

**KANSAS DENTAL BOARD MEETING MINUTES  
FRIDAY, NOVEMBER 2, 2012, 9:00 A.M.  
LANDON STATE OFFICE BUILDING  
900 SW JACKSON, ROOM 106  
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 9:03 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.; Charles Squire, D.D.S.; Jackie Leakey, R.D.H.; and James Showalter, Public Member.

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

**Members Absent:** Michael Milford, D.D.S., and Roger Stevens, D.D.S.

**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; Tim Hodge, Attorney for Doe Ann Hague (telephone); and Doe Ann Hague (telephone).

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

**B. Minutes of August 10, 2012.**

It was moved and seconded to approve the minutes of August 10, 2012, after modifying Paragraph Q.3. (CRDTS) by deleting the following sentence: "Roger Stevens, D.D.S., has been appointed as a CRDTS examiner." No other modifications were made. The motion passed.

**C. Application of the Estate of Robert D. Hague, D.D.S., for an Extension to Sell or Close the Practice (L. 2012, ch. 109, § 1).**

The Board welcomed Tim Hodge, Attorney for Doe Ann Hague, and Doe Ann Hague. Mr. Hodge and Mrs. Hague appeared by telephone. Pursuant to L. 2012, ch. 109, § 1, Mrs. Hague's 18-month time limit to sell or close the practice of her late husband, Robert D. Hague, D.D.S., expires on November 30, 2012. Mrs. Hague requested Board approval for the first 6-

month extension to sell or close the practice. Mrs. Hague seeks up to and including May 30, 2013, in which to sell or close the practice. If Mrs. Hague is unable to sell or close the practice by May 30, 2013, she may seek Board approval for the second and final 6-month extension to sell or close the practice. It was moved and seconded to approve Mrs. Hague's request for the first 6-month extension to sell or close the practice. The motion passed.

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

The Board received an inquiry from Bonnie Branson, R.D.H., Ph.D, Professor, UMKC School of Dentistry, Division of Dental Hygiene (UMKC). With the collaboration of the Kansas Department of Health and Environment, Bureau of Oral Health, UMKC is developing a training program for the Extended Care Permit III (ECP III). Pursuant to L. 2012, ch. 109, § 2(h)(1)(B), a dental hygienist seeking an ECP III is required to complete "a course of study of 18 seat hours approved by the board which includes, but is not limited to, emergency dental care techniques, the preparation and placement of temporary restorations, the adjustment of dental prostheses and *appropriate pharmacology . . .*" (Emphasis added.) By letter dated October 17, 2012, UMKC asked for the Board's opinion on the ECP III course content for appropriate pharmacology.

After discussion, it was moved and seconded to approve UMKC's ECP III training course outline with the addition of the general review of pharmacology, which shall include, but not be limited to, local anesthetics, antibiotics, antimicrobials, antifungals, and fluorides. The motion passed.

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

Lane Hemsley presented 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 was the result of L. 2012, ch. 109, § 2. It was moved and seconded to permit Mr. Hemsley to work with the Kansas Department of Administration and the Kansas Attorney General's Office on the proposed draft amendment for possible submission to the Board at the January 2013 meeting. The motion passed.

**F. American Academy of Sleep Medicine Inquiry.**

The Board received an inquiry from the American Academy of Sleep Medicine (AASM). The AASM inquired into whether a licensed Kansas dentist remains within the scope of practice under K.S.A. 65-1422 when diagnosing sleep apnea by utilizing home sleep tests. 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 January 2013 public meeting.

**G. Level II Permit – Parenteral Conscious Sedation Course Application (K.A.R. 71-5-11).**

Roger J. Wendel, D.M.D., of Wendel Family Dental Centre, Vancouver, Washington, submitted an application for approval of a course that will meet the initial requirements for

parenteral conscious sedation under K.A.R. 71-5-11. After review and discussion, it was moved and seconded to approve the application. The motion passed.

#### **H. AADB Annual Meeting Report.**

Glenn Hemberger, D.D.S., and Susan Rodgers, R.D.H., reported on the topics discussed at the Annual Meeting of the American Association of Dental Boards (AADB). Primary topics of discussion that were of immediate interest to the Board included how other states are addressing Botox and dermal fillers, corporate dentistry, franchise dentistry, and prescription monitoring programs. The Board recommended that the Kansas prescription monitoring program be mentioned in the newsletter, particularly with respect to how dentists can perform self-queries.

#### **I. Discussion Regarding Scope of Practice Limitations for Specialists.**

The Board discussed whether a dentist holding a specialty certificate is precluded from performing general dental procedures. K.S.A. 65-1427 and K.A.R. 71-2-2 identify the standards and qualifications for, and the recognized branches of, dental specialists. After discussion, the Board took no action.

#### **J. Public Forum.**

The Board welcomed Kevin Robertson from the Kansas Dental Association (KDA). Mr. Robertson inquired into the status of the Board's new Special Volunteer Dental License. Mr. Hemsley advised the Board had already issued one Special Volunteer Dental License and one additional application was pending. The Application for the Special Volunteer Dental License is posted on the Board's website. Mr. Robertson also discussed the KDA's peer review process relative to the Board's investigative process, which Mr. Hemsley outlined as well.

The Board welcomed Wanda Droge from Delta Dental of Kansas (Delta Dental). Ms. Droge inquired into whether Delta Dental has a duty to report possible violations of the Kansas Dental Practices Act to the Board. In the past, Delta Dental has, through a history of cooperation, reported possible violations to the Board. The Board thanked Delta Dental for, and encouraged it to maintain, its cooperative stance by continuing to report possible violations to the Board.

The Board took a break at 11:10 a.m.

The Board reconvened at 11:25 a.m.

#### **K. President's Report: Dr. Hemberger.**

**1. Website display of disciplinary actions.** The Board discussed the posting of disciplinary decisions on the Board's website. After discussion, it was moved and seconded to authorize the Board's administrative staff to remove each disciplinary decision from the Board's website only after 10 years following the completion date of the disciplinary action (e.g., a

completion date of November 2, 2012, would result in the removal of the disciplinary decision from the Board's website on or after November 3, 2022). The motion passed.

**2. Discussion of requirements for dentists and hygienists to notify the Board of all practice location addresses.** The Board reviewed the requirements for dentists and hygienists to notify the Board of all practice location addresses. Under K.S.A. 65-1432, each licensed dentist, upon establishing a practice location or changing the place at which the licensed dentist practices, is required to furnish the Board with the new practice location address within 30 days of the change. Under K.A.R. 71-3-4, each dental hygienist is required to notify the Board of a change in the residence address, employer, and practice location within 30 days of the change. After discussion, the Board decided not to make any proposed changes to the existing requirements.

**L. 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 July 1, 2012, to September 30, 2012. Steve Johnson, D.D.S., provided an update regarding the status of office inspections.

**M. Executive Report: Lane Hemsley.**

**1. Budget.** An update was provided on the budget for FY 2013 (July 1, 2012 – June 30, 2013) and submission of the proposed budgets 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 July 16, 2012, to October 15, 2012, were presented to the Board.

**3. Special Volunteer Dental Licensee Report.** Two dentists have applied for a Special Volunteer Dental License. The Board has already issued the first Special Volunteer Dental License. The second applicant has not completed the application process. The Special Volunteer Dental License Application is posted to the Board's website.

**N. New Business / Adjournment.**

**1. Commission on Dental Accreditation On-Site Evaluations In 2013.** The Commission on Dental Accreditation (CODA) invited the Board to submit the names of two current Board members who would be willing to participate in CODA's on-site evaluations in 2013. The advanced dental education programs at Johnson County Community College and Wichita State University are scheduled for on-site evaluations in 2013. Susan Rodgers, R.D.H., and Jackie Leakey, R.D.H., agreed to submit their names for both on-site evaluations.

**2. Nitrous Oxide Course.** 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.

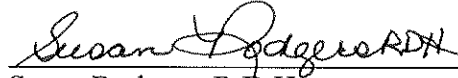
**3. First Congressional District Seat.** Lane Hemsley informed the Board that the Governor's Office is reviewing applicants for the replacement of Michael Milford, D.D.S., who has not been reappointed to the Board for the First Congressional District due to his retirement.

**4. Metrics Used To Measure Board Activities.** Charles Squire, D.D.S., inquired into the various metrics used to measure Board activities. Aside from financial measurements, the Board directed its staff to assemble trending data for the last five years relative to the number of complaints and types of complaint outcomes for the Investigative Committee.

**5. Future Board Meetings.** Friday, January 18, 2013; Friday, May 3, 2013; Friday, August 9, 2013; and Friday, November 8, 2013. All meetings are scheduled to be held in the Landon State Office Building, Topeka, Kansas.

**Adjournment:** It was moved and seconded to adjourn at 12:15 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:



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

2-1-13  
Date