

KENTUCKY BOARD OF DENTISTRY
BOARD MEETING
May 14, 2011

C. Mark Fort, D.M.D. called the meeting to order at 9:02 a.m. There was a determination of a quorum.

ROLL CALL

Board members present were: Dr. Fonda Robinson (ex-officio UKCD), Mary Ann Burch RDH Dr. Robert Zena, Dr. Katherine King, Dr. C. Mark Fort, Allan Francis, Dr. Adam Rich, Dr. Susan King, and Dr. Greg Vance. William Boggess, D.M.D., Tim Daugherty, D.M.D. from ULSD; and Julie McKee, D.M.D (ex-officio Public Health) were not in attendance.

Staff present were Mr. Bishop K. Bishop, Executive Director; William A. Bausch, General Counsel, Marquetta Poynter, D.M.D., Investigator; and Lisa A. Turner, Executive Staff Advisor.

APPROVAL OF MINUTES

Mr. Francis made a motion to accept the March 5, 2011 Meeting minutes. Dr. Susan King seconded the motion. All were in favor.

Mr. Francis made a motion to accept the March 29, 2011 Sedation Regulation Public Comments Meeting minutes. Dr. Susan King seconded the motion. Dr. Katherine King abstained; all others were in favor. Motion passed by majority.

DIRECTOR'S REPORT

Dr. Vance made a motion for the following guidelines to Mr. Bishop to address the request for a budget cut draft proposal:

First would be to cut the expense of printing and mailing the newsletter and to post newsletters to the website only; second would be to charge \$50 to licensees who request a paper renewal application; also proposal should include a discussion of the associated costs to enact regulations; then as a first line negotiation tool is the potential to increase fees and with the last line to be to reduce travel costs.

Mr. Francis seconded the motion. All were in favor.

Mr. Bishop announced the Board Election top six winners for dentist positions out of 416 votes were as follows:

Dr. William Collins 136
Dr. Jason E. Ford 132
Dr. Terry Brown 109
Dr. J.K. Hargan 108
Dr. Sid Brantley 78
Dr. Matt Gandolfo 77

The top three winners of the Board Election for the dental hygienist position out of 169 votes were as follows:

Mara Beth Womack 64

Rebecca Milliner 38

Linda Wilson 35

Dr. Zena made a motion for the purchase of iPads as a step in fulfillment of the technology initiative. Mr. Francis seconded the motion. Dr. Rich was opposed; all others were in favor. Motion passed by majority.

The Board approved a credit of \$239 for lodging for each Board Member for a total of four nights for the Las Vegas AADB 2011 Annual Meeting. The following Board Members requested approval to attend: Dr. Zena, Ms. Burch, Mr. Francis, Dr. Katherine King, Dr. Fort, Dr. Rich, Dr. Susan King, and Dr. Vance.

Mr. Francis made a motion to implement President Fort's appointment of an Advisory Opinions Task Force with Dr. Susan King as Chair with members to include Dr. Robinson. Ms. Burch seconded the motion. All were in favor.

Mr. Francis made a motion to re-appoint Dr. Greg Vance to serve on the SRTA Examination Committee. Dr. Susan King seconded the motion. All were in favor.

Mr. Francis made a motion to accept the Director's Report. Dr. Vance seconded the motion. All were in favor.

WELL BEING COMMITTEE

Brian Fingerson, R.Ph

Report from Brian Fingerson was given by William Bausch.

EXECUTIVE BRANCH ETHICS TASK FORCE

Chair: William Bausch; Dr. Katherine King; Mary Ann Burch; Dr. Zena; Dr. Rich; and Dr. Susan King.

Report from the Committee Chair was a request for more time to prepare.

Dr. Rich made a motion to send correspondence with signature of the Executive Director and the Board President, to former Board Members asking them to again participate in SRTA examinations by contacting Dr. Greg Vance. Dr. Katherine King seconded the motion. All were in favor.

LASER USE BY HYGIENIST TASK FORCE

Chair: Mary Ann Burch RDH; Dr. Susan King, Dr. Katherine King, Dr. Mark Thomas, Dr. Doug McCall, Donna Fogle RDH, Dr. Henry Greenwell, and Donna Ruley RDH.

Mr. Francis made a motion to accept the recommendation from the task force for

guidelines to approve a Laser Debridement course. Dr. Vance seconded the motion. Dr. Rich and Dr. Zena were opposed. Dr. Katherine King abstained. Motion carried by majority.

CREDENTIALING COMMITTEE

Mary Ann Burch RDH and Dr. Boggess

The Committee made a motion to approve the credentials application of Sherry Crawford RDH. Dr. Rich seconded the motion. All were in favor.

Mr. Francis made a motion to accept the Credentialing Committee Process Guidelines as revised. Dr. Vance seconded the motion. All were in favor.

SEDATION TASK FORCE

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

Report was given by Committee Chair.

The next meeting was set for May 25, 2011 at UKCD to review Airway Management course guidelines.

EDUCATION COMMITTEE

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

Dr. Vance made a motion to approve the Committee's radiography course guidelines. Mr. Francis seconded the motion. All were in favor.

Mary Ann Burch made a motion to approve the Committee's local anesthesia course guidelines and to accept candidates who are certified to administer local anesthesia by another state to be granted full reciprocity without review of the education. Dr. Susan King seconded the motion. All were in favor.

The name of the document incorporated by reference for applications for local anesthesia certification will be changed to include Local, Nitrous and Block.

Mary Ann Burch made a motion to approve the Committee's coronal polishing course guidelines. Dr. Vance seconded the motion. All were in favor.

Mary Ann Burch made a motion that each submission to the Education Committee that the Committee determines meets the guidelines is considered as approved by the full Board. Dr. Rich seconded the motion. All were in favor.

BOARD RULES COMMITTEE

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

Report from Committee Chair

LAW ENFORCEMENT COMMITTEE

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

Report from Committee Chair.

Mr. Francis made a motion to continue the discussion of Dr. Serdar Abadi's application for reinstatement until the July Board meeting. Mary Ann Burch seconded the motion. All were in favor.

Mary Ann Burch made a motion to go into closed session under KRS 61.810(1) c and j. Dr. Fort seconded the motion. All were in favor.

Mary Ann Burch made a motion to come out of closed session. Dr. Vance seconded the motion. All were in favor.

Dr. Zena made a motion to accept the recommendations of Counsel for settlement agreement for case number 07-133. Dr. Vance seconded the motion. All were in favor.

Dr. Zena made a motion to accept the following guidelines for those who fail the hygiene audit:

1 - 15 hours short

- Private Admonishment (and therefore not a reportable action to the NPDB),
- fine as required by statute,
- make-up the deficiency with a Board-Approved Course/s as follows within 60 days:

1-5 hours deficient shall complete a course/s in Dental Jurisprudence plus Professional Ethics plus Dental Record Keeping for a total of no less than **5** clock hours;

6-10 hours deficient shall complete a course/s in Dental Jurisprudence plus Professional Ethics plus Dental Record Keeping AS WELL AS Oral Charting, Periodontal Probing and Charting for a total of no less than **10** clock hours;

11-15 hours deficient shall complete a course/s in Dental Jurisprudence plus Professional Ethics plus Dental Record Keeping AS WELL AS Oral Charting, Periodontal Probing and Charting AND IN ADDITION Treatment of the Medically Compromised Patient for a total of no less than **15** clock hours.

16 - 30 hours short

- Settlement Agreement (and therefore reportable action to NPDB),
- fine as required by statute,
- make-up the deficiency with a Board-Approved Course/s as follows within 60 days:

16-20 hours deficient shall complete a course/s in Dental Jurisprudence plus Professional Ethics plus Dental Record Keeping AS WELL AS Oral Charting, Periodontal Probing and Charting AND IN ADDITION Treatment of the Medically Compromised Patient AND Instrumentation and Oral Hygiene Instruction for a total of no less than **20** clock hours.

21-25 hours deficient shall complete a course/s in Dental Jurisprudence plus Professional Ethics plus Dental Record Keeping AS WELL AS Oral Charting, Periodontal Probing and Charting AND IN ADDITION Treatment of the Medically Compromised Patient AND Instrumentation and Oral Hygiene Instruction AND Review of Prophy Techniques for a total of no less than **25** clock hours.

26-30 hours deficient shall complete a course/s in Dental Jurisprudence plus Professional Ethics plus Dental Record Keeping AS WELL AS Oral Charting, Periodontal Probing and Charting AND IN ADDITION Treatment of the Medically Compromised Patient AND Instrumentation and Oral Hygiene Instruction AND Review of Prophy Techniques AND Radiation Technique and Safety for a total of no less than **30** clock hours.

Mr. Francis seconded the motion. All were in favor.

Dr. Vance made a motion for General Counsel to reconcile all of the dentists who failed the audit last year to be consistent with the same terms above for hygienists with regard to reportability of actions to the NPDB. Mr. Francis seconded the motion. All were in favor.

Dr. Vance made a motion that General Counsel be the signatory on all of the closing letters on behalf of the L.E.C. Mr. Francis seconded the motion. All were in favor.

Old Business

Mr. Bishop reported the status of the Regulations which included the following dates on the schedule: June 14th ARRS Hearing on Sedation Regulation and June 30th Public Comments Hearing.

Dr. Kathy King discussed signing of Emergency Regulations for Licensure of Dentists, Licensure of Hygienists and 201 KAR 8:390 repealer.

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

New Business

Continuing Education Hardship Waiver requests were reviewed.

Mary Ann Burch discussed of Dental Hygienists working in nursing homes.

Dr. Rich discussed changing law enforcement committee complaints investigations protocols. The Board determined that the discussion of the issue necessarily should include the Board Investigators and took no action.

Allan Francis made the motion that in the interest of Board Stability and to ensure that the statutory and regulatory process, as well as the technological upgrades, continue without interference, and further in a vote of confidence in our staff, that no involuntary staff changes or termination(s), other than for cause, can occur for a period of twelve months from the date of this Order. Further this Order shall be known as the "Board Stabilization Order."

Dr. Susan King seconded the motion. Dr. Katherine King and Dr. Adam Rich opposed; Drs. Zena, Fort, Vance and Mary Ann Burch RDH were in favor. Motion passed by majority.

Mr. Francis made a motion that the Board Stabilization Order could not be repealed without a vote of a minimum of seven members of the Board or a supermajority. Dr. Susan King seconded the motion. Dr. Rich, Dr. Katherine King, Dr. Vance and Dr. Zena were opposed, all others were in favor. Motion failed to pass.

Dr. Adam Rich requested that the office phone greeting be changed to include both the names of the staff and their job roles.

Ms. Burch made a motion to adjourn at 3:35 p.m. Dr. Susan King seconded the motion. All were in favor.

APPROVED:

C. Mark Fort, D.M.D.
President

Katherine King, D.M.D.
Vice President