

# Kentucky Board of Dentistry

## Minutes of Board Meeting

September 9<sup>th</sup>, 2017

The meeting 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 of Public Health) and Mary Jones, RDH (Bluegrass Community & Technical College)

Also Present: Larry Brown, Interim Executive Director, Crystal Holloway, KBD Staff, Legal Counsel Clare Souleyrette and David Trimble

Members absent: Adam Rich DMD

Quorum Present

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The minutes of the July meeting were reviewed and approved with amendments. Motion made by Brad Fulkerson DMD to approve the minutes with amendments. Jason Ford DMD seconded the motion. All were in favor.

### **CHAIR REPORT- Dr. Bradley Fulkerson**

Dr. Fulkerson reported that the LEC committee would keep its current committee of Brad Fulkerson DMD, Jason Ford DMD and Robert Zena DMD.

Larry Brown advised that the Formal Request for Advisory Opinion that was received not be issued. He advised sending a letter to the individual stating that the Board wouldn't issue an Advisory Opinion based on the fact that there will be regulatory changes and the Board doesn't want to contradict the advisory if changes are made to the regulations. (See Attached Letter) Jason Ford DMD made a motion that The Board of Dentistry not give an Advisory Opinion due to regulatory changes coming. Lucas Bowen DMD seconded the motion. All were in favor.

Larry reported that we received a letter from Dr. Henry Hood from Lee Specialty Clinic about the residency program that is affiliated with a New York University. They are trying to become an independent program. Dr. Hood wants to know if The Board would write a letter in support of Lee Specialty becoming an independent Program. Deborah Ray DMD states that she thinks that Lee Specialty Clinic would have to be attached to a University. Robert Zena DMD does not think we as The Board should get involved at all. Larry stated that he wanted to put the universities on notice, but believes that we should send a letter stating that we would stay neutral. (See Attached Letter)

### **Executive Director Report-Larry Brown**

Larry Brown reports that the two hygienists taking refresher courses have completed them. One at Ohio State University and the other at East Tennessee-Memphis University. The refresher courses are based on how many years of not actively practicing. Then they decide what courses and how many hours are needed for the refresher courses. It is different for each individual. Once they have completed the refresher courses they send The Board of Dentistry a letter stating the individual has successfully completed the refresher course clinically and academically. As of right now, they have two options The Ohio State University and East Tennessee-Memphis University for the refresher courses.

Larry wanted to inform the Board that the LEC has a new tracking system for complaints and to let them know it is working. As of right now, Uconda is tracking the complaints via Excel spreadsheet, but Larry would like there to be a trigger in the back office to kick back and let us know that a settlement agreement or other information is due.

### **Regulatory Reform Committees-Larry Brown**

Larry states that it is time to form some committees, he acknowledged that there were committees before but nothing has been going on with those committees for years. The Anesthesia and Sedation committee is already formed and have had meetings. Dr. Bowen stated that regulations for the Anesthesia committee were sent to Larry to format and revise, they will revise again and bring to the board. Dr. Ford suggest that the most efficient way to clean-up regulations is to have the committees have experts from the field and then come back and discuss. Larry stated that he would speak with Gail Russell to help with statutes, The House or Senate can make changes to statutes. Jason Ford DMD made motion to approve sub-committee for statue and regulatory changes to be made. Motion seconded by Yvonne Bach. All were in favor.

Committees Formed: Tele Dentistry, Anesthesia and Sedation, Prescribing, and Statutes and Regulations.

**Tele Dentistry committee:** Dr. Robert Zena, Dr. Julie McKee, Tonia Socha-Mower, RDH, Dr. William Rich and Dr. Jerry Caudill.

**Anesthesia and Sedation Committee:** Dr. Lucas Bowen, Dr. Adam Rich and Dr. Louis Beto

**Prescribing Committee:** Dr. Jason Ford, Yvonne Bach, Mary Ann Burch, RDH and other interested parties such as Rick Whitehouse (KDA)

**Statutes and Regulations:** Dr. Brad Fulkerson, Mary Ann Burch, RDH, Dr. Robert Zena and Tonia Socha-Mower, RDH

### **KSP Backgrounds-Larry Brown**

The Kentucky State Police (KSP) is running backgrounds and fingerprints for the Kentucky Board of Dentistry. There is no statue with KSP, we need to get it in the statutes because they could stop running them any time. Dr. Daughterty wants to know when he should tell his students to start background and fingerprinting checks as he originally told them March. Larry stated to tell them to start the process in January.

### **Mobile Dentistry**

Dr. Zena stated that the KBD has no jurisdiction over the Dental Service Organizations (DSO's) such as Aspen Dental, Mortensen's, etc. and no one has control of mobile dentistry. Dr. Bowen stated that corporations run the mobile clinics. David Trimble on Mobile Dentistry: 46 states prohibit corporate dentistry. Statutes in Kentucky allows corporate practice as long as you have a licensed dentist, cases don't override statute. Dr. Zena states that DSO's and corporate dentistry will overlap with Tele Dentistry and thinks the KBD should have some jurisdiction over them. Larry asked can we get statutes altered with corporate dentistry. LEC complaints come in from DSO & corporate dentistry and only the licensed dentist are reprimanded. The Smile Club doesn't fall under our jurisdiction. They do business in 49 of 50 states. Send a letter stating that we received a complaint, ask them how much business they do in KY, ask about other issues and complaints in KY. David Trimble legal counsel states that the Better Business Bureau (BBB) has been looking at the Smile Club since 2004 but they have an A rating. Dr. Zena wanted to know if there was another avenue we can take since we don't have jurisdiction. Larry suggested sending it to the AG's office and referring to the Federal Trade Commission (FTC). Dr. Fulkerson recommended sending a letter to the Smile Club and to the AG's office.

### **Tele Dentistry-Special Guest Speakers- Dr. Jerry Caudill and Dr. William Rich**

Dr. Caudill suggested adding a proposal to statutes and let regulations implement. DMS and KBD need to work together on Tele Dentistry. The Tele Health committee left out dentistry completely. Dr. McKee stated the Tele Health Board regulates all the Tele Health regulations, they meet quarterly. Jerry stated that California and Oregon have already began using Tele Dentistry. He states that 1/3 of the population is on Medicaid and that 50% of all children are on Medicaid. He stated that DMS and KBD need to work together to protect the public. Dr. Rich states that Dr. Paul Glassman with Pacific gives a good description on how he has used successful Tele Dentistry for preventive work, diagnosis, sealants and x-rays. There are some counties in KY that have zero and some that only have one dentist that takes Medicaid, people are not being treated. Dr. Ford asked what if they need drill and fill. Dr. Rich answered that that it can be done in a satellite clinic. The dx is done ahead of time. Dr. Ford also asked how you get treated right away if they are 3 or more hours away. Dr. Caudill answered that they are required to have a licensed dentist within 30 miles, a mobile clinic, or a contract with a local dentist who takes Medicaid. Dr. Rich stated that there are people out there that need critical dentistry. Dr. Lucas stated that Mobile Clinics harm access to care and think there are better ways to spend the money. Dr. McKee states that Tele Dentistry in Department of Health has a 92% success rate. Tonia stated that in the AADB meeting they suggested that the access to care ratio may be inflated. Dr. McKee said that treatment follows claim through Dept. of Medicaid and that 42% of the 50% of children could be preventive services or treatment plans.

### **ADA Upcoming CDT Code-D0411 HbA1c in-office point of servicing**

Avesis is doing a pilot project of undiagnosed diabetics. There will be finger stick kits for A1C Testing for dentist to use. Dental schools are already teaching students how to do it. Tabled to next meeting. Attorneys will look into it.

**Travel and Per Diem**

Jason Ford DMD made motion to continue to pay travel and Per Diem. Motion seconded by Tonia Socha-Mower. All were in favor

Robert Zena DMD made motion to adjourn. Jason Ford DMD seconded the motion. All were in favor.

Meeting Adjourned at 12:10pm.