

STATE OF KANSAS



KANSAS DENTAL BOARD
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GOVERNOR JEFF COLYER, M.D.
B. LANE HEMSLEY, EXECUTIVE DIRECTOR

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, NOVEMBER 16, 2018, 9:00 A.M.
LONDON STATE OFFICE BUILDING, 5TH FLOOR
900 SW JACKSON, ROOM 509
TOPEKA, KANSAS 66612**

A. Call to Order / Approval of the Agenda.

Call to Order: Charles Squire, D.D.S., President, called the Board meeting to order at 9:02 a.m.

Members Present at Call to Order: Charles Squire, D.D.S., President; Mark Herzog, D.D.S., Vice-President; Jackie Leakey, R.D.H., Secretary; Stephen Zeller, D.D.S.; Jarrod Jones, D.D.S.; Stanley Wint, D.D.S.; Daniel Thomas, D.D.S.; Jill Nuzzi, R.D.H.; and James Kilmartin, Public Member (telephone).

Members Arriving After Call to Order: None.

Members Absent: None.

Staff Present: Randy Forbes, Attorney for the Board; Lane Hemsley, Executive Director; Charity Carlat, Senior Administrative Specialist; and Vanda Collins, Senior Administrative Assistant.

Attendees: Kevin Robertson (KDA); Jeremy Salsbury; Maggie Smet; and John Monroe.

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

B. Minutes of August 10, 2018.

It was moved and seconded to approve the minutes of August 10, 2018. The motion passed unanimously.

C. Welcome New Board Member: Jill Nuzzi, R.D.H.

The Board officially welcomed Jill Nuzzi, R.D.H. as a new member of the Board. Ms. Nuzzi replaces Susan Rodgers, R.D.H., as a hygiene member. Ms. Nuzzi's term will run until April 30, 2022.

D. Cannabidiol Inquiry.

The Board received an inquiry regarding clarification on the use of cannabidiol (CBD) for dental patients. Under 2018 Senate Bill 282, the definition of “marijuana” in the Uniform Controlled Substances Act (Act) was modified to exempt CBD. Although CBD is no longer included in the definition of “marijuana” in the Act, the Board took no action on its use in a dental practice. The Board noted, however, that CBD is not an alternative to nitrous oxide and there is no current ADA CDT code for CBD.

E. Guidelines of the American Association of Pediatric Dentists Inquiry.

The Board received an inquiry from Daniel Towle, M.D., seeking clarification on the American Academy of Pediatric Dentistry’s (AAPD) 2018 revision to the “Use of Anesthesia Providers in the Administration of Office-based Deep Sedation / General Anesthesia to the Pediatric Dental Patient.” In particular, the AAPD’s recommendations for best practices provide, in pertinent part, as follows: “If state law permits a certified registered nurse anesthetist (CRNA) or certified anesthesiologist assistant (CAA) to function under the direct supervision of a dentist, the dentist is required to have completed training in deep sedation / general anesthesia and be licensed or permitted for that level of pharmacologic management, appropriate to state law.” The Board also received written comments from John Fales, D.D.S., a pediatric dentist in Kansas.

The Board discussed the materials relative to its regulatory framework, particularly K.A.R. 71-5-9. Under K.A.R. 71-5-9(j), “A dentist shall not be required to obtain a level I, II, or III permit if the sedative agent used is administered to the dentist’s patient by a person licensed under Kansas law to administer this agent without supervision.” As a result, it was moved and seconded to hold that the Board has investigated the recommendations of the AAPD and finds that it is currently practicing in accordance with both the AAPD guidelines and consistent with Kansas law.

F. Orthodontic Bidding Website Inquiry.

The Board received an inquiry regarding whether an orthodontic bidding website violates the fee-splitting prohibition under K.S.A. 65-1436(a)(7). After discussion and insight from legal counsel on the application of K.S.A. 65-1437(a)(7), the Board directed its staff to seek information from other states on the topic before the Board reaches a conclusion.

G. ADA Policy Statements: Teledentistry and Sleep Related Breathing Disorders.

The Board received policy statements from the ADA on teledentistry and sleep related breathing disorders. With respect to teledentistry, the Kansas Bureau of Oral Health did not obtain the federal grant to start a pilot project at Wichita State University. On sleep apnea, the Board reaffirmed its position found in the meeting minutes of Friday, May 3, 2013.

H. Specialty Licensing Discussion.

The Board received information from the State of Idaho regarding statutory and regulatory changes that the Idaho Dental Board recently made to its specialty licensing laws. More

specifically, Idaho struck the list of named dental specialties and moved to a broader definition of specialties as those who have completed a two-year full-time academic study from a CODA approved educational institution. During discussion, the Board's legal counsel recommended that the Board could attempt to make regulatory changes to its current specialty regulation, K.A.R. 71-2-2 (Branches of dentistry). The Board directed Dr. Wint to review the applicable regulation and study the issue in other states, including Idaho. Dr. Wint will consult with the KDA as well.

I. Missouri Dental Board Opioid Rule Promulgation Discussion.

The Missouri Dental Board has promulgated a regulation that limits dentists from prescribing an opioid beyond a 7-day supply. The regulation coincides with a Missouri statute passed in 2018, RSMo § 195.010, that limits opioid prescriptions to a 7-day supply for acute events, such as surgery or dental treatment. After discussion regarding findings from the KTRACS advisory committee indicating that the vast majority of prescription overwriting comes from physicians, the Board took no action.

J. Flu Shot Discussion.

The Board received information from the Minnesota Dental Board regarding Minn. Stat. §150A.055, which is a law that allows licensed Minnesota dentists to give influenza (flu) vaccine to people ages 19 and older. Some Board members hire outside medical providers to perform flu shots at their dental offices. After discussion, the Board took no action.

K. Public Forum.

The Board welcomed members of the public to speak to the Board. The Board recognized Kevin Robertson, Executive Director of the KDA. Mr. Robertson provided the Board with detailed information on a number of topics. The KDA had previously studied the flu shot concept when pharmacies were added under state law, but questions arose regarding reimbursement and recordkeeping, so the KDA has no current position on flu shots. With respect to KTRACS, Dr. Doug Fain is the new advisory committee member for dentistry. The Kansas Mission of Mercy (KMOM) is scheduled for April 26 – 27, 2019, at Pitt State University. The KDA will work with Dr. Wint regarding the Board's specialty licensing discussion.

On the subject of dental therapy, the compromise bill (previously Senate Bill 312) might be introduced in the Senate with various modifications. The KDA's current position is in opposition to the dental therapy bill as the KDA understands the modifications. The KDA will continue to study the bill's progress. Similarly, the KDA intends to oppose a bill that would permit Blue Cross Blue Shield of Kansas City to own medical practices (previously House Bill 2721). The KDA will apprise the Board of these legislative issues as it deems necessary.

L. President's Report: Dr. Squire.

Dr. Squire reported that his time as the Board's President and a member of the Board is soon coming to an end. The Board will select new officers at its meeting on Friday, January 11,

2019. Dr. Squire's term will subsequently expire on April 30, 2019, and he is not eligible for reappointment.

**M. Investigations Report: Dr. Squire / Lane Hemsley.
Inspections Report: Dr. Johnson.**

Charles Squire, D.D.S., and Lane Hemsley presented the status of the Investigative Committee cases from January 1, 2018, to October 23, 2018.

The Board also discussed the progress of proposed regulatory changes to K.A.R. 71-5-11 (Level II permit: parenteral conscious sedation), K.A.R. 71-5-12 (Level III permit: deep sedation and general anesthesia), and K.A.R. 71-8-8 (Information for patients). Likewise, the Board discussed the future development of sedation permit checklists.

N. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget assembly process for FY 2019 (July 1, 2018 – June 30, 2019) and FY 2020 (July 1, 2019 – June 2020).

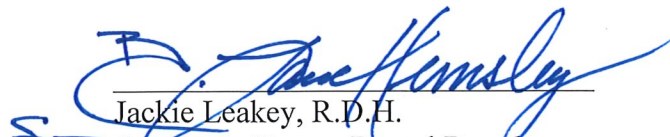
2. Licensee and Specialty Licensee Report. License and specialty license reports were provided for July 1, 2018, to October 15, 2018.

O. New Business / Adjournment.

The Board received a request from the American Academy of Dental Hygiene (AADH) to be recognized as a provider of continuing education credits. After discussion and confirmation of course content and quality from the Board's dental hygiene members, Jackie Leakey, R.D.H., and Jill Nuzzi, R.D.H., it was moved and seconded to approve the AADH as a provider of continuing education credits. The motion passed unanimously.

Adjournment: It was moved and seconded to adjourn at 11:50 a.m. The motion passed. The meeting was adjourned.

APPROVED BY:



Jackie Leakey, R.D.H.
Secretary, Kansas Dental Board

1. 11. 2019
Date