Kansas Dental Board Case No. 12-133, was called to order. Attorney Kevin Fowler appeared as disciplinary counsel for the Board. Initially, Charlotte Turner-Williams, D.D.S., did not appear. Shortly after the hearing began, the Board received a telephonic message that Dr. Turner-Williams was lost and running late, but intended to appear at the hearing. It was moved and seconded to close the hearing on the disciplinary petition for 30 minutes for the purpose of allowing Dr. Turner-Williams additional time to appear at the hearing. The motion passed.

At 9:36 a.m., the hearing on the disciplinary petition in the matter of Charlotte Turner-Williams, D.D.S., Kansas Dental Board Case No. 12-133, was called back to order. Attorney Kevin Fowler appeared as disciplinary counsel for the Board. Charlotte Turner-Williams, D.D.S., appeared pro se. The parties submitted evidence and rested. At 10:20 a.m., it was moved and seconded to close the meeting for 20 minutes for the purpose of Executive Session. The motion passed.

At 10:40 a.m., the Board reconvened in open session. Glenn Hemberger, D.D.S., Charles Squire, D.D.S., and Susan Rodgers, R.D.H., recused themselves from voting on the matter. It was then moved and seconded to revoke the license of Charlotte Turner-Williams, D.D.S., and to grant the Board’s Executive Director the authority to sign the Final Order Revoking Kansas License to Practice Dentistry. A roll call vote was then taken of all other members present and the motion passed unanimously.

E. Stipulation and Consent Orders.

1. Jason Sanchez, D.D.S., Case No. 11-49. Attorney Randy Forbes presented the Stipulation and Consent Order. It was moved and seconded to approve the Stipulation and Consent Order, a copy of which will be posted to the Board’s website. The motion passed.

2. Eric J. Wisdom, D.D.S., Case Nos. 10-11, 10-31, 10-92. Attorney Randy Forbes presented the Stipulation and Consent Order. It was moved and seconded to approve the Stipulation and Consent Order, a copy of which will be posted to the Board’s website. The motion passed.

3. Katherine Ames, Applicant, Case No. 11-140. On Thursday, January 17, 2013, Applicant Katherine Ames notified the Board’s staff via e-mail that she was withdrawing her application for a dental hygiene license and the Stipulation and Consent Order. Accordingly, the Board took no action on the proposed Stipulation and Consent Order.

4. **Donald Pfuetze, D.D.S., Case No. 11-13.** Attorney Randy Forbes presented the Stipulation and Consent Order. It was moved and seconded to approve the Stipulation and Consent Order, a copy of which will be posted to the Board's website. The motion passed.

F. Diversion Agreements.

The Board considered a proposed Diversion Agreement, which would result in a non-disciplinary disposition of a pending case and prevent the Board from posting it on the Board's website and reporting it to the National Practitioner Data Bank. After discussion, it was moved and seconded to reject the proposed Diversion Agreement because it prevented the Board from posting it on the Board's website and reporting it to the National Practitioner Data Bank. The motion passed.

G. UMKC Extended Care Permit III Course Update (L. 2012, ch. 109, § 2).

The Board welcomed Becky M. Smith, D.D.S., and Bonnie Branson, R.D.H., Ph.D., of UMKC School of Dentistry (UMKC). With the collaboration of the Kansas Department of Health and Environment, Bureau of Oral Health, UMKC is developing a training course for the Extended Care Permit III (ECP III) under K.S.A. 2012 Supp. 65-1456. The training course is offered as an online course and will conclude with a practical lab component and competency exam held on-site at UMKC. The online components include use of an electronic blackboard with various learning modules, including review of the ECP III law, atraumatic restorative techniques, temporary restoration placement, denture adjustments and soft relines, extraction of mobile primary teeth, and pharmacological agents. The online course also implements the use of online instructional videos for the various learning modules. The first course will open for online study March 1, 2013, and a practical lab component and competency exam will be held at UMKC in or around July 2013.

After UMKC's course demonstration and discussion, it was moved and seconded as follows: (1) To approve UMKC's ECP III training course with the addition of a learning module related to emergency dental care techniques; and (2) to grant Jeff Stasch, D.D.S., the authority to act on behalf of the Board to review and approve the final learning modules. The motion passed.

H. Revision Required for Extended Care Permit Regulation (K.A.R. 71-3-9).

Lane Hemsley presented an update on a proposed draft amendment to K.A.R. 71-3-9, which is the Board's extended care permit regulation. The current regulation is proposed for amendment to add a definition for the Extended Care Permit III, which is the result of K.S.A. 2012 Supp. 65-1456. Mr. Hemsley reported that the proposed draft amendment had received approval from the Kansas Department of Administration and the Kansas Attorney General's Office. Therefore, the regulation was ready to be scheduled for a public hearing. It was moved and seconded to permit Mr. Hemsley to schedule the public hearing for the next regularly scheduled Board meeting on Friday, May 3, 2013.

I. American Academy of Sleep Medicine Update.

The Board received a Joint Policy Statement on the Diagnosis and Treatment of Obstructive Sleep Apnea from the American Academy of Sleep Medicine (AASM). After discussion, the Board directed the Board's staff to determine if any dental and health practitioners with opposing views on diagnosing sleep apnea would be willing to discuss the AASM's sleep apnea inquiry with the Board at the May 2013 public meeting. Scott Hamilton, D.D.S., also agreed to invite practitioners to discuss the matter at the May 2013 Board meeting as well.

J. Public Forum.

The Board welcomed members of the public to speak to the Board. There were no public comments.

The Board took a break at 12:00 p.m.

The Board reconvened at 12:15 p.m.

K. President's Report: Dr. Hemberger.

1. **Selection of Legislative Committee for 2013 Legislative Session.** It was moved and seconded to name Glenn Hemberger, D.D.S., and Charles Squire, D.D.S., as the Board's legislative committee for the 2013 legislative session. The motion passed.

2. **Recognition of Richard T. Darnall, D.D.S.** Glenn Hemberger, D.D.S., thanked Richard T. Darnall, D.D.S., for his years of hard work and dedicated service to the Board from 2006 to 2012. The Board presented Dr. Darnall with a plaque, which Jim Showalter, Public Member, accepted on behalf of Dr. Darnall. After accepting the plaque, Mr. Showalter commented as follows: "Dr. Darnall asked that I accept this plaque on his behalf. I am pleased and honored to do so. As Dr. Hemberger said, Dr. Darnall was a great asset to the Board. His dedication to, and hard work with, the Board and the dental profession represents a standard for the rest of us to strive toward. I know he is pleased and appreciative of this recognition, but in my opinion, it is something that he earned. This is not something we have given him; he earned it by his deeds. Thank you very much on behalf of Dr. Darnall." It was moved and seconded to include Mr. Showalter's comments in the minutes. The motion passed.

**L. Investigations Report: Dr. Hemberger / Melissa Graham.
Inspections Report: Dr. Johnson.**

1. **Trending Data for Investigations from 2008 – 2012.** Lane Hemsley and Melissa Graham presented trending data for investigations for the calendar years from 2008 to 2012. After discussion, the Board directed the Board's staff to continue collecting the data for review and analysis at the end of each calendar year.

M. Executive Report: Lane Hemsley.

1. **Budget.** Lane Hemsley provided an overview and described the budget for the remaining months of FY 2013 (ending June 30, 2013), FY 2014 (July 1, 2013 – June 30, 2014), and FY 2015 (July 1, 2014 – June 30, 2015).

2. **Licensee and Specialty Licensee Report.** Lane Hemsley provided information for licenses and specialty licenses from October 16, 2012, to December 31, 2012.

3. **Board Member Contact Information.** Lane Hemsley provided updated contact information of Board members and staff to each Board member.

N. Election of Officers (K.S.A. 74-1405).

1. **President.** It was moved and seconded to nominate Glenn Hemberger, D.D.S. The motion passed.

2. **Vice-President.** It was moved and seconded to nominate Charles Squire, D.D.S. The motion passed.

3. **Secretary.** It was moved and seconded to nominate Susan Rodgers, R.D.H. The motion passed.

O. New Business / Adjournment.

1. **Request for Clarification on Billing for Clinical Oral Evaluations.** The Board received a request for clarification on billing for clinical oral evaluations. The inquiry relates to the following questions from the meeting on May 25, 2012:

Question: Can a dental hygienist perform and bill a patient or dental insurance company for a clinical oral evaluation (CDT codes D0120, D0140, D0145, D0170, or D0180) on a patient of record who has been examined by a licensed dentist within the past 12 months on a day in which the dentist is not present in the office and no physical exam was performed by a licensed dentist?

Answer: The collection and recording of some data and components of the dental examination may be delegated; however, the evaluation, diagnosis, and treatment planning are the responsibility of the dentist.

Question: Can a dentist perform and bill a patient or dental insurance company for a clinical oral evaluation (CDT codes D0120, D0140, D0145, D0170, or D0180) on a patient of record when the dentist was not present in the office at the same time as the patient (no personal “hands in mouth” exam) but only reviewed the records obtained by his/her hygienist or dental assistant at a later time or date?

Answer: The collection and recording of some data and components of the dental examination may be delegated; however, the evaluation, diagnosis, and treatment planning are the responsibility of the dentist.

Following discussion, it was moved and seconded to maintain the Board's decision at the meeting on May 25, 2012. The motion passed.

2. Flu Shots. Charles Squire, D.D.S., inquired into whether the Kansas Dental Practices Act limits a dentist from administering a flu vaccine to patients. After discussion, the Board determined that, in the absence of a state or national emergency declaration from the appropriate governmental authorities, the Kansas Dental Practices Act limits a dentist from administering a flu vaccine to patients.

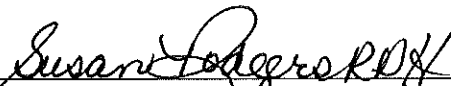
3. Board Specialty Committees. Scott Hamilton, D.D.S., inquired into the procedure for the Orthodontic Specialty Committee to amend the orthodontic specialty examination to be consistent with the completion requirements of programs accredited by the Commission on Dental Accreditation (CODA). Mr. Hemsley advised that the Board has traditionally relied on the specialty committee to identify the requisite components of the specialty examinations. The Orthodontic Specialty Committee will work with Scott Hamilton, D.D.S., and Mr. Hemsley to make the necessary changes to notify candidates of the new completion requirements for a specialty in orthodontics.

4. Continuing Education Committee. Susan Rodgers, R.D.H., inquired into the replacement of Roger Stevens, D.D.S., on the Board's continuing education committee. The Board determined that it would seek to identify a replacement after the appointment of the two new Board members.

5. AADB Mid-Year Meeting. The AADB Mid-Year meeting in Chicago, Illinois, will occur from April 21 – 22, 2013. Due to budget cuts for out-of-state travel, the budget will not allow for payment of attendance at the meeting. As such, Board members interested in attending the meeting will be required to pay all costs and, if the budget allows for full or partial reimbursement of attendance at the end of the fiscal year, the Board's staff will process a reimbursement request at that time. Otherwise, Board members will be responsible for payment to attend the meeting.

Adjournment: It was moved and seconded to adjourn at 1:35 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:



Susan Rodgers, R.D.H.
Secretary, Kansas Dental Board

5-3-13

Date