

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, AUGUST 12, 2022, 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: Daniel Thomas, D.D.S., Vice-President, called the Board meeting to order at 9:08 a.m.

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

Members Arriving After Call to Order: None.

Members Absent: Mark Herzog, D.D.S., President.

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

Attendees: Michael Rack, D.D.S.; and Mark Hungerford, D.D.S.

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

B. Minutes of April 8, 2022.

It was moved and seconded to approve the minutes of April 8, 2022. The motion passed unanimously.

C. Welcome New Board Member: Davette McCoy, R.D.H.

The Board officially welcomed Davette McCoy, R.D.H., as a new member of the Board. Ms. McCoy replaces Jill Harding, R.D.H., as a dental hygiene member. Her first term will run until April 30, 2026.

D. Welcome New Board Member: Kevin Waite, Public Member.

The Board officially welcomed Kevin Waite, Public Member, as a new member of the Board. Mr. Waite replaces James Kilmartin as the Public Member. His first term will run until April 30, 2026.

E. Botox and Dermal Fillers Discussion.

The Board welcomed Michael Rack, D.D.S., who inquired about the administration of Botox and Dermal Fillers for both dentally-related and cosmetic purposes. The Board further welcomed Mark Hungerford, D.D.S., who inquired about the use of Platelet Rich Fibrin (PRF) for cosmetic purposes because PRF would be included in the broader definition of Dermal Fillers. Both dentists, and many others similarly situated around the state, have asked the Board for permission to use Botox and Dermal Fillers on patients for cosmetic purposes.

Currently, the Board's policy, which originated during an open public meeting on or about October 31, 2009 (2009 Botox Policy), permits Botox and Dermal Fillers to be used only for dentally-related purposes. The Board's 2009 Botox Policy was memorialized in Board minutes and other written publications, including a prior newsletter. The Board's 2009 Botox Policy was subsequently reaffirmed during an open public meeting on or about April 25, 2014. The Board's 2009 Botox Policy remains unchanged to date.

Since the implementation of the Board's 2009 Botox Policy, however, dental offices in numerous states have begun to deploy Botox and Dermal Fillers for both dentally-related and cosmetic purposes. Likewise, many state dental boards have adopted policies, regulations, or statutes to permit the use of Botox and Dermal Fillers for cosmetic purposes. The Board's 2009 Botox Policy no longer coincides with more recent developments in treatment modalities.

For these reasons, the Board reviewed K.S.A. 65-1422(f), which provides that a person shall be deemed to be practicing dentistry if such person "diagnoses, or professes to diagnose, prescribe for, or professes to prescribe for, treats, or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws, or *adjacent structure*." (Emphasis added.) As applied, the "adjacent structure" means the entire human face and human cranial structure.

After extended discussion, it was moved and seconded to revoke the 2009 Botox Policy and replace it with the following policy (2022 Botox Policy):

1. Licensed Kansas Dentist.

- a. Dentally-Related Purposes.** A licensed Kansas dentist may administer Botox and Dermal Fillers for dentally-related purposes to the human cranial structure after the successful completion of hands-on training courses in Botox and Dermal Fillers of at least 20 hours that are approved by the American Dental Association Continuing Education Recognition Program (ADA CERP) or the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE).

- b. **Cosmetic Purposes.** A licensed Kansas dentist may administer Botox and Dermal Fillers for cosmetic purposes to the entire human face after the successful completion of hands-on training courses in Botox and Dermal Fillers of at least 20 hours that are approved by the American Dental Association Continuing Education Recognition Program (ADA CERP) or the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE).

2. Licensed Kansas Dental Hygienist.

- a. **Dentally-Related Purposes.** A licensed Kansas dental hygienist may administer Botox and Dermal Fillers for dentally-related purposes to the human cranial structure while working under the direct supervision of a licensed Kansas dentist after the successful completion, by both the supervising dentist and dental hygienist, of hands-on training courses in Botox and Dermal Fillers of at least 20 hours that are approved by the American Dental Association Continuing Education Recognition Program (ADA CERP) or the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE).
- b. **Cosmetic Purposes.** A licensed Kansas dental hygienist may administer Botox and Dermal Fillers for cosmetic purposes to the entire human face while working under the direct supervision of a licensed Kansas dentist after the successful completion, by both the supervising dentist and dental hygienist, of hands-on training courses in Botox and Dermal Fillers of at least 20 hours that are approved by the American Dental Association Continuing Education Recognition Program (ADA CERP) or the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE).

3. Nonlicensed Person.

- a. **Dentally-Related Purposes.** A nonlicensed person is prohibited from administering Botox and Dermal Fillers for dentally-related purposes.
- b. **Cosmetic Purposes.** A nonlicensed person is prohibited from administering Botox and Dermal Fillers for cosmetic purposes.

Consistent with K.S.A. 65-1468, each dentist and dental hygienist is responsible for notifying their respective professional liability insurance company to obtain appropriate insurance coverage for any and all Botox and Dermal Filler purposes. The motion passed unanimously.

F. Clinical Examination Discussion.

The Board welcomed Richael Cobler, Executive Director of Central Regional Dental Testing Services (CRDTS). Agency consolidation continues to occur in the dental and dental hygiene clinical examination market. CDCA, WREB, and CITA are undergoing a merger to create CDCA-WREB-CITA, which offers the ADEX examination. Currently, CRDTS has no plans to merge with any other regional testing agency.

Instead, the CRDTS steering committee and examination review committee (ERC) developed and deployed the CRDTS examination. According to Brett Foley, Ph.D., the CRDTS examination is psychometrically sound. Notably, the periodontal portion of the CRDTS examination includes probing whereas other regional examinations do not include probing. Similarly, the CDCA-WREB-CITA Compodont is the same as the CRDTS typodont. Additionally, CRDTS now has three examination sites, including a new location in Topeka, which boasts an 8-chair simulation clinic.

The Topeka examination site also offers a remediation program. The cost of a structured remediation program is determined on an individualized basis after an assessment of a practitioner's skill deficiencies. The remediation program may be one option for the Board to consider in lieu of, or in addition to, disciplining a licensee.

G. Overview of Board Office and Application Process: Lane Hemsley / Charity Carlat.

Lane Hemsley and Charity Carlat provided the Board with an overview of general Board office policies and procedures. A summary of the Board's application process, including for dentists, specialists, and dental hygienists, was also provided to the Board.

H. Stipulation and Consent Orders.

1. Adrian Mohn, D.D.S. (Case No. 22-5). 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. Barry J. Burgess, D.D.S. (Case No. 22-26). 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.

I. Public Forum.

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

J. President's Report: Dr. Herzog.

1. Investigative Process Discussion. Lane Hemsley and Charity Carlat provided the Board with an overview of the investigative process, which remains consistent with the Kansas Dental Practices Act (KDPA), K.S.A. 65-1421 *et seq.*, and the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.*

2. Open Meetings Discussion. Lane Hemsley and Charity Carlat provided the Board with an overview of the open meetings act, which remains consistent with the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 *et seq.*

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

Daniel Thomas, D.D.S., Vice-President, and Lane Hemsley presented the status of the Investigative Committee cases from January 3, 2022, to July 26, 2022.

Dr. Johnson reported that 150 sedation inspection had been completed through July 2022, the vast majority of which were for Level I sedation permits. Dentists with sedation permits need to ensure adequate drug reversal kits and airways are up-to-date and readily available.

With respect to sanitation inspections, Dr. Johnson and his team are averaging approximately 33 offices each month. Dentists need to ensure adequate spore testing is being completed and instrumentation should remain sealed until immediately before use on a patient.

L. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget for FY 2022 (July 1, 2021 – June 30, 2022) and FY 2023 (July 1, 2022 – June 30, 2023).

2. Licensee and Specialty Licensee Report. License and specialty license reports were provided for January 1, 2022, to July 27, 2022.

M. New Business / Adjournment.

The Board welcomed additional topics of discussion from members or the public. There was no new business.

Adjournment: It was moved and seconded to adjourn at 12:25 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:

/s/ B. Lane Hemsley, Executive Director
Representative, Kansas Dental Board

November 18, 2022
Date