

**KANSAS DENTAL BOARD MEETING MINUTES  
FRIDAY, SEPTEMBER 15, 2017, 9:00 A.M.  
LANDON STATE OFFICE BULIDING, 5<sup>TH</sup> FLOOR  
900 SW JACKSON, ROOM 509  
TOPEKA, KANSAS 66612**

**A. Call to Order / Approval of the Agenda.**

**Call to Order:** Donna Thomas, D.D.S., President, called the Board meeting to order at 9:03 a.m.

**Members Present at Call to Order:** Donna Thomas, D.D.S., President; Susan Rodgers, R.D.H., Secretary (telephone); Charles Squire, D.D.S. (telephone); Stephen Zeller, D.D.S.; Mark Herzog, D.D.S.; Jarrod Jones, D.D.S.; Stanley Wint, D.D.S.; and James Kilmartin, Public Member (telephone).

**Members Arriving After Call to Order:** None.

**Members Absent:** Jackie Leakey, R.D.H., Vice-President.

**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 (telephone); Doug Fain, D.D.S.; Robert Moody, D.D.S.; Tracy Cole, Attorney for Robert Moody, D.D.S.; Sanjay M. Mallya, D.D.S. (telephone); and Debra Gander, D.D.S. (telephone).

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

**B. Minutes of April 21, 2017.**

It was moved and seconded to approve the minutes of April 21, 2017. The motion passed.

**C. Reappointment of Board Member: Jarrod Jones, D.D.S.**

The Board would like to congratulate Jarrod Jones, D.D.S., to his second term to the Kansas Dental Board. Dr. Jones' term will run until April 30, 2021.

**D. Welcome New Board Member: Stanley Wint, D.D.S.**

The Board officially welcomed Stanley Wint, D.D.S., as a new member of the Board. Dr. Wint replaces Glenn Hemberger, D.D.S., as the member of the Third Congressional District (Kansas City). Dr. Wint's first term will run until April 30, 2021.

**E. Stipulation and Consent Orders.**

**1. Robert M. Moody, D.D.S. (Case No. 15-83).** Attorney Randy Forbes presented the Stipulation and Consent Order. Robert Moody, D.D.S., appeared personally and through Attorney Tracy Cole. After extended discussion, it was moved and seconded to approve the Addendum to Stipulation and Final Agency Order, a copy of which will be posted on the Board's website. The motion passed unanimously. It was further moved and seconded to issue an Order of Completion, a copy of which will be posted on the Board's website. The motion passed unanimously.

**2. Svetlana Sobolevskaya, D.D.S. (Case No. 16-76).** Attorney Randy Forbes 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 on the Board's website. The motion passed unanimously.

**3. Paul Mitsch, D.D.S. (Case No. 16-08).** Attorney Randy Forbes 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 on the Board's website. The motion passed unanimously.

**F. Dental Teleradiology Inquiry: American Academy of Oral and Maxillofacial Radiology.**

The Board welcomed Sanjay M. Mallya, D.D.S., and Debra Gander, D.D.S., of the American Academy of Oral Maxillofacial Radiology (AAOMR). The AAOMR provided the Board with a powerpoint presentation on the benefits of teleradiology consultation to Kansas. Teleradiology generally provides for the following: (1) The transmission of radiographic images beyond the site of image acquisition to a receiving practitioner for consultation and interpretation; and (2) the transmission of interpretations by a receiving practitioner to the requesting clinician. According to the AAOMR, several states have opined that teleradiology consultations do not require the consulting Oral and Maxillofacial Radiologist to be licensed in the state where the patient is being treated. The AAOMR supports this model of consultative practice that benefits the referring dentist and the patient. In turn, the AAOMR requests that the Board also support this model of consultative practice. After extended discussion, the Board requested additional information from the AAOMR, particularly with respect to which states permit the practice model. After the AAOMR provides the additional information, the Board will review it during a future meeting. In the interim, the AAOMR will work with the Board's administrative staff on the information request.

**G. Sedation Guidelines Discussion: AGD, ADA, and AAOMS.**

The Board recognized Dr. Zeller, who introduced Doug Fain, D.D.S., President of the American Academy of Oral and Maxillofacial Surgeons (AAOMS). Drs. Zeller and Fain discussed proposed amendments to a couple of the Board's sedation regulations; namely, K.A.R. 71-5-11 (Level II Sedation Permit) and K.A.R. 71-5-12 (Level III Sedation Permit). The proposed amendments include the addition of capnography utilization for both levels II and III sedation procedures. After discussion, it was moved and seconded for Attorney Randy Forbes to work with Dr. Zeller on the proposed regulatory amendments. The motion passed unanimously.

During the amendment process, the Board requested that Dr. Johnson begin preparing a sedation checklist to perform inspections of sedation equipment for each dentist who holds either a Level II or Level III sedation permit. Dr. Johnson will work with the Board's administrative staff to develop a checklist for the Board's approval at a future meeting.

**H. NPDB Reports / Audit.**

Lane Hemsley and Charity Carlat provided the Board with an overview of the reporting procedures for the National Practitioner Data Bank (NPDB) and summarized the NPDB's audit of the Board's reporting procedures. The Board is fully compliant with the NPDB audit and joined ten other states in achieving full compliance during the audit cycle.

**I. Silver Diamine Fluoride (SDF) Inquiry: Cathy Taylor-Osborne, D.D.S.**

The Board received an inquiry regarding whether a licensed dental hygienist can utilize and apply Silver Diamine Fluoride (SDF). After discussion, the Board concluded that a licensed dental hygienist can utilize and apply SDF.

The Board also received an inquiry regarding whether SDF utilization might be appropriate for Medicaid purposes. After discussion, the Board declined to opine on this issue and deferred the inquiry to Dr. Taylor-Osborne for consultation with the appropriate Managed Care Organizations.

**J. Periodontics Specialty Committee Discussion: Stanley Wint, D.D.S.**

The Board recognized its newest member, Dr. Wint, who has also served on the Periodontics Specialty Committee (Periodontics Committee) for twenty years. Dr. Wint inquired into whether the Periodontics Committee could rely on an applicant's successful completion of Part I of the national board examination to issue a specialty license in periodontics. Currently, the orthodontic and pediatric specialty committees rely on Part I of the national board examination to issue specialty licenses. After discussion, it was moved and seconded to permit the Periodontics Committee to rely on Part I of the national board examination to issue a specialty license in periodontics. The motion passed unanimously.

After extended discussion regarding the structure of the national board examinations relative to the specialty committee structure as outlined in K.A.R. 71-2-3, it was moved and

seconded for Attorney Randy Forbes to work on a proposed regulatory amendment that strikes the following sentence from K.A.R. 71-2-3: “Each committee shall conduct the specialists’ examination in its specialty.” The motion passed unanimously.

**K. Public Forum.**

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

**L. President’s Report: Dr. Thomas.**

Dr. Thomas invited Attorney Randy Forbes to outline the Board’s investigative and disciplinary process. The Board discussed its investigative process and various legal provisions that are applicable to disciplinary procedures, including the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.*

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

Donna Thomas, D.D.S., and Lane Hemsley presented the status of the Investigative Committee cases from January 1, 2017, to August 22, 2017.

Dr. Johnson advised the Board of the following: (1) Sanitation inspections generally show that maintenance of spore logs and bagging sterilized instruments continue to be the most common errors; (2) dentists do not always timely report a change of address location within the 30-day notification requirement; and (3) dentists connected with mobile dental operations should be reminded of the 20% rule outlined in K.S.A. 65-1435(d).

**N. Executive Report: Lane Hemsley.**

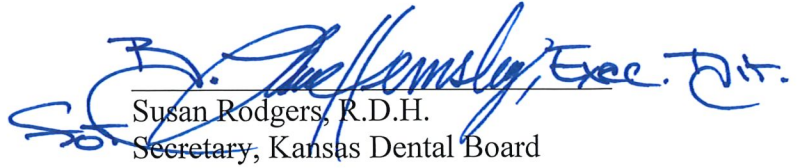
**1. Budget.** An update was provided on the budget for FY 2017 (July 1, 2016 – June 30, 2017) and the pending budget approval process for FY 2018 (July 1, 2017 – June 30, 2018) and FY 2019 (July 1, 2018 – June 30, 2019).

**2. Licensee and Specialty Licensee Report.** License and specialty license reports from March 16, 2017, to August 15, 2017, were presented to the Board.

**O. New Business / Adjournment.**

**Adjournment:** It was moved and seconded to adjourn at 12:28 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:

 Exec. Dir.  
Susan Rodgers, R.D.H.  
Secretary, Kansas Dental Board

11/17/2017  
Date