

**KANSAS DENTAL BOARD MEETING MINUTES  
FRIDAY, APRIL 25, 2014, 9:00 A.M.  
DCF LEARNING CENTER  
2600 SW EAST CIRCLE DRIVE SOUTH  
TOPEKA, KANSAS 66606**

**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; Charles Squire, D.D.S., Vice-President; Jackie Leakey, R.D.H., Secretary Pro Tem; Scott Hamilton, D.D.S.; Jarrod Jones, D.D.S.; Jeff Stasch, D.D.S.; and Donna Thomas, D.D.S.

**Members Arriving After Call To Order:** None.

**Members Absent:** Susan Rodgers, R.D.H.; and James Showalter, Public Member.

**Staff Present:** Brenda Head, 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:** Reenie Olson, R.D.H.; Roger Stevens, D.D.S.; Wanda Droge; Tim Brewer, D.D.S.; Robert S. Hall, D.D.S.; S. Bruce Banks, D.D.S.; Darin Loewen, D.D.S.; Stephen W. Cavanaugh, Esq.

**Approval Of The Agenda:** It was moved and seconded to approve the agenda with the addition of the following under Paragraph D (Stipulation and Consent Orders):

18. Ann White, R.D.H. (Case No. 13-130).
19. Svetlana Sobolevskaya, D.D.S. (Case No. 11-42).

The motion passed.

**B. Minutes of January 31, 2014.**

It was moved and seconded to approve the minutes of January 31, 2014, by changing the Board adjournment time from 12:10 a.m. to 12:10 p.m. The motion passed.

**C. Public Hearing on Proposed Amendment to Continuing Education Regulation (K.A.R. 71-4-1).**

Consistent with the Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.*, the Board held a public hearing to consider the adoption of a proposed permanent amendment to its continuing education regulation, K.A.R. 71-4-1. The amendment requires that each dentist obtain two hours of ethics during each license renewal period and each dental hygienist obtain one hour of ethics during each license renewal cycle. There were no verbal comments from the public. There were two written comments the Board received on the proposed amendment. First, the Board received a letter from the Kansas Legislative Research Department, which indicated that the Joint Committee on Administrative Rules and Regulations had no comment on the regulation. Second, the Board received a letter from David Wexler, D.D.S., which supported the ethics requirement, but encouraged quality of courses for implementation. After discussion, the Board held a roll call vote and approved the regulation as written. It was then moved and seconded to publish the amended regulation in the *Kansas Register* immediately and post notification on the Board's website regarding the new requirements and enforcement of the regulation starting with the license renewal cycle that begins on December 1, 2014. The motion passed.

**D. Stipulation and Consent Orders.**

**1. Mark Schuyler, D.D.S. (Case No. 13-12).** Attorney Brenda Head 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 unanimously.

**2. Charisse C. Frisch-Bachrodt, D.D.S. (Case No. 12-148).** Attorney Brenda Head 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 unanimously.

**3. M. Dean Wright, D.D.S. (Case No. 13-93).** Attorney Brenda Head 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 unanimously.

**4. Shawn D. Jensen, D.D.S. (Case No. 13-53).** Attorney Brenda Head 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 unanimously.

**5. Brian G. Davis, D.D.S. (Case No. 13-119).** Attorney Brenda Head 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 unanimously.

6. **S. Bruce Banks, D.D.S. (Case No. 13-20).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

7. **Robert Hall, D.D.S. (Case Nos. 12-99 and 13-51).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

8. **Darin Loewen, D.D.S. (Case No. 12-108).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

9. **Ginger Bohn, R.D.H. (Case Nos. 12-121 and 12-128).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

10. **Leanna Clark, R.D.H. (Case No. 13-3).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

11. **Luci Drain, R.D.H. (Case No. 13-47).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

12. **Terri Gee, R.D.H. (Case No. 12-129).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

13. **Melanie Hill, R.D.H. (Case No. 13-45).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

14. **Barbara Keck, R.D.H. (Case No. 12-120).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

**15. Ruth Parson, R.D.H. (Case No. 12-123).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

**16. Christine Tajchman, R.D.H. (Case No. 12-130).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

**17. Norma Weiser, R.D.H. (Case Nos. 12-122 and 12-131).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

**18. Ann White, R.D.H. (Case No. 13-130).** Attorney Brenda Head presented the Stipulation and Consent Order. Scott Hamilton, D.D.S., and Jarrod Jones, D.D.S., recused themselves from voting. 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 unanimously.

**19. Svetlana Sobolevskaya, D.D.S. (Case No. 11-42).** Attorney Brenda Head 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 unanimously.

**E. AADB Report: Roger Stevens, D.D.S.**

The Board welcomed former Board member, Roger Stevens, D.D.S., to provide a report regarding his attendance at the April 2014 meeting of the American Association of Dental Boards (AADB). Dr. Stevens provided a summary of the following information:

**1. National Dental Examiners Advisory Forum (NDEAF) – April 7, 2014, Chicago, Illinois.** Progress is being made toward consolidation of national dental board exam parts one and two into a single integrated exam. Additionally, AADB services were reviewed, including D-PREP, skills assessment, CE courses, and Expert Review Assessment (ERA).

**2. DERB / WREB Meeting – February 21, 2014, Phoenix, Arizona.** During the 2015 exam season, separate exams previously taken in testing centers on fixed and removable prosthetics and patient assessment treatment planning will be consolidated into a single exam named comprehensive treatment planning (CTP). Also, WREB is willing to visit with the Board and provide a presentation about its examination.

**3. ERC / CRDTS Meeting – April 12, 2014, Kansas City, Kansas.** Exam refinements were made and approved, including a score criteria wording. A critical deficiency

review process has been instigated to eliminate false positive and false negative outcomes. CRDTS is also willing to visit with the Board and provide a presentation about its examination.

**F. Records for Central Regional Dental Testing Services, Inc. (CRDTS).**

The Board was provided a brief update regarding an ongoing Attorney General investigation into the recordkeeping and record destruction policies at CRDTS. After the completion of the Attorney General investigation, representatives from CRDTS plan to provide a presentation to the Board about its current examination and recordkeeping and record destruction policies.

**G. ECP III Course Clarification: Jeff Stasch, D.D.S., and Susan Rodgers, R.D.H.**

Jeff Stasch, D.D.S., discussed a number of different alternatives with the Board regarding what could constitute “medical services” under K.S.A. 65-1456(h)(4)(I). The provision reads: “[T]he tasks and procedures are limited to . . . (I) use of local anesthetic, including topical, infiltration and block anesthesia, when appropriate to assist with procedures where *medical services* are available in a nursing home, health clinic or any other settings if the dental hygienist has completed a course on local anesthesia and nitrous oxide as required in this act . . . .” (Emphasis added.) After further discussion, it was determined that Dr. Stasch will continue to research the alternatives for “medical services” as it relates to both equipment and emergency personnel.

The Board took a break at 10:20 a.m.

The Board reconvened at 10:35 a.m.

**H. Legislative Update for 2014.**

**1. Approval of House Bill 2611 (Modification of 50% Rule to 20% Rule).** Effective July 1, 2014, K.S.A. 65-1435(d), which is commonly referred to the 50% rule or majority presence rule, will be modified to require a dentist licensee to be personally present in the office at least 20% of the time patients are being treated in the office.

**2. Failure of House Bill 2372 (Notifications about Fluoride in Water).** The bill would have required all Kansas cities and local governmental units providing water service that artificially fluoridate their community drinking water to notify customers that ingested fluoride lowers the I.Q. in children. The bill failed in the House Committee on Health and Human Services.

**I. Public Forum.**

The Board welcomed Tim Brewer, D.D.S. Dr. Brewer inquired into whether a dentist can draw a patient’s blood (phlebotomy) for bone grafting during a dental procedure or other dentally related purposes. After discussion, the Board approved Dr. Brewer’s request as long as the procedures are for bone grafting during a dental procedure or other dentally related purposes.

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

1. **Recognition of Jim Showalter, C.P.A., Public Member.** Glenn Hemberger, D.D.S., thanked Jim Showalter for his 6 years of hard work and dedicated service to the Board. In Mr. Showalter's absence, Dr. Hemberger accepted a plaque for Mr. Showalter.

2. **Ethics in Dentistry.** Glenn Hemberger, D.D.S., and Charles Squire, D.D.S., highlighted the continuing emphasis on ethics in dentistry and its relation to the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*

**K. 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, 2014, to March 31, 2014.

**L. Executive Report: Lane Hemsley.**

1. **Budget.** An update was provided on the budget for FY 2014 (July 1, 2013 – June 30, 2014) and FY 2015 (July 1, 2014 – June 30, 2015).

2. **Licensee and Specialty Licensee Report.** License and specialty license reports from January 1, 2014, to March 31, 2014, were presented to the Board.

3. **Dental Hygiene School Visits.** Lane Hemsley and Vanda Collins connected via live web conference with Flint Hills Community College to discuss the licensing process with the 2014 graduating class. Likewise, Lane Hemsley and Vanda Collins traveled to Manhattan Area Technical College to discuss the licensing process with the 2014 graduating class.

**M. New Business / Adjournment.**

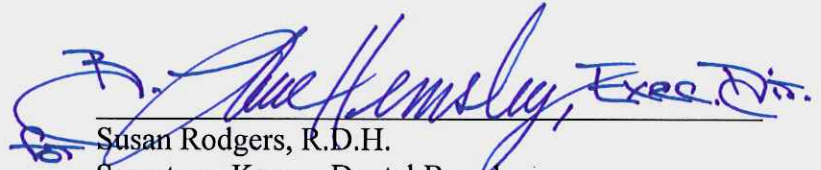
1. **Botox Inquiry.** Steve Johnson, D.D.S., inquired into the possibility of reposting information about the Board's Botox policy on the website. The Board staff will try to locate old Board minutes or newsletters on the topic to post on the website.

2. **Sale of Practice Inquiry.** Steve Johnson, D.D.S., inquired into whether a Kansas licensed dentist can sell a practice to someone other than a Kansas licensed dentist. It was determined that any purchaser of a dental office in Kansas must comply with all Kansas dentist licensing and regulatory requirements found in the Kansas Dental Practices Act, K.S.A. 65-1421 *et seq.*

3. **Future Board Meetings.** Friday, August 8, 2014 (Landon State Office Building, Topeka); and Friday, November 7, 2014 (Landon State Office Building, Topeka).

**Adjournment:** It was moved and seconded to adjourn at 11:30 a.m. The motion passed. The meeting was adjourned.

APPROVED BY:

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

8/8/2014  
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Date