

**KANSAS DENTAL BOARD MEETING MINUTES
FRIDAY, NOVEMBER 17, 2023, 9:00 A.M.
LANDON STATE OFFICE BUILDING, 5th FLOOR
900 SW JACKSON, ROOM 509
TOPEKA, KS 66612**

A. Call to Order / Approval of the Agenda.

Call to Order: Mark Herzog, D.D.S., President, called the Board meeting to order at 9:00 a.m.

Members Present at Call to Order: Mark Herzog, D.D.S., President; Jill Ellner, D.D.S., Vice-President; Rachael Wiebe, R.D.H., Secretary; Rita Burnett, D.D.S.; Maya Nunley, D.D.S. (virtually); Lacey Randa, D.D.S.; Jonas Lichty, D.D.S.; Davette McCoy, R.D.H. (virtually); and Kevin Waite, Public Member (virtually).

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: Kevin Robertson, Executive Director, Kansas Dental Association; Sheli Cobler, CRDTS; and virtual appearances by various members of the public.

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

B. Minutes of August 18, 2023.

It was moved and seconded to approve the minutes of August 18, 2023. The motion passed unanimously.

C. Dental Licensing Compact Discussion.

1. H.B. 2453: Dentist and Dental Hygienist Compact for Interstate Practice.

The Board reviewed a general summary and background of H.B. 2453, which is the Council of State Governments' (CSG) version of the Dentist and Dental Hygienist Compact for Interstate Practice. Mike O'Neil, who represents the American Dental Support Organization (ADSO), plans to advance the bill during the 2024 legislative session through the House Health

and Human Services Committee. ADSO supports alternative licensing methodologies and has been working with the KDA and KDHA on the bill, which already had an informational hearing during the 2023 legislative session.

2. Council of State Governments (CSG): Commentary.

The Board welcomed Daniel Lodgson and Jessica Thomas to present the CSG compact. In addition to working with the U.S. Department of Justice on the proposed compact, three states (Iowa, Tennessee, and Washington) have already enacted the compact. In 2019, the CSG assembled various stakeholders, such as the American Dental Association and American Dental Hygiene Association, to convene a national dental conference. After four years of development and a public comment period that received over 400 written comments, the proposed compact was finalized to consensus form in 2023. The compact creates a practice “privilege” and is intended to apply only to a state license, not a sedation permit or any other state board certifications. Several terms and provisions of the compact were then discussed at length.

3. American Association of Dental Boards (AADB): Commentary.

The Board welcomed Dr. Art Jee to present the AADB compact. The original intent of a licensing compact was to expedite licensing for military members and spouses. The AADB concept is to rely primarily on the medical interstate licensure compact model whereby a state license is required to practice dentistry or dental hygiene. Under the CSG compact, only a practice “privilege” is required to practice either profession. With the AADB compact, however, expedited licensing would occur with full licensing status in each state. The AADB developed its own proposed compact as a result of licensing, discipline, and fee-based concerns with the CSG compact.

4. CRDTS News Bulletin on CSG and AADB Compacts.

The Board received and reviewed summary information from CRDTS regarding both the CSG and AADB compacts. CRDTS does not have a vested financial interest in the development or adoption of either compact.

At the conclusion of all presentations, the Board discussed the strengths and weaknesses of each compact, but took no formal action. Instead, the Board intentionally deferred to the Kansas Legislature regarding the proper approach on the competing compacts.

D. CARE Program Presentation: CRDTS.

The Board welcomed Sheli Cobler, Executive Director, of CRDTS to discuss the new CARE Program and the CRDTS simulated patient examination. CARE, which stands for Calibrate, Administrate, Remediate, and Educate, is an applicant and licensee assistance program that was developed with subject matter experts, dental and dental school faculty members, and CRDTS examiners. It is intended to assist applicants and licensees, state boards, faculty, and students with individual reeducation, dental school pre-admission hand skill assessment, ethics, continuing education, clinical technique practice, and board-ordered remediation.

With testing sites in Topeka, Kansas, Decatur, Alabama, and Hastings, Nebraska, the CARE Program provides a pre-assessment evaluation, professional ethics courses, continuing education that is customized in collaboration with state board input, structured in-person clinical technique and remote practice sessions, and a post-assessment evaluation for each participant. The facility in Topeka, Kansas, is opened once each month, but participants may customize scheduling on an individual basis. Although there is a general fee scale, each participant is also assessed costs based on the outcome of the pre-assessment evaluation. All costs are specifically tailored to each licensee in need of assistance or remediation. In order to further its goals for both the CARE Program and future clinical exams, CRDTS has deployed and incorporated numerous technological training tools, including, but not limited to, a manikin / simulated patient exams, SIMtoCARE Virtual Haptic Simulator, and Acidental Teo Dental Trainer.

If the Board needs to order remediation for a future licensee subject to disciplinary action in accordance with K.S.A. 65-1436, the Board intends to use the CARE Program. Likewise, the Board will continue to rely heavily on CRDTS as one of its trusted regional testing agencies for recent dental and dental hygiene graduates.

E. ECP III Discussion: Davette McCoy, R.D.H.

Davette McCoy, R.D.H., inquired into whether a licensed Kansas dental hygienist who holds an ECP III and works at a Federally Qualified Healthcare Center (FQHC) can administer a local anesthetic while working under the general supervision of a licensed Kansas dentist. According to K.S.A. 65-1456(h)(4)(I), an ECP III can use a “local anesthetic, including topical, infiltration and block anesthesia, when appropriate to assist with procedures *where medical services are available* in a nursing home, health clinic or any other settings if the dental hygienist has completed a course on local anesthesia and nitrous oxide.” (Emphasis added.) The Board engaged in an extensive discussion regarding what constitutes “medical services” at an FQHC. It was moved and seconded to allow an ECP III to administer a local anesthetic under the general supervision of a licensed Kansas dentist only if the “medical services” available at the FQHC includes a Registered Nurse (R.N.) who is on-site at the FQHC or any person on-site at the FQHC who holds a higher licensing status than an R.N. through the Kansas Board of Nursing or the Kansas State Board of Healing Arts. The motion passed unanimously.

F. Silver Diamine Fluoride Discussion: Rachael Wiebe, R.D.H.

Rachel Wiebe, R.D.H., reported that Wichita State University (WSU) has developed a committee to determine whether it should teach silver diamine fluoride (SDF) and, if so, to what extent. After extended discussion, the Board concluded the following:

1. SDF applications can be placed by any licensed Kansas dental hygienist only while working under the direct supervision of a licensed Kansas dentist.
2. SDF applications can be placed by any licensed Kansas dental hygienist who holds an ECP III while working under the general supervision of a licensed Kansas dentist in accordance with K.S.A. 65-1435(h)(4)(F) – (G) and (K).

G. Stipulation and Consent Orders.

1. Eric Larson, D.D.S. (Case No. 23-29). Attorney Brenda Head 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. Michael Jacobsen, D.D.S. (Case No. 23-31). Attorney Brenda Head 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.

3. Thomas Kriss, D.D.S. (Case No. 23-55). Attorney Brenda Head 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.

4. Marlin Flanagan, D.D.S. (Case No. 23-56). Attorney Brenda Head 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.

5. Trent Smith, D.D.S. (Case No. 23-54). Attorney Brenda Head 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.

6. Ann Fay, D.D.S. (Case No. 23-28). Attorney Brenda Head 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.

7. Daniel Minnis, D.D.S. (Case No. 23-60). Attorney Brenda Head 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 Kevin Robertson, Executive Director, Kansas Dental Association (KDA). Mr. Robertson reported that the Kansas Mission of Mercy (KMOM) is scheduled for January 12 – 13, 2024, in Salina, and the Midwest Dental Conference is April 12, 2024, in Kansas City. Further, the KDA supports the CSG Compact, not the AADB Compact.

I. President’s Report: Dr. Herzog.

Dr. Herzog reminded the Board that his second and final term as a Board member was nearing the end because he expected the January 2024 Board meeting to be his last. Consequently, other Board members were encouraged to seek election to the officer positions and to consider serving on the Investigative Committee.

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

Lane Hemsley, Executive Director, presented the status of the Investigative Committee cases from January 4, 2023, to October 23, 2023.

K. Executive Report: Lane Hemsley.

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

2. Licensee and Specialty Licensee Report. License and specialty license reports were provided for July 28, 2023, to October 25, 2023.

L. New Business / Adjournment.

It was moved and seconded to adjourn at 1:15 p.m. The motion passed. The meeting was adjourned.

APPROVED BY:

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

January 12, 2024
Date