

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, JANUARY 13, 2023, 9:00 A.M.
VIRTUAL MEETING ONLY**

A. Call to Order / Approval of the Agenda.

Call to Order: Lane Hemsley, Executive Director, called the Board meeting to order at 9:03 a.m.

Members Present at Call to Order: Rita Burnett, D.D.S.; Jill Ellner, D.D.S.; Maya Nunley, D.D.S.; Lacey Randa, D.D.S.; Jonas Lichty, D.D.S.; Rachael Wiebe, R.D.H.; Davette McCoy, R.D.H.; and Kevin Waite, Public Member. All members appeared by virtual connectivity only.

Members Arriving After Call to Order: None.

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

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

Attendees: Mike O'Neil, Association of Dental Support Organizations (ADSO); and Kevin Robertson, Kansas Dental Association (KDA).

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

B. Minutes of November 18, 2022.

It was moved and seconded to approve the minutes of November 18, 2022. The motion passed unanimously.

C. 20% Rule Follow-Up Discussion: K.S.A. 65-1435(d) – (f).

The Board welcomed Mike O'Neil, a lobbyist for the Association of Dental Support Organizations (ADSO). Mr. O'Neil advised that ADSO is seeking to repeal subsection (d), which contains the statutory language for the 20% Rule, and subsection (f), which is the exception clause for secondary dental offices within a 125-mile radius of the primary office located in a county with a population below 10,000 under the 2000 U.S. Census. Kansas remains an outlier with the 20% Rule because no other state or profession has such a practice limitation. For instance, under K.S.A. 65-1522, a licensed Kansas optometrist shall not be limited in the number of locations from which the optometrist may engage in the practice of optometry.

The Board further welcomed Kevin Robertson, Executive Director of the Kansas Dental Association (KDA). ADSO and the KDA have been working collaboratively on the proposed repeal and replacement of the 20% Rule. To date, not a single dentist has used the 125-mile radius exception under K.S.A. 65-1435(f). In order to replace the 20% Rule, the KDA has three replacement proposals. First, a transparency clause requiring all providers to supply the contact information of the treating dentist and owner dentist to each patient immediately following treatment. Second, a prohibition clause against any dentist who attempts to limit patients from filing complaints with the Board. Third, a new disciplinary clause, which would become K.S.A. 65-1436(a)(21), granting the Board power to implement disciplinary measures against a dentist owner who directs an associate dentist to violate the dental practices act.

With an apparent agreement on the repeal and replacement terms, both ADSO and the KDA intend to jointly support the collaborative legislative proposal. After extended discussion, the Board authorized Lane Hemsley, Executive Director, to remain neutral on the proposed legislative package regarding the repeal and replacement of the 20% Rule in K.S.A. 65-1435.

D. Public Forum.

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

E. President's Report: Dr. Herzog.

Lane Hemsley, Executive Director, provided a brief summary of the president's report due to Dr. Herzog's scheduling conflict.

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

Lane Hemsley, Executive Director, presented the status of the Investigative Committee cases from January 3, 2022, to January 4, 2023.

G. Executive Report: Lane Hemsley.

1. Budget. An update was provided on the budget for FY 2023 (July 1, 2022 – June 30, 2023), FY 2024 (July 1, 2023 – June 30, 2024), and FY 2025 (July 1, 2024 – June 30, 2025).

H. Election of Officers (K.S.A. 74-1405).

1. President. It was moved and seconded to nominate Mark Herzog, D.D.S. The motion passed unanimously.

2. Vice-President. It was moved and seconded to nominate Jill Ellner, D.D.S. The motion passed unanimously.

3. Secretary. It was moved and seconded to nominate Rachael Wiebe, R.D.H. The motion passed unanimously.

I. New Business / Adjournment.

It was moved and seconded to adjourn at 9:50 a.m. The motion passed. The meeting was adjourned.

APPROVED BY:

s/ Rachael Wiebe, R.D.H.
Representative, Kansas Dental Board

April 14, 2023
Date