

## Kentucky Board of Dentistry

312 Whittington Pkwy, Ste. 101  
Louisville, KY 40222

### - MINUTES OF MEETING -

Sept. 12, 2020

A regular meeting of the Kentucky Board of Dentistry was called to order at 9:00 a.m. by the Board's President, Dr. Geoffrey Ball. A quorum was present.

#### ROLL CALL

**Members Present:**; Chris Mattingly, DMD; Donna Ruley, RDH; Geoffrey Ball, DMD; Lisa Johnston, RDH; Mariam Fallahzadeh, DMD; Frank Kinnaird; Andrew Farmer, DMD; Teresa Boyd, DMD; and William Collins, DMD

**Members Absent:** Brad Fulkerson, DMD

**Ex-Officio Members Present:** Stephanie Riehn RDH, Ed.D (BCTC); Julie McKee, DMD (Dept. for Public Health); Deborah Ray, DMD (University of Kentucky); and Tim Daugherty (University of Louisville)

**Staff Present:** Jeff Allen

**Also Present:** Jerry Caudill, DMD (Avesis); Peter Rosene (KBD Legal Counsel); Darren Greenwell, DMD (KDA); Lynn Phillips (KYDHA); Mark Moats, DMD (KDA); Beth Nicely (KYDHA); Richard Whitehouse (KDA)

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#### SWEARING IN OF NEW BOARD MEMBER

Dr. Ball introduced Mr. Kinnaird as Gov. Beshear's appointee to fill the Board's vacant seat and Dr. Riehn as the new representative for the state's hygiene programs. Both were sworn in as new members.

#### APPROVAL OF MINUTES

Mr. Allen presented the draft minutes of the July 11, 2020 meeting for approval. Dr. Keaton noted that her name was listed twice in the roll call and asked that it be changed.

*Motion: Approve the minutes the 07-11-2020 meeting as amended. Motion introduced by Chris Mattingly; seconded by Donna Ruley. All were in favor; motion approved.*

#### COMMITTEE REPORTS

**Law Enforcement Committee:** Serving on the committee are Brad Fulkerson, Geoffrey Ball, and Chris Mattingly. Dr. Ball reported that at its Sept. 11 meeting, the committee reviewed 13

complaint cases, five of which were dismissed, four were deferred for further investigation, three were issued private admonishments, and one CDC inspection was ordered. Four NPDB flags were reviewed, three of which were approved and one deferred for further investigation. Two remediation issues were also concluded.

**Vaccine Committee:** Serving on the committee are Teresa Boyd, Geoffrey Ball, Bill Collins, Chris Mattingly, and Julie McKee. Dr. McKee reported she was drafting a white paper about vaccine administration in the dental profession. If the Board decides to pursue scope of practice approval for vaccines, potential strategies discussed included an advisory opinion, administrative regulation or statutory change. The committee will reach out to select lawmakers to gauge interest in legislative options.

**TeleDentistry Committee:** Serving on the committee are Robert Zena, Chris Mattingly, Julie McKee, and Donna Ruley. Dr. Mattingly reported that Mr. Allen appeared before the Joint Health, Welfare and Family Services Committee to discuss 201 KAR 8:590. The committee approved the proposed regulation and it is now in effect.

**Sedation and Anesthesia Committee:** Serving on the committee are Geoffrey Ball, Louis Beto and Brad Fulkerson. Dr. Ball reported that Mr. Allen also appeared before the Joint Health, Welfare and Family Services Committee to discuss 201 KAR 8:550. The committee approved the revised regulation and it is now in effect.

**Fee & Fines Committee:** Serving on the committee are Geoffrey Ball, William Collins, Mariam Fallahzadeh, Brad Fulkerson, and Donna Ruley. Dr. Ball reported that the committee met recently to review the original draft revision and identify key issues to consider within Licensure for Dentists (201 KAR 8:532) and Licensure Hygienists (201 KAR 8:562), both of which will be revised in conjunction with Fees & Fines regulation.

#### **COVID-19 REPORTS:**

**Task Force Update:** Dr. McKee noted that the task force has met sparingly since issuing its guidelines for dentistry as part of the Healthy at Work Initiative. She also announced there are still no confirmed cases of COVID-19 passing from dental staff to patients.

**KBD Update:** Mr. Allen reported that all provisional licenses are set to expire on Sept. 25. However, of the 56 provisional dentist licenses issued, all have been converted to a full license. Of the 83 provisional hygiene licenses issued, 65 have been converted, with the remaining licenses belonging to Bluegrass Community and Technical College students, who are taking the practical exam today. Overall, non-patient based exams seem to have been effective, with both the University of Louisville and University of Kentucky expressing support based on their experiences.

Lynn Phillips with the Kentucky Dental Hygienists Association presented a proposed temporary revision to the general supervision rule in 201 KAR 8:562 based on a perceived shortage of hygienists during the ongoing pandemic. Representatives from the Kentucky Dental Association explained their opposition to the proposal.

*Motion: Under the authority of Executive Orders 2020-243 and 2020-257, temporarily modify 201 KAR 8:562, Section 12(5), to require that an oral examination by a supervising dentist must have been performed within nine months preceding treatment by the dental hygienist, instead of the original seven months. Motion introduced by Susi Fallahzadeh; seconded by Donna Ruley. Motion approved with one abstention.*

## **EXECUTIVE DIRECTOR'S REPORT**

**Financial Report:** Mr. Allen reported current revenues of \$56,965 against \$151,124 in expenses, noting that a deficit is to be expected this time of year as license renewal fees will not begin to be collected until mid-October. Cash on hand is \$1.44 million.

**Personal Service Contracts:** Contracts for legal services and the Well-Being committee have been renewed for a 2-year cycle and are now in effect. Mr. Allen reported that two candidates are interested performing investigative services for the Board but will have to go through the state's procurement process for bidding on personal service contracts in order to submit a proposal.

**Other:** Mr. Allen announced that a new law requiring e-prescribing for controlled substances will take effect Jan. 1 and that the Board will work on communicating this to licensees.

Mr. Allen also reported that he continues to receive complaints about the online CE record tool and suggested looking at other vendors. Dr. Ball indicated he would have a committee meet to look at options.

Dr. Ball announced that at a future meeting, he would like the Board to consider waiving registration fees for dental labs that only perform charitable work in Kentucky.

## **ADJOURNMENT**

*Motion: Move to adjourn. Motion introduced by Donna Ruley; seconded by Chris Mattingly; All were in favor; motion approved.*

The meeting adjourned at 10:20 a.m.