

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, APRIL 14, 2023, 9:00 A.M.
LANDON STATE OFFICE BUILDING, 5th FLOOR
900 SW JACKSON, ROOM 509
TOPEKA, KS 66612**

A. Call to Order / Approval of the Agenda.

Call to Order: Mark Herzog, D.D.S., President, called the Board meeting to order at 9:01 a.m.

Members Present at Call to Order: Jill Ellner, D.D.S., Vice-President, Rita Burnett, D.D.S.; Maya Nunley, D.D.S. (telephone); Lacey Randa, D.D.S.; Jonas Lichty, D.D.S.; Davette McCoy, R.D.H. (telephone); and Kevin Waite, Public Member (telephone).

Members Arriving After Call to Order: None.

Members Absent: Rachael Wiebe, R.D.H., Secretary.

Staff Present: Brenda Head, Attorney for the Board; Lane Hemsley, Executive Director; Charity Carlat, Senior Administrative Specialist; and Katie Mulkey, Senior Administrative Assistant.

Attendees: Mike O'Neil, Association of Dental Support Organizations (ADSO).

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

B. Minutes of January 13, 2023.

It was moved and seconded to approve the minutes of January 13, 2023. The motion passed unanimously.

C. N2O Course Approval Request: DOCS Education.

The Board welcomed representatives from DOCS Education, a dental training and continuing education organization, to discuss a proposed nitrous oxide training course. Previously, DOCS Education submitted the proposed nitrous oxide course (N2O Course) for nonlicensed persons under K.S.A. 65-1444(b). The N2O Course, which is sponsored through Idaho State University, is a broad, 16-hour generalized training program for both dental hygienists and nonlicensed persons. After discussion and review, the Board concluded that the N2O Course was consistent with K.S.A. 65-1444(b) and American Dental Association (ADA)

guidelines. Therefore, it was moved and seconded to approve the N2O Course. The motion passed unanimously.

D. Kansas Dental Hygiene Association (KDHA): Request for 50% of CE to be In-Person.

The Board welcomed Whitney Zamora, R.D.H., President of the Kansas Dental Hygiene Association (KDHA). The KDHA has requested that 50% of continuing education (CE) courses occur at live, in-person events while the other 50% occur online or with self-study options. The KDHA wants to reduce isolated instances of improper CE acquisition and misrepresentation from dentists and dental hygienists.

Ms. Zamora provided the Board with a CE chart, which is readily available on the websites for the American Dental Association (ADA) and American Dental Hygiene Association (ADHA). The CE chart outlines the CE requirements and online course limitations in each state. The KDHA cross-referenced the chart through state-specific dental board websites. Currently, 29 state dental boards have various limitations regarding the number of online courses that are accepted during each license renewal period. The KDHA would like the Board to implement an online CE course limitation.

After extended discussion, including the potential impact on numerous rural licensees, the Board respectfully declined to take any action on the KDHA's proposal. As such, the Board does not intend to implement any limitations on the number of CE courses that can be acquired online or with self-study options.

E. Business Entity Name Request: Annette Ogunnowo, D.D.S.

The Board welcomed Annette Ogunnowo, D.D.S., who applied to the Board office for a business entity name, "The Tooth Fairy." Dr. Ogunnowo is a general dentist who purchased the Topeka dental practice of Dr. David Gillham, a pediatric dentist. Dr. Ogunnowo rebranded the pediatric dental practice, formerly known as "The Kids' Dentist," to a general dental practice, "The Tooth Fairy." Based on Dr. Ogunnowo's licensing status as a general dentist, the Board office staff declined to approve the proposed business entity name and invited Dr. Ogunnowo to discuss the matter with the Board. After discussion and consideration of the names attached to other pediatric dental offices, a motion was made and seconded to approve the proposed business entity name, "The Tooth Fairy." The motion passed unanimously.

F. Legislative Update.

1. S.B. 103: 20% Rule Modification.

The Board welcomed Mike O'Neal, a lobbyist for the Association of Dental Support Organizations (ADSO). Prior to the 2023 legislative session, the Kansas Dental Association (KDA) and ADSO engaged in numerous discussions regarding the repeal and replacement of K.S.A. 65-1435(d), which contains the statutory language for the 20% Rule, and K.S.A. 65-1435(f), which is the exception clause for secondary dental offices within a 125-mile

radius of the primary office located in a county with a population below 10,000 under the 2000 U.S. Census. Kansas remains an outlier with the 20% Rule because no other state or profession has such a practice limitation. These discussions resulted in the drafting of S.B. 103. Initially, both parties agreed to jointly support S.B. 103 and worked in unison regarding the passage of the bill. During a legislative hearing with the Senate Public Health and Welfare Committee, however, the KDA rapidly withdrew its support for S.B. 103. As a result, S.B. 103 did not gain further traction and stalled in legislative committee with no further action.

According to Mr. O’Neil, ADSO continues to support S.B. 103 and intends to pursue its passage in the 2024 legislative session. The proposed legislative change, according to ADSO, would bring the dental practices act more in line with the optometry act. Specifically, under K.S.A. 65-1422, a licensed Kansas optometrist shall not be limited in the number of locations from which the optometrist may engage in the practice of optometry. ADSO intends to continue its discussions with the KDA regarding a possible path forward on repeal of the 20% Rule.

2. H.B. 2388: Centralized Electronic Data Management System.

Lane Hemsley provided the Board with an update on H.B. 2388, which would require state licensing agencies to offer various services through a centralized electronic data management system. No further action on the bill is currently required.

3. H.B. 2449: Per Diem Compensation Modification.

Lane Hemsley provided the Board with an update on H.B. 2449, which would increase the per diem compensation for Board members of state licensing agencies who attend meetings. No further action on the bill is currently required.

4. H.B. 2453: Dentist and Dental Hygienist Compact for Interstate Practice.

Lane Hemsley provided the Board with an update on H.B. 2453, which would implement a dentist and dental hygienist compact for interstate practice. The House Committee on Health and Human Services held an informational only session on the bill, which is intended for further discussions during the 2024 legislative session. The KDA and ADSO have expressed an interest in the bill. No further action on the bill is currently required.

G. Stipulation and Consent Orders.

1. Aaron Parkin, D.M.D. (Case No. 22-67). 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. Jamie D. Lundy, D.D.S. (Case No. 20-58). 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. Andrew Watkins, D.D.S. (Case No. 22-66). 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.

H. Public Forum.

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

I. President's Report: Dr. Herzog.

Dr. Herzog appointed Jonas Lichty, D.D.S., as the newest member of the Board's Investigative Committee, which consists of Dr. Herzog, Dr. Ellner, and Dr. Lichty.

**J. Investigations Report: Dr. Herzog / Lane Hemsley.
Inspections Report: Dr. Johnson.**

Lane Hemsley, Executive Director, presented the status of the Investigative Committee cases from January 4, 2023, to March 23, 2023.

K. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget for FY 2023 (July 1, 2022 – June 30, 2023), FY 2024 (July 1, 2023 – June 30, 2024), and FY 2025 (July 1, 2024 – June 30, 2025).

2. Licensee and Specialty Licensee Report. License and specialty license reports were provided for January 1, 2023, to March 28, 2023.

3. SSI Filings for 2022. All Board members were reminded to timely file a Statement of Substantial Interest (SSI) report on or before April 30, 2023.

4. Administrative Hearing Update. Lane Hemsley provided an update on the administrative and judicial proceedings regarding former dentist licensee, Mr. Michael Putnam. With the assistance of the Shawnee County Sheriff's Office, Mr. Putnam was arrested for continuing to offer services and render direct patient care without a license to practice dentistry. The Shawnee County District Attorney's Office charged Mr. Putnam with three counts of false impersonation. Lane Hemsley and Charity Carlat were called to testify on behalf of the state. After a bench trial, Mr. Putnam was convicted on two misdemeanor counts of false impersonation and expressly prohibited from practicing dentistry or having any contact with the Board and its staff.

L. New Business / Adjournment.

It was moved and seconded to adjourn at 11:40 a.m. The motion passed. The meeting was adjourned.

APPROVED BY:

s/ Rachael Wiebe, R.D.H.
Representative, Kansas Dental Board

August 18, 2023
Date