

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, NOVEMBER 12, 2021, 9:00 A.M.
VIRTUAL MEETING ONLY**

A. Call to Order / Approval of the Agenda.

Call to Order: Mark Herzog, D.D.S., President, called the virtual Board meeting to order at 9:02 a.m. The Board meeting was held via Microsoft Teams due to the ongoing COVID-19 pandemic and social distancing orders. No Board members or public members were permitted access to the state building or inside the Board office. Board staff operated the virtual meeting from inside the Board office. This was a virtual meeting only and accessible to all participants at no cost via audio-visual or telephonic connectivity points.

Members Present at Call to Order: Mark Herzog, D.D.S., President; Daniel Thomas, D.D.S., Vice-President; Jill Harding, R.D.H., Secretary; 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.; and James Kilmartin, Public Member.

Members Arriving After Call to Order: None.

Members Absent: None.

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

Attendees: All attendees appeared virtually only.

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

B. Minutes of August 20, 2021.

It was moved and seconded to approve the minutes of August 20, 2021. The motion passed unanimously.

C. Request for Review and Revision of K.A.R. 71-1-18: Rachael Wiebe, R.D.H.

Rachael Wiebe, R.D.H., submitted a request to revise K.A.R. 71-1-18 (Sterilization and Infection Control). Under K.A.R. 71-1-18(b)(3)(C), "Biological spore testing devices shall be used on each sterilization unit after each six days of use, but not less often than each month, to verify that all pathogens have been killed." The law does not provide an allowance for sterilizers to be decommissioned and then placed back into regular use after an extended period of time.

After discussion, it was moved and seconded to amend K.A.R. 71-1-18(b)(3)(C) to include a new sentence or clause that is the same or substantially similar to the following: “Biological spore testing devices shall be used on each sterilization unit after the purchase of a new unit or a unit is out of function for more than one month to verify that all pathogens have been killed.” It was further moved and seconded that the proposed amendment would be presented to the Board at a future meeting prior to submission in accordance with the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.* The motion passed unanimously.

D. Request for Review and Revision of K.S.A. 65-1444: Rachael Wiebe, R.D.H.

Rachael Wiebe, R.D.H., submitted a request to revise K.S.A. 65-1444(b), which currently reads as follows:

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.

In or around the mid-1990s, educational institutions approved through the Commission on Dental Accreditation (CODA) began teaching a 16-hour nitrous oxide course to both dental hygienists and dental assistants. At its regularly scheduled public meeting on January 20, 2012, the Board required dental hygienists and dental assistants to take the 16-hour course under K.S.A. 65-1444(b). Although the statute was not amended from six to sixteen hours, all dental hygiene and dental assisting educational institutions in Kansas have been teaching the 16-hour course following the Board’s decision, which is consistent with CODA standards.

Ms. Wiebe made a request to revise the statutory language from six to sixteen hours. After extended discussion, the Board recommended that the Kansas Dental Association (KDA) and Kansas Dental Hygiene Association (KDHA) include an amendment to K.S.A. 65-1444(b) in their respective legislative packages for future legislative sessions.

E. Request for Review and Revision of K.A.R. 71-2-2.

The Board received a request from a licensed Kansas dentist to revise K.A.R. 71-2-2 (Branches of dentistry). The National Commission on Recognition of Dental Specialties and Certifying Boards (NCRDSCB) approved specialties in “Oral Medicine” and “Oralfacial Pain.” K.A.R. 71-2-2 does not include the newly approved specialties and requires an amendment, which would allow the licensed Kansas dentist to apply for a specialty in Oralfacial Pain from the Board. After discussion, it was moved and seconded to seek an amendment to K.A.R. 71-2-2 for purposes of adding “Oral Medicine” and “Oralfacial Pain” as specialties in Kansas. The motion passed unanimously.

F. Acknowledge Receipt of Letters from American Teledentistry Association (8.16.21) and American Association of Orthodontists (9.13.21).

The Board received letters from the American Teledentistry Association (8.16.21) and American Association of Orthodontists (9.13.21). The Board took no action on either letter.

G. Public Forum.

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

H. President's Report: Dr. Herzog.

Dr. Herzog expressed an interest in returning to in-person meetings, as opposed to virtual meetings, as soon as reasonably possible after receiving authority from the Governor's Office and Kansas Department of Administration. The Board's staff will work on returning to in-person meetings after clearance is obtained.

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

Mark Herzog, D.D.S., and Lane Hemsley presented the status of the Investigative Committee cases from January 1, 2021, to October 27, 2021.

Dr. Herzog further reported that the Board members, staff, and colleagues should continue encouraging dental offices to maintain enhanced safety protocols and procedures to ensure continuity of care for patients statewide.

J. 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 July 28, 2021, to October 27, 2021.

3. New Senior Administrative Assistant. The Board has hired Katie Mulkey as its new Senior Administrative Specialist. Ms. Mulkey replaces Vanda Collins and began working on September 20, 2021. Among other tasks, Ms. Mulkey will be assigned to assist with initial licensing and the licensing renewal process.

K. New Business / Adjournment.

Mr. Kilmartin, Public Member, advised that he would not be able to attend the meeting in January 2022.

Adjournment: It was moved and seconded to adjourn at 10:13 a.m. The motion passed. The meeting was adjourned.

APPROVED BY:

/s/ Jill Harding, R.D.H.
Jill Harding, R.D.H.
Secretary, Kansas Dental Board

November 12, 2022
Date