

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, AUGUST 14, 2020, 9:00 A.M.
LANDON STATE OFFICE BUILDING, 4th FLOOR
900 SW JACKSON, ROOM 455-S
TOPEKA, KANSAS 66612**

A. Call to Order / Approval of the Agenda.

Call to Order: Mark Herzog, D.D.S., President, called the telephonic Board meeting to order at 9:10 a.m. The Board meeting was held telephonically only 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 meeting from inside the Board office. This was a telephonic meeting only and accessible to all participants toll free.

Members Present at Call to Order: Mark Herzog, D.D.S., President; Jarrod Jones, D.D.S., Vice-President; Stephen Zeller, D.D.S., Secretary; Stanley Wint, D.D.S.; Daniel Thomas, D.D.S.; Maya Nunley, D.D.S.; Jill Harding, R.D.H.; Rachael Wiebe, R.D.H.; and James Kilmartin, Public Member.

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.

Attendees: All attendees appeared telephonically only.

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

B. Minutes of April 24, 2020.

It was moved and seconded to approve the minutes of April 24, 2020. The motion passed unanimously.

C. Welcome New Board Member: Rachael Wiebe, R.D.H.

The Board officially welcomed Rachael Wiebe, R.D.H., as a new member of the Board. Ms. Wiebe replaces Jackie Leakey, R.D.H., as a dental hygiene member. Her first term will run until April 30, 2024.

D. Reappointment of Board Member: Mark Herzog, D.D.S.

The Board would like to congratulate Mark Herzog, D.D.S., to his second term to the Kansas Dental Board. Dr. Herzog's term will run until April 30, 2024.

E. American Academy of Dental Sleep Medicine Inquiry: Nancy Addy, D.D.S.

The Board welcomed Nancy Addy, D.D.S., President of the American Academy of Dental Sleep Medicine (AADSM). The Board further welcomed Jarrett Grosdidier, D.D.S., Abid Bhat, M.D., and Rita Hyde, M.D. The AADSM inquired whether licensed dentists in Kansas may:

1. Dispense home sleep apnea tests (HSATs) when ordered by physicians for patients at risk for sleep apnea if the test results are provided to a physician for interpretation and diagnosis.
2. Order HSATs for patients identified by the dentist as being at risk for sleep apnea if the test results are provided to a physician for interpretation and diagnosis.
3. Use HSATs to help determine the optimal effective position of a patient's oral appliance.
4. Order HSATs to verify the effectiveness of an oral if the test results are provided to a physician for interpretation.

The AADSM asked the Board to clarify the Kansas Dental Practices Act (KDPA) to include language supporting that all the above are within the scope of practice of a qualified dentist. Under K.S.A. 65-1422(d), a person shall be deemed to be practicing dentistry who places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed.

After extended discussion and review of the KDPA, it was moved and seconded to consult with Dr. Addy for the purpose of drafting a policy statement for consideration at a future Board meeting. The motion passed unanimously.

F. Dental Specialty Discussion: K.A.R. 71-2-2.

1. Oral Medicine. The National Commission on Recognition of Dental Specialties and Certifying Boards (NCRDSCB) recognizes dental specialties. The NCRDSCB is grounded in the American Dental Association (ADA) requirements for recognition of dental specialties. The requirements are objective standards established to protect the public, nurture the art and science of dentistry, and improve the quality of care. Recently, the NCRDSCB approved Oral Medicine as a dental specialty. An official definition of Oral Medicine is currently under review. It was moved and seconded to authorize an amendment to K.A.R. 71-2-2 (Branches of dentistry)

to include the official definition of Oral Medicine after it is finalized. The motion passed unanimously.

2. Oralfacial Pain. The Board received a written request from Daniel Tylka, D.D.S., a licensed Kansas dentist and specialist in prosthodontics, to include Oralfacial Pain in the future amendment to K.A.R. 71-2-2. Recently, the NCRDSCB approved Oralfacial Pain as a dental specialty. An official definition of Oralfacial Pain is currently under review. It was moved and seconded to authorize an amendment to K.A.R. 71-2-2 (Branches of dentistry) to include the official definition of Oralfacial Pain after it is finalized. The motion passed unanimously.

G. Stipulation and Consent Orders.

1. Shawn Jensen, D.D.S. (Case No. 17-11). 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 to the Board's website. The motion passed unanimously.

2. Samantha McMahon, R.D.H. (Case No. 18-33). 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 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 public inquiries on three separate topics, each of which is outlined below.

1. **Supragingival Scaling Course Instruction.** The Board received an inquiry from Brooke Horner at Salina Area Technical College (SATC) regarding whether she could teach probing techniques under K.A.R. 71-6-3. After discussion, the Board's staff directed SATC to the Board's meeting minutes of Friday, January 31, 2014, which included an inquiry from Flint Hills Technical College (FHTC). No formal Board action was taken on this inquiry.
2. **COVID-19 Vaccines.** The Board received an inquiry regarding whether dentists would be authorized to administer a COVID-19 vaccine. Without more details regarding the development of a vaccine, the Board tabled the discussion for a later date. No formal Board action was taken on this inquiry.
3. **Teledentistry and 2020 HB 2016.** The Board welcome Tanya Dorf Brunner from Oral Health Kansas, who inquired about whether licensed dental professionals could be included for purposes of the telehealth provisions outlined in 2020 HB 2016. The Board directed Attorney Randy Forbes to perform a legal analysis on this inquiry and provide a response accordingly.

I. President’s Report: Dr. Herzog.

Dr. Herzog continued to express his appreciation to the Board members and its staff during the challenges faced from the COVID-19 pandemic.

**J. 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, 2020, to July 16, 2020.

Dr. Herzog further reported that the Board members, staff, and colleagues should continue using the ADA Toolkit and guidelines to educate dental offices statewide about enhanced safety protocols and procedures.

K. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget for FY 2021 (July 1, 2020 – June 30, 2021) and FY 2022 (July 1, 2021 – June 30, 2022).

2. Licensee and Specialty Licensee Report. License and specialty license reports were provided for April 1, 2020, to July 15, 2020.

L. New Business / Adjournment.

1. Selection of Board Meeting Dates for 2021.

- a. Friday, January 15, 2021.
- b. Friday, April 23, 2021.
- c. Friday, August 20, 2021.
- d. Friday, November 12, 2021.

Adjournment: It was moved and seconded to adjourn at 12:00 p.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 13, 2020 _____
Date