

STATE OF KANSAS



KANSAS DENTAL BOARD
LONDON STATE OFFICE BUILDING
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GOVERNOR JEFF COLYER, M.D.
B. LANE HEMSLEY, EXECUTIVE DIRECTOR

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, JANUARY 26, 2018, 9:00 A.M.
LONDON STATE OFFICE BUILDING, 5TH FLOOR
900 SW JACKSON, ROOM 560
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 9:00 a.m.

Members Present at Call to Order: Donna Thomas, D.D.S., President; Jackie Leakey, R.D.H., Vice-President; Charles Squire, D.D.S.; 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.

Members Arriving After Call to Order: None.

Members Absent: Susan Rodgers, R.D.H., Secretary.

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); Marq Sams, D.M.D.; Jill Nuzzi (KDHA); Wanda Droge (Delta Dental); Kathy Hunt (KS Head Start Association); Tanya Dorf Brunner (Oral Health KS); Megan Foreman (Johnson County Dept. of Health & Environment); Cathy Taylor-Osborne, D.D.S. (KDHE); Ken Dillehay, D.D.S.; and Sharon Knewton.

Approval of the Agenda: It was moved and seconded to approve the agenda with the addition of a public forum discussion relating to Intraoral Scanning by Non-Licensed Persons. The motion passed.

B. Minutes of November 17, 2017.

It was moved and seconded to approve the minutes of November 17, 2017. The motion passed unanimously.

C. LLC Name Request Follow-Up: Jeremy Knewton, D.D.S.

At 9:05 a.m., pursuant to K.S.A. 75-4319, it was moved and seconded to recess into Executive Session to discuss matters with the Board's Attorney that are subject to the Attorney-

Client Privilege. The Executive Session was scheduled for ten (10) minutes and the open meeting would reconvene at 9:15 a.m. The motion passed unanimously. At 9:15 a.m., the Board briefly reconvened the open meeting to extend the Executive Session for another fifteen (15) minutes to 9:30 a.m. It was subsequently moved and seconded to recess into Executive Session to continue discussing matters that are subject to the Attorney-Client Privilege. The motion passed unanimously. After completion of the Executive Session under K.S.A. 75-4319, the Board reconvened the open meeting at 9:30 a.m.

Following the Executive Session, the Board engaged in an extended discussion with Dr. Knewtson's wife, Sharon Knewtson, regarding the various reasons behind Dr. Knewtson's proposed selection of a practice name, "Dentures Plus Implant and Dental Center of Kansas, LLC." It was then moved and seconded to approve the name request. The motion passed unanimously.

D. PA Name Request Follow-Up: Marq Sams, D.M.D.

Dr. Sams personally appeared to discuss the proposed selection of a practice name, "Implant and Perio Specialists of Kansas, P.A." After an extensive discussion regarding the proposed name selection, it was moved and seconded to deny the name request. The motion passed 7 – 1. The name request was denied. Dr. Sams was subsequently encouraged to propose alternate names for future Board consideration.

E. Teledentistry Discussion.

The Board welcomed Tanya Dorf Brunner (Oral Health Kansas) and Cathy Taylor-Osborne, D.D.S. (KHDE State Dental Director) to discuss growing support for teledentistry pilot projects and future legislative proposals. Basic needs for a teledentistry project include, but are not limited to, fully functional equipment, scope of practice limitations, and the ability to bill for services rendered. Wichita State University (WSU) has expressed interest in a teledentistry pilot project with KDHE.

As such, Dr. Taylor-Osborne asked the Board to support KDHE's Health Resources and Services Administration (HRSA) grant application. KDHE seeks to enlist both WSU's Advanced Education in Dentistry and Dental Hygiene programs to implement teledentistry education, training, and technology into the didactic, laboratory, and clinical aspects of these programs. The purpose is to assist WSU in training future graduates to utilize teledentistry tools and techniques to benefit underserved populations in Kansas. The training results acquired in WSU's educational setting will be used to inform the Board of the guidelines necessary for current and future licensees to achieve competency in teledentistry use and deployment. After extended discussion, the Board agreed to support the HRSA grant application for teledentistry education at WSU.

F. Diabetes Testing and Reporting Inquiry (CDT D0411): Cathy Taylor-Osborne, D.D.S.

The Board welcomed Megan Foreman (Johnson County Department of Health & Environment) and Cathy Taylor-Osborne, D.D.S. (KDHE State Dental Director) to discuss whether diabetes testing and reporting (CDT D0411) falls within the scope of dentistry. After an

extended presentation and discussion, the Board agreed to support this screening modality and directed its administrative staff to include the topic in the next edition of the Board's newsletter. The Board also encouraged the parties to work with Delta Dental to determine what course of action, if any, was available for possible insurance reimbursement in the future.

G. KDHE Radiation Control Program Discussion.

The Board received information from the KDHE Radiation Control Program regarding recent office inspection changes based on existing state regulations that pertain primarily to those licensed through the Board of Healing Arts. While no changes were made to the continuing education requirements for dentists or dental hygienists, a recent notification from KDHE created confusion regarding applicable continuing education hours for the Board's licensees. The Board's administrative staff, however, worked with the KDA and KDHE to resolve the confusion for dentists and dental hygienists.

H. JCNDE Discussion.

The Board received information from the Joint Commission on National Dental Examinations (JCNDE) regarding implementation of the Integrated National Board Dental Examination (INBDE). The JCNDE anticipates the INBDE will be available for administration on August 1, 2020, with full replacement of the National Board Dental Examination (NBDE) by August 1, 2022. The Board currently intends to accept the INBDE as the NBDE replacement.

I. Public Forum.

The Board welcomed members of the public to speak to the Board. Kevin Robertson, Executive Director of the Kansas Dental Association (KDA), was recognized. Mr. Robertson advised that the KDA continues to work on opioid abuse prevention and funding options for the Board of Pharmacy's KTRACs program.

Mr. Robertson also reported that the KDA is working on Senate Bill 312, which relates to the licensure of dental therapists. As currently drafted, both the KDA and the KDHA support the bill, which the Board reviewed. After extended discussion, a motion was made and seconded to provide the following statement to the Kansas Legislature and its associated committees:

2018 S.B. 312 addresses many of the past concerns the Board has expressed with dental therapy legislation because it protects the health and safety of the public by specifying dental therapists only perform irreversible dental procedures under the direct supervision of a licensed Kansas dentist.

The motion passed 5 – 3. Drs. Herzog, Zeller, and Thomas opposed the motion. All other members supported the approved motion.

Following the motion, the Board recognized Ken Dillehay, D.D.S. Dr. Dillehay is a Trustee of the American Academy of Orthodontics (AAO). The AAO has inquired into whether the Board considers the use of scanning devices by nonlicensed personnel who are not working

under the direct supervision of a dentist to be the practice of dentistry. After a general discussion, the Board assigned a subcommittee consisting of Dr. Herzog and Jackie Leakey, R.D.H., to study the scenario in other states and report back to the Board at an undetermined date.

J. President's Report: Dr. Thomas.

Dr. Thomas, whose term is expiring in 2018, thanked the Board for the opportunity to serve as its President for one year. The Board applauded Dr. Thomas' leadership in the dental community.

**K. 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 October 25, 2017, to January 8, 2018.

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; and (2) dentists do not always timely report a change of address location within the 30-day notification requirement.

L. Executive Report: Lane Hemsley.

1. Budget. An update was provided on 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 October 26, 2017, to December 31, 2017.

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

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

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

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

N. New Business / Adjournment.

1. Proposed Amendments to Regulations.

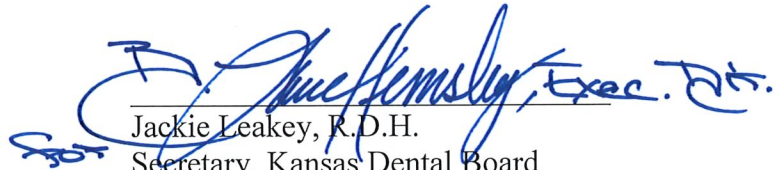
a. K.A.R. 71-2-3. After discussion with Attorney Randy Forbes regarding the Attorney General's review of the proposed amendment, the Board agreed to revoke this regulation.

b. **K.A.R. 71-5-11.** After discussion with Attorney Randy Forbes regarding the Attorney General's review of the proposed amendment, the Board agreed to remove the "grandfather clause" unless a dentist received equivalent training in another state.

c. **K.A.R. 71-5-12.** After discussion with Attorney Randy Forbes regarding the Attorney General's review of the proposed amendment, the Board agreed to remove the "grandfather clause" unless a dentist received equivalent training in another state.

Adjournment: It was moved and seconded to adjourn at 12:45 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:


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

1/26/2018
Date