

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, MAY 25, 2012, 9:00 A.M.
LANDON STATE OFFICE BUILDING
900 SW JACKSON, ROOM 108
TOPEKA, KANSAS**

A. Call To Order / Approval of the Agenda.

Call To Order: Glenn Hemberger, D.D.S., President, called the Board meeting to order at 9:00 a.m.

Members Present At Call To Order: Glenn Hemberger, D.D.S., President; Richard Darnall, D.D.S., Vice-President; Susan Rodgers, R.D.H., Secretary; Scott Hamilton, D.D.S.; Roger Stevens, D.D.S.; Charles Squire, D.D.S.; Denise Maus, R.D.H.; Michael Milford, D.D.S. (telephone); 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: Wanda Droge; Kathy Weno; Reenie Olson; John Childers; and Bradley D. Graf, D.D.S.

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

B. Minutes of January 20, 2012.

It was moved and seconded to approve the minutes of January 20, 2012. The motion passed.

C. Botox and Dermal Fillers.

The Board received a letter from the American Academy of Facial Esthetics regarding the potential use of Botox and dermal fillers. It was moved and seconded to form a committee to study the issue, which will identify the parameters of Botox and dermal filler use within other states and the position of the American Dental Association. Charles Squire, D.D.S., and Michael

Milford, D.D.S., shall serve on the committee. In the interim, the Board's position regarding the use of Botox and dermal fillers is outlined in the February 2011 newsletter.

D. Bradley D. Graf, D.D.S., Case No. 12-33: Hearing on Disciplinary Petition.

At 10:35 a.m., the hearing on the disciplinary petition in the matter of Bradley D. Graf, D.D.S., Kansas Dental Board Case No. 12-33, was called to order. Attorney Randy Forbes appeared as disciplinary counsel for the Board. Bradley D. Graf, D.D.S., appeared pro se. At 10:40 a.m., it was moved and seconded to close the meeting for 30 minutes for the purpose of Executive Session. The motion passed. After two approved extensions for the Executive Session, the Board reconvened in open session at 11:45 a.m. Glenn Hemberger, D.D.S., recused himself from voting on the matter. It was moved and seconded to revoke the license of Bradley D. Graf, D.D.S. The motion passed unanimously after a roll call vote.

E. Presentation: John Childers, Executive Director, Heart of America Professional Network.

The Board welcomed John Childers, Executive Director of the Heart of America Professional Network (HAPN). HAPN is the entity responsible for managing and implementing the Kansas Dental Board Impaired Provider Program. The goal of HAPN is to provide assistance to dentists and hygienists who may be suffering from physical or mental illness, addiction, or aging issues that could impair their ability to practice safely. Currently, three dentists are enrolled in the HAPN program. While some dentists and hygienists have HAPN case files closed for non-compliance, several dentists and hygienists have successfully completed the HAPN program. HAPN continues to assist the Board with impaired providers.

The Board took a lunch break at 12:00 p.m.
The Board reconvened at 12:20 p.m.

F. Glenn R. Duckworth, D.D.S., Case No. 08-135: Review of Initial Order.

After discussion regarding the procedure for review of Initial Orders pursuant to K.S.A. 77-527, it was moved and seconded to adopt the Initial Order as the Final Agency Order. The motion passed unanimously.

G. Future Procedure for Review of Initial Orders: K.S.A. 77-527.

Attorney Randy Forbes outlined the procedural steps that the Board is required to consider under K.S.A. 77-527 when an Initial Order is rendered. After discussion, it was moved and seconded to take the following procedural steps with each Initial Order in accordance with K.S.A. 77-527:

1. The Board's Request for Review of an Initial Order. After consultation with the Chairperson of the Board's Investigative Committee, the Executive Director shall have the authority to request review of an Initial Order on behalf of the Board.

2. **Review of an Initial Order.** When any licensee requests review of an Initial Order, the Board shall review the Initial Order.

H. **Public Forum.**

The Board welcomed Wanda Droge, a representative of Delta Dental. Ms. Droge proposed the following questions and answers for inclusion in the Board's section of online Frequently Asked Questions:

1. **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.

2. **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, the Board approved the questions and answers for inclusion in the Board's section of online Frequently Asked Questions.

I. **President's Report: Dr. Hemberger.**

1. **Board Recognition of Betty Wright, Former Executive Director.** The Board recognized former Executive Director, Betty Wright, for her hard work and dedicated service to the Board during her tenure from December 2005 to September 2011. The Board presented Ms. Wright with a certificate signed by 16 current and former Board members who served during Ms. Wright's tenure and a gift certificate for future travel on Southwest airlines. All monies for the gift certificate on Southwest airlines were only private donations from current and former Board members. No public monies from the Board were used for the gift certificate on Southwest.

2. **Transfer of Patient Records.** Following discussion regarding the reasonable time within which to transfer patient records to a subsequent treating provider, the Board recommended that a maximum of no more than 30 days be taken to complete a transfer of patient records.

3. Billing Services Performed By an Administrative Services Provider. The Board recommends that an article be placed in the next newsletter advising each dentist who has an agreement with an administrative services provider under K.S.A. 65-1424, K.S.A. 65-1470, and K.S.A. 65-1471 to remain cognizant of the billing practices performed by the administrative services provider. Each dentist remains subject to Board oversight for billing practices even when the billing services are performed by an administrative services provider.

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

Glenn Hemberger, D.D.S., and Melissa Graham presented the status of the Investigative Committee cases from January 1, 2012, to April 30, 2012. Steve Johnson, D.D.S., indicated that 148 dental practice locations had been inspected in the past 5 months.

K. Nitrous Courses Report: Denise Maus, R.D.H.

Denise Maus, R.D.H., updated the Board regarding the review and approval of nitrous courses from various educational institutions. The Board would like the information posted on the website when the information becomes available.

L. Executive Report: Lane Hemsley.

1. Budget. An update was provided on legislative action relative to the budget for the remaining months of FY 2012 (ending June 30, 2012) and FY 2013 (July 1, 2012 – June 30, 2013).

2. Licensee and Specialty Licensee Report. License and specialty license reports from January 1, 2012, to April 30, 2012, were presented to the Board.

3. 2012 Legislative Update. The Kansas Dental Association sponsored, and the Governor approved, H.B. 2631. The bill amends the length of time for an estate to operate a practice after the death or substantial disability of a dentist, adds an Extended Care Permit III (ECP III), encourages the Kansas Board of Regents to seek the addition of seats at UMKC School of Dentistry in exchange for students providing dental services to underserved areas of Kansas for a minimum of 4 years following graduation, and adds a Special Volunteer License.

4. Newsletter. The March 2012 newsletter was released in electronic format only. All future newsletters may be produced quarterly and distributed through electronic means.

5. Website Reconstruction. The Board's administrative staff will begin working on reconfiguring the website over the next several months. As a result, website pages and links may be in flux on occasion.

6. AADB Mid-Year Meeting Report. An AADB mid-year meeting report was provided, including information on the progress of mid-level practitioner legislation and dental workforce models in various states.

7. **Continuing Education Audits.** With the exclusion of one outstanding audit that has yet to be resolved, the audit compliance rate is 100%.

8. **AADB Annual Meeting.** The AADB Annual Meeting is scheduled for San Francisco, California, from Wednesday, October 16, 2012, through noon on Thursday, October 17, 2012. The Board can only pay for one attendee at the meeting. Because the meeting ends at noon on Thursday, October 17, 2012, the Board cannot pay for staying the night of Thursday, October 17, 2012. After discussion, it was determined that Susan Rodgers, R.D.H., shall attend the meeting and report back to the Board.

M. Membership of Board Committees.

1. **Continuing Education.** Susan Rodgers, R.D.H., shall continue to review continuing education submissions. Roger Stevens, D.D.S., shall assist in the continuing education submissions on an as needed basis.

2. **Investigative.** Glenn Hemberger, D.D.S., Chairperson, and Charles Squire, D.D.S., shall remain on the Investigative Committee. Susan Rodgers, R.D.H., shall replace Denise Maus, R.D.H., on the Investigative Committee.

3. **Regulatory / Legislative.** Glenn Hemberger, D.D.S., and Richard Darnall, D.D.S., shall be on the Regulatory / Legislative Committee.

N. Prosthodontics Specialty Committee.

1. **Dr. Jon Finley is retired.** The Board accepts Dr. Jon Finley's retirement from both the dental profession and the Prosthodontics Specialty Committee. The Board further expresses its appreciation to Dr. Jon Finley for his service to the Board.

2. **Dr. Dale Cipra is the only remaining member of this committee.** The Board appreciates Dr. Dale Cipra's continued service to the Board on the Prosthodontics Specialty Committee.

3. **Suggestions regarding who could replace Dr. Jon Finley?** Lane Hemsley shall contact Dr. Dale Cipra for his suggestions regarding who could replace Dr. Jon Finley on the Prosthodontics Specialty Committee.

O. CPR Courses for License Renewals: K.A.R. 71-4-1.

1. **Which courses are equivalent to the American Heart Association?** Charles Squire, D.D.S., shall consult with the American Red Cross in Wichita to determine its compatibility with the American Heart Association and assist the Board's administrative staff with CPR equivalency questions on an as needed basis. Additionally, each dentist and dental hygienist who is audited on a yearly basis shall be required to produce a copy of the CPR card along with the continuing education credits and professional liability insurance.

2. **Are online courses acceptable?** Yes. Online courses are acceptable only if there is a "hands-on" portion required for completion of the course.

3. **Is a hands-on portion required for BCLS?** Yes. A hands-on portion is required for BCLS.

P. American Dental Association Portfolio-Style Examinations.

The Board reviewed the status of the American Dental Association (ADA) Portfolio-Style Examinations. Based on the ADA's progress, coupled with the pursuit of a portfolio-style examination by other states, it was moved and seconded to table discussion until a later date. The motion passed.

Q. New Business / Adjournment.

New Business:

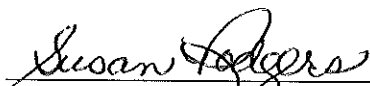
1. **2012 Western Conference on Licensure and Education.** The Western Conference on Licensure and Education is holding its annual meeting in Denver, Colorado, in July 2012. Roger Stevens, D.D.S., shall attend on behalf of the Board.

2. **CRDTS Annual Meeting.** CRDTS is holding its annual meeting in Kansas City, Missouri, from August 23 – 25, 2012. Those who can attend may do so.

3. **Future Board Meetings.** Friday, August 10, 2012; Friday, November 2, 2012. All meetings are scheduled to be held in the Landon State Office Building, Topeka, Kansas.

Adjournment: It was moved and seconded to adjourn at 1:23 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:



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

8/30/12

Date