

Our mission is to ensure and protect dental health by enforcement of the Kansas Dental Laws

Kansas Dental Board

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Board Names New Executive Director

In December 2011, I was extremely fortunate to join the Kansas Dental Board as the new Executive Director. My predecessor and friend, Betty Wright, retired in September 2011.

Prior to becoming the Board's Executive Director, I graduated with honors from Washburn University School of Law. Immediately after passing the Kansas bar examination, I joined a reputable Topeka law firm, where my work primarily centered on civil litigation and administrative law. Indeed, I even spent a significant amount of time working on matters for the Kansas Dental Board, Kansas Pharmacy Board, and Kansas Board of Examiners in Optometry. This work included involvement at every level of many disciplinary proceedings and drafting several rules

and regulations.

Later, I accepted an opportunity to work for the Kansas Department of Administration, Office of Chief Counsel, where I began as a Staff Attorney and was subsequently promoted to Deputy Chief Counsel. While there, I continued working in the areas of civil litigation and administrative law. Further, I engaged in extensive transactional work, such as contract negotiations and drafting.

Ultimately, I enjoyed learning many operational aspects of state government agencies and divisions, which, coupled with my prior work for the Board, led to my interest in the Executive Director position. The opportunity to work with the Board again is exciting.



B. Lane Hemsley
Executive Director

If you have any questions about the Board, please feel free to contact me. I look forward to hearing from you as the Board continues working to address many unique challenges.

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A Patient Is Entitled To His Or Her Records

On a weekly basis, the Board office receives numerous inquiries regarding whether a patient is entitled to a copy of his or her dental records, including diagnostic quality x-rays and notes. Quite often, these inquiries come from a patient who files a complaint against a dentist who refuses to release the patient's records.

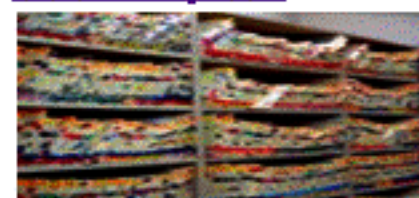
Generally, a patient or a patient's authorized representative has the right to a copy of dental records,

including diagnostic quality x-rays and notes. A dentist can charge a fee for the patient's records. The fee, however, must comply with K.S.A. 65-4971.

Records are not intended to be withheld until the patient satisfies an outstanding balance for work already performed. Moreover, under K.A.R. 71-1-15, a dentist must retain patient records for 10 years from the last day of

service. The records can be retained digitally.

Information about various recordkeeping requirements can be found on the "Frequently Asked Questions" page of the Board's website: www.kansas.gov/kdb.



Denise Maus, R.D.H., Completes Board Term

At the Board's public meeting on Friday, January 20, 2012, Denise Maus, R.D.H., was recognized for her 8 years of dedicated and exemplary service as a Member of the Board. Glenn Hemberger, D.D.S., President of the Board, presented Ms. Maus with a plaque honoring her faithful public service.

Under the Kansas Dental Practices Act, a Board Member is permitted to serve two terms on the Board. Each term is four years.

Ms. Maus has served on the Board as one of its dental hygienist members since 2004. During

her years on the Board, Ms. Maus served in many roles, including Board President and Secretary. Additionally, Ms. Maus served on the Continuing Education Committee and Investigative Committee, which reviews each complaint received against a licensee.

Upon receipt of her plaque, Ms. Maus applauded the continued efforts of the Board and thanked each member. In recalling her 8 years of service, Ms. Maus stated, "My twins were just young boys when I was appointed to serve on the Board. Now, they are young men. It has been a true honor and

pleasure to work with the Board."

Ms. Maus will continue serving on the Board until Governor Brownback appoints her replacement. The Kansas Dental Hygiene Association is currently compiling a list of three names of hygienists who have the recognized ability and qualifications to serve on the Board.

Ms. Maus will be greatly missed by the Board because of her dedicated and selfless service.



Denise Maus, R.D.H., is presented a plaque from Glenn Hemberger, D.D.S.

Legislative Updates and Regulatory Changes

2011 Legislative Session. The Kansas Dental Practices Act underwent changes during the 2011 legislative session. The changes allowed for dental franchises in Kansas. The dental franchise laws are now found in K.S.A. 65-1470 and K.S.A. 65-1471. A copy of the Kansas Dental Practices Act and related laws may be found on the Board's website.

2012 Legislative Session. During the current legislative session, the Kansas Dental Association is sponsoring H.B. 2631. The bill would make several additions and

changes to the Kansas Dental Practices Act for the purpose of expanding dental service in the state. The bill would add a third level of extended care, which would be offered by registered dental hygienists who meet the increased qualifications for the Extended Care Permit III (ECP III). The Kansas Dental Board supports the ECP III proposal. Additionally, the bill would require the Kansas Board of Regents to try to create additional seats for Kansas residents at UMKC School of Dentistry and establish a special volunteer

license for dentists who are retired from active practice and wish to donate their expertise for the treatment of the dentally indigent and underserved.

BCLS Card Now Required For Renewal Of License. Effective January 6, 2012, K.A.R. 71-4-1 was amended to require each licensee to submit, with the license renewal application, a current basic cardiac life support for the health care provider certificate. The BCLS card is in addition to the required continuing education hours.

Electronic Newsletter

The Kansas Dental Board staff is working to identify cost-saving measures that are highly efficient and inexpensive to implement. One of the measures is an electronic newsletter. From this date forward, the newsletter will only be delivered in electronic format. All of the newsletters will be posted to the Board's website at:

www.kansas.gov/kdb. If you do not receive the newsletter, please check your spam folder and ensure that a current e-mail address is on file with the Board.



Prescription Monitoring Program

The Kansas Board of Pharmacy has implemented the prescription monitoring program database. Access to the database, K-TRACS, is available to all licensed prescribers and dispensers. If you do not currently have K-TRACS access and would like to register to query in the system, you can obtain the registration form on the K-TRACS website at <http://www.hidinc.com/kansasmp/> and by going to the RxSentry Forms link. K-TRACS is a free service for all prescribers and dispensers. For additional information on K-TRACS, please visit the website at <http://www.hidinc.com/kansasmp/> or contact the Kansas Board of Pharmacy at 785-296-6547 or by e-mail at pmpadmin@pharmacy.ks.gov.

Nitrous Oxide Courses For Dental Assistants and Registered Dental Hygienists Must Be At Least 16 Hours

During its public meeting on Friday, January 20, 2012, the Board considered the minimum number of hours required for approval of a course of instruction on the administration and monitoring of nitrous oxide. The Board reviewed the requirements of K.S.A. 65-1444(b) with the assistance of legal counsel.

K.S.A. 65-1444(b) reads: “A dentist may utilize

an assistant not licensed by the board in the administration and monitoring of nitrous oxide or oxygen, or both, if that person is certified in cardiopulmonary resuscitation and has satisfactorily completed a course of instruction which has been approved by the board. To be approved by the board, the course of instruction shall include a minimum of six hours of instruction at a teaching institution

accredited by the American dental association and include satisfactory completion of courses which offer both didactic and clinical instruction in: (A) Theory of pain control; (B) anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and complications.”

After discussion, the Board determined that dental assistants and registered dental hygienists will be required to take a course of at least 16 hours.



Groupons, Social Coupons, and The Prohibition Against Fee-Splitting

The daily deals are popping up everywhere. Daily-deal sites, such as Groupon and LivingSocial, offer limited-time discounts on a wide range of goods and services, such as restaurant meals, clothes, cruises and weekend getaways. Now, across the nation, dental services are starting to appear more frequently as a daily-deal.

Kansas dental services are no exception to the daily-deal phenomenon.

As a result, the Board recently reviewed the statutory prohibition against fee-splitting found in K.S.A. 65-1436(a)(7). Without reviewing each merchant agreement between a social coupon merchant and a dental office, it is difficult to con-

clude that each agreement violates the fee-splitting prohibition found in K.S.A. 65-1436(a)(7). For this reason, the Board encourages dental offices across Kansas that intend to use, or are using, the services of a social coupon merchant to ensure that the merchant agreement does not violate the fee-splitting prohibition.

All dental offices should ensure that a merchant agreement does not violate the fee-splitting prohibition.

Advertising On Facebook® And Social Media

The Board office receives a high number of inquiries regarding advertising on Facebook® and through other forms of social media. Facebook® and social media users are encouraged to ensure that all forms of advertising avoid improper fee-splitting arrangements under K.S.A. 65-1436(a)(7). Further, advertising should comply with the various limitations and requirements found in K.S.A. 65-1437 and K.A.R. 71-7-1.

Continuing Education Audits

The continuing education requirements for dentists and hygienists are outlined in K.A.R. 71-4-1. Each year, a select number of dentists and hygienists are chosen at random by a computer program to submit proof of continuing education certificates. The random audits are currently underway. From time to time, some of those randomly chosen for audit are unable to provide proof of continuing education certificates. Failure to properly report continuing education hours or failure of an audit could result in disciplinary action.

Dental Laws and Regulations

A large portion of the Board's work includes the application and interpretation, through the assistance of legal counsel, of the Kansas Dental Practices Act. A copy of the Act and related laws can be found on the Board's website at: www.kansas.gov/kdb. The “Laws and Regulations” link provides downloadable copies.



Glenn Hemberger, D.D.S., talks to Governor Sam Brownback with Greg Hill (red shirt), Kansas Dental Charitable Foundation Executive Director.

Board Members Participate In 2012 KMOM

On February 17-18, 2012, the Kansas Dental Charitable Foundation held its signature event, the Kansas Mission of Mercy (KMOM), in Kansas City, Kansas. According to the Kansas Dental Charitable Foundation, the event resulted in the treatment of 2,144 patients with \$1.5 million in free dental care. The event was the largest KMOM clinic ever.

Board Members Glenn Hemberger, D.D.S., Richard Darnall, D.D.S., Charles Squire, D.D.S., Denise Maus, R.D.H., and Susan Rodgers, R.D.H., provided valuable dental services to patients treated at the KMOM event. More details about the event may be found on the Kansas Dental Charitable Foundation website: www.ksdentalfoundation.org.

Disciplinary Actions

David G. Hall, D.D.S., License #6200 of Wichita, Case 11-84. Dr. Hall was the subject of a random continuing education audit and failed to provide documentation that he had attended at least 60 hours of continuing education and proof of liability insurance. Dr. Hall paid a \$1,000 fine and, if he is unable to provide proof of 60 hours of continuing education

or complete the requisite hours within 60 days, he will have to pay an additional \$4,000.

Anita M. Knox, D.D.S., Case 10-94. Dr. Knox entered into an Agreed Settlement Order in Texas for falling below the minimum standard of care in the treatment and recordkeeping for a patient. Dr. Knox is required to maintain compliance with the

Texas Agreed Settlement Order and take the Kansas Jurisprudence Examination within 60 days.

These cases were resolved through Stipulation and Consent Orders approved by the Board on January 20, 2012. The orders are public records in the custody of the Kansas Dental Board.

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Investigative Committee Report

From July 2011 through February 2012, the Investigative Committee opened 103 new cases. During this same time period, the Committee closed 76 cases with outcomes ranging from findings of no violation to letters of concern or admonition regarding specific issues identified by the Committee. There have also been 8 disciplinary actions taken. Copies of the Board Orders can be found on the Board's website.



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**Frequently Asked Question: Can a dental assistant use a high-speed hand-piece?
Answer: No. A dental assistant cannot use a high-speed hand-piece.**

Board Officer Elections

Glenn Hemberger, D.D.S., was elected President. Richard Darnall, D.D.S., was elected Vice-President. Susan Rodgers, R.D.H., was elected Secretary. Elections are held at the first meeting of each year.

Future Board Meetings

Friday, May 25, 2012
Friday, August 10, 2012
Friday, November 2, 2012

All meetings held in Topeka.

Kansas Dental Well-Being Program

For assistance with drug, alcohol, and other personal problems, you may contact John Childers, Heart of America Professional Network, 6405 Metcalf Avenue, Suite 502, Overland Park, Kansas 66202 or (913) 236-7575.

