

Kentucky Board of Dentistry

Minutes of Board Meeting

November 18th, 2017

The meeting was called to order at 9:00 a.m.

Roll Call-Crystal Holloway

Members Present: Robert Zena DMD, Lucas Bowen DMD, Tonia Socha-Mower RDH, Yvonne Bach, Bradley Fulkerson DMD, Louis Beto DMD, Jason Ford DMD, Mary Ann Burch RDH

Ex-Officio Members Present: Tim Daugherty DMD (University of Louisville), Deborah Ray DMD (University of Kentucky), Julie McKee, DMD (Department for Public Health) and Mary Jones, RDH (Bluegrass Community & Technical College)

Also Present: Larry Brown, Interim Executive Director, Crystal Holloway, KBD Staff, Legal Counsel Cindy Effinger, Todd Edwards of KDA and Dr. Jerry Caudill of Avesis

The minutes of the September meeting were reviewed and approved with amendments. A motion was made by Jason Ford DMD to approve the minutes with amendments. Robert Zena DMD seconded the motion. All were in favor and the minutes were approved.

CHAIR REPORT- Dr. Bradley Fulkerson

Dr. Fulkerson reported that each member of the Board received a Smile Direct Club letter in response to the informational letter sent to them. The Board has decided to take no additional action as the letter was sent to the Smile Direct Club was to be more informational. Mr. Larry Brown stated that 36 states have notified by association requesting each state take action against the Smile Direct Club for practicing in their respective states. There have been no complaints from Kentucky patients regarding the Smile Direct Club. A complaint is required to open an investigation.

Dr. Fulkerson reported that all sub-committees have met and will give a report later in the meeting.

Executive Director Report-Larry Brown

Mr. Larry Brown stated that he had received a request for continuing education exemption/hardship from a dentist that is 97 years old and is going to be 15 hours short on his CE's and only performs Phase 1 dentistry. Deborah Ray stated that it is important not to set a precedent by giving a hardship waiver.

After discussion by the full board, it was recommended that Mr. Brown contact the dentist and explain the different ways to obtain the 15 hours of continuing education required.

Office of Drug Policy Letter

Mr. Brown stated that all answers have been submitted to the Office of Drug Policy as requested. Dr. Ford stated we are in compliance with everything. Dr. Ford attended the Frankfort meeting with Representative Addia Wuchner and Rick Whitehouse with the Kentucky Dental Association on the effect opioids have on the brain of adolescent children. Dr. Ford reported that the recommendation was to give a 2 day supply of medication instead of 3 days with no controlled substance to children under age 18. Dr. Ford stated that they want to reduce the amount of narcotics prescribed. Jerry Caudill stated that eight percent of opioids are prescribed by dentist with 50% being oral surgeons. Dr. Robert Zena stated that since KASPER was enforced there has been a reduction of opioids being prescribed. Mr. Larry Brown stated that Dave Hopkins who is with KASPER reported that there are changes coming probably in the first quarter of next year using a report card to see where your prescribing falls with other dentist prescribing. Dr. Louis Beto stated that he has experienced a problem with KASPER returning his phone calls. Mr. Brown suggested that Stephanie Hold, Director of Audits & Investigations in the Office of Inspector General and Jill Lee RPh, in the Drug Enforcement and Professional Practices Branch of The Office of Inspector General come to a Kentucky Board of Dentistry meeting in regards to KASPER and their procedures.

Refresher Courses for Hygienist

Motion made by Mary Ann Burch RDH to approve the Re-Entry continuing education courses at Ohio State University Dental Hygiene Program, Georgia Regents University College of Allied Health Science and Division of Continuing Education in Augusta GA and East Tennessee State Dental Hygiene Program in Memphis. The motion was seconded by Tonia Socha-Mower RDH.

Amended Motion by Louis Beto DMD to approve refresher course for dental hygienist at East Tennessee State, Memphis Tennessee and Ohio State University and other programs as approved by the Kentucky Board of Dentistry. This was seconded by Mary Ann Burch RDH. All were in favor of the amended motion.

Dental Assistants

Mr. Brown received a letter from Dr. Rachael Davis regarding non-registered dental assistants. Dr. Bowen stated that Dr. Davis would have been sued and that a change in registration of dental assistants has nothing to do with her case. Mr. Brown thinks going forward we should not require registration of dental assistants. Registration of dental assistants isn't accurate since a dentist can only change/update during renewal periods. Dr. Zena doesn't think we should register them and we need to figure out a way to change these requirements or remove them. The University of Kentucky College Of Dentistry doesn't register dental assistants and the University of Louisville School Of Dentistry registers them all. Cindy Effinger suggested that the two universities need to ask legal counsel at the schools what needs to be done.

Legal Opinions

Cindy Effinger, legal counsel of the Board states that the Kentucky Board of Dentistry should not give legal opinions. Even board members should not give expert opinions if they get personal phone calls.

Committee Chair Reports

Mr. Brown wants to make sure that the Kentucky Board of Dentistry wants to move forward with making these changes to the statutes and regulations, although they will have to be approved by LRC. “You want to be able to say that you have met and discussed these changes before meeting with the LRC”.

Tele Dentistry Regulations: Serving on the committees are: Dr. Robert Zena, Dr. Julie McKee, Tonia Socha-Mower, RDH, Dr. William Rich and Dr. Jerry Caudill. Dr. Zena stated that his committee met and that they decided to try to streamline and make regulations simple and concise. He stated that they can modify as technology progresses.

Anesthesia and Sedation Committee: Serving on the committees are: Dr. Lucas Bowen, Dr. Adam Rich and Dr. Louis Beto. Dr. Rich stated that the Anesthesia/Sedation committee has met 4 or 5 times to go over the regulatory format. They have begun the revision process and will revise once more then move forward to the public. The current regulations were behind on standard of care, they are trying to simplify it to the level of sedation needed during treatment.

Prescribing Committee Regulations: Serving on the committees are: Dr. Jason Ford, Yvonne Bach, Mary Ann Burch, RDH and other interested parties such as Rick Whitehouse (KDA). Dr. Ford states that requirements due to House Bill 333 were included in the committee recommendations and that everything else is in line. There are going to be some verbiage changes and that there was some miswritten language that needs changing. A rough draft of the edited regulations has been given to Mr. Brown.

Statutes and Regulations: Serving on the committees are: Dr. Brad Fulkerson, Mary Ann Burch, RDH, Dr. Robert Zena and Tonia Socha-Mower RDH. Dr. Fulkerson stated that the Dental Assistant regulation need to be changed. Mr. Brown stated that the KBD will need legislature help to change statutes, and requested that anyone with legislature contacts please give him names because they must have a sponsor for the bill. Mr. Brown stated that he will contact Gail Russell at Public Protection Cabinet to see if they can help us. The committee will look at what needs to be changed and then bring it to the full board.

New Business

Mr. Brown stated that if a dentist wants to test for diabetes they can and will be reimbursed starting in January. The procedure has an official billing code, but not every dental insurer is going to pay for this. Avesis and one of their Managed Care Organizations will be doing a limited pilot program and will reimburse this code to measure outcomes of the program. Dr. Jerry Caudill stated that the ADA Code will be effective January 1, 2018. Louis Beto DMD asked what needs to be done if the blood sugar level is elevated. Dr. Caudill stated that you contact the primary physician and let them know. This is a pilot project to find undiagnosed diabetes. Mr. Brown stated that the board is not taking a position on the matter.

A motion with a second and recorded vote to go into closed session according to **Executive Session under KRS 61-810 (f)** regarding discussion or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student without restricting that employee’s, member’s or student’s right to a public hearing if requested.

A motion was made to return to open session, seconded and recorded vote

A motion was made by Jason Ford DMD that Mr. Larry Brown be appointed Executive Director of The Kentucky Board of Dentistry effective 11/19/17. The motion was seconded by Adam Rich DMD. All were in favor.

Brad Fulkerson DMD made motion to adjourn. Robert Zena DMD seconded the motion. All were in favor.

The meeting adjourned at 11:56am