

**KENTUCKY BOARD OF DENTISTRY**  
**BOARD MEETING**  
September 10, 2011

Adam K. Rich, D.M.D. called the meeting to order at 9:04 a.m. There was a determination of a quorum.

**ROLL CALL**

Board members present were: Dr. Fonda Robinson (ex-officio UKCD); Julie McKee, D.M.D.(ex-officio Dept. Public Health); Dr. Katherine King; Dr. C. Mark Fort; Mary Ann Burch RDH; Dr. Adam Rich; Allan Francis; Tim Daugherty, D.M.D. ex-officio ULSD); Dr. Susan King (arrived a few minutes after meeting started); and Dr. Robert Zena. William Boggess, D.M.D. attended via SKYPE. Staff present were Mr. Bishop K. Bishop, Executive Director; Ryan Halloran, Office of Attorney General representing the Board today as Counsel, Marquetta Poynter, D.M.D. and Lisa A. Turner, Executive Staff Advisor.

Guests present:

Mike Porter, KDA

Donna Ruley, R.D.H., Executive Director KyDHA

Brian Fingerson, WBC and Interns: Dawn and Aaron

Dr. Henry Hood

Matthew Holder, MD, MBA

Steven Collins, Attorney

Marcell Smith, Attorney

David Beyer, Attorney

Paul Mullins, Attorney

**Mr. Francis led the Board and guests in a moment of silence and prayer in remembrance of the 9/11 tragedy.**

**APPROVAL OF MINUTES**

Dr. Fort made a motion to accept the July 9, 2011 Meeting minutes. Dr. Katherine King seconded the motion. All were in favor.

Dr. Fort made a motion to accept the August 13, 2011 Special Meeting minutes. Mr. Francis seconded the motion. All were in favor.

**DIRECTOR'S REPORT**

Dr. Fort made a motion to accept the budget report. Dr. Susan King seconded the motion. All were in favor.

Mr. Francis made a motion to grant Dr. Mark Hernandez' request for CE waiver in order to compliant with the state statute requiring the same for active military who hold Kentucky licenses. Mary Ann Burch seconded the motion. All were in favor.

Mr. Bishop discussed the dates and presentations for the proposed Town Hall Meetings. Mr. Bishop then discussed Board training retreat details.

#### **EXECUTIVE BRANCH ETHICS TASK FORCE**

Removed from this agenda and future agendas.

#### **SEDATION TASK FORCE**

***Chair: Dr. Susan King, Dr. Vance and all KDA Sedation Task Force Members***

Report was given by Committee Chair.

Mary Ann Burch made motion to approve dental hygienists who are certified to administer local anesthesia may administer reversal drugs (oraverse). Dr. Fort seconded the motion. All were in favor.

Ms. Burch made a motion to approve the three sedation inspection lists submitted by the sedation committee. Dr. Kathy King seconded the motion. All were in favor.

Ms. Burch made a motion to approve the sedation courses submitted to the committee for purposes of granting a permit to the DOCS Minimal Pediatric course, the Miami Valley Hospital and the UKCD Moderate Parenteral courses. Dr. Fort seconded the motion. All were in favor.

Dr. Fort made a motion to grandfather moderate enteral sedation permit holders by accepting a total of 24 credit hours even if hours are piecemeal and may include both sedation and medical emergency classes. Dr. Kathy King seconded the motion. all were in favor.

#### **JURISPRUDENCE EXAMINATION REWRITE COMMITTEE**

***Chair: Dr. Kathy King***

Dr. Kathy King agreed to prepare a draft of a new jurisprudence exam.

#### **EDUCATION COMMITTEE**

***Dr. Susan King, Dr. Robert Zena, Dr. Fonda Robinson, Dr. Tim Daughtery and Mary Ann Burch RDH***

Mary Ann Burch presented the Education Committee report:

- the committee continues to review routine submissions against guidelines;
- the committee requested the excel spreadsheet of approved courses be posted on website (*Ms. Turner indicated the list has been posted already*);
- requests that the board take a proactive stance to include a user-friendly newsletter and email blasts (using lists from KDA, AGD, etc.) to educate dentists about dental assistant registration for this renewal cycle, specifically how to properly document the (radiography) training of dental assistants who have been working for many years: Mr. Bishop suggested that the dentist

employer evidence the same by affidavit in the personnel file; Mr. Bishop suggested using the talking points from the regulation that are highlighted in the Town Hall Meetings

- also the problem with registration of dental assistants who are employed by the two dental schools; Mr. Bishop discussed the legal pathway of criminal and civil prosecution for noncompliance against the university entity and or a corporation when it applies
- the Committee reported that the request from the AGD to approve their courses for the general continuing education requirement be responded to with correspondence respectfully explaining the Board's statute and regulations don't allow for general C.E. course approvals.

### **BOARD RULES COMMITTEE**

*Chair: Dr. Rich, Dr. Susan King, Dr. Katherine King, Dr. Julie McKee, and Dr. Zena*

Report from Committee Chair Dr. Rich has proposed document for discussion by the Board training retreat.

### **LAW ENFORCEMENT COMMITTEE**

*Chair: Dr. Katherine King, Dr. Susan King and Dr. Rich*

No committee report because no general counsel last month.

### **Old Business**

#### **Regulations Update**

Mr. Bishop reported that all regulations are in effect with no are pending.

Mr. Francis made a motion that Board members whose terms have expired shall continue to serve as Board members until the replacements have been appointed by the Governor. Dr. Zena seconded the motion. All were in favor.

Ms. Burch renewed her motion to hold board members from contacting legis/exec branches. Mr. Francis seconded the motion. Ms. Burch withdrew the motion after discussion.

Dr. Robert Zena and Dr. Adam Rich discussed Zones for Board Seats.

### **New Business**

Dr. Zena made a motion to allow the KDA to issue CE credit for attendance at their meeting...Dr. King seconded the motion. All were in favor.

Dr. Henry Hood and Dr. Holder gave a detailed presentation to the Board explaining their program and requesting approval for participants to practice under the licenses of Drs. Hood and Holder in the mini-residency program; student limited license status for Fellows at their program and approval of the mini-residency for purposes of continuing education credit.

Dr. Fort made a motion to grant approval and extend every courtesy to the Underwood and Lee Clinic to conduct the International Mini-Residency CE programs and the International Fellowship

Program with or without a formal University affiliation. Dr. Zena seconded the motion. All were in favor. The first two formal requests were approved by definition by granting the third request.

Dr. Kathy King made a motion to nominate Mary Ann Burch as the Kentucky Hygienist representative for SRTA. Dr. Fort seconded the motion. All were in favor.

The Board ADEX representatives from Kentucky are:  
Examination Representative-Dr. Zena; Consumer Representative-Allan Francis; House Representative-Dr. Kathy King; and Dental Hygienist Representative-Mary Ann Burch.

The waiver of general supervision renewal fee for public health programs was moot because there is no renewal fee for general supervision.

Dr. Fort made a motion to go into closed session under KRS 61.810 (1)f to discuss appointment. Dr. Zena seconded the motion. All were in favor.

Ms. Burch made a motion to come out of closed session. All were in favor.

Dr. Zena made a motion to hire David Beyer as General Counsel subject to agreement on salary. Dr. Fort seconded the motion. All were in favor.

Dr. Fort made a motion to go into closed session under KRS 61.810 (1)f to discuss appointment. Mr. Francis seconded the motion. All were in favor.

Dr. Fort made a motion to come out of closed session. Ms. Burch seconded the motion. All were in favor.

Dr. Zena made a motion that if Mr. Beyer declines to accept our offer, to hire Steven Collins and authorize Dr. Zena to negotiate the salary up to \$70,000. Dr. Kathy King seconded the motion. All were in favor.

Mr. Francis made a motion to go into closed session under KRS 61.810 (1)c to discuss potential litigation. Ms. Burch seconded the motion. All were in favor.

Dr. Fort made a motion to come out of closed session. Mr. Francis seconded the motion. All were in favor.

Dr. Fort made a motion to adjourn at 2:45 p.m. Dr. Zena seconded the motion. All were in favor.

APPROVED:

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Adam K. Rich, D.M.D.  
President

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Mary Ann Burch, R.D.H.  
Vice President