

KENTUCKY BOARD OF DENTISTRY

BOARD MEETING

March 5, 2011

C. Mark Fort, D.M.D. called the meeting to order at 9:09 a.m. There was a determination of a quorum.

ROLL CALL

Board members present were: Dr. Greg Vance, Dr. Robert Zena, Dr. Fonda Robinson (ex-officio UKCD), Dr. C. Mark Fort, Dr. Katherine King, Dr. Julie McKee (ex-officio Public Health), Allan Francis, Dr. Susan King, Dr. Adam Rich. Mary Ann Burch RDH attended by skype. Tim Daugherty, D.M.D. from ULSD was 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

Dr. Vance made a motion to accept the September 2010 Meeting minutes. Mr. Francis seconded the motion. All were in favor.

DIRECTOR'S REPORT

Dr. Zena made a motion to approve the budget report. Dr. Katherine King seconded the motion. All were in favor.

Mr. Francis made a motion to approve the details of this year's Board election to include nominations to be accepted through April 15, 2011 and the actual online election will be held May 6th through May 13th, all to be noticed to all licensees by postcard next week. Dr. Vance seconded the motion. All were in favor.

Mr. Francis made a motion to approve the Board's technology initiative described by Mr. Bishop as plans for improving online renewals and web-based licensee profile page to eventually include continuing education tracking. Dr. Vance seconded the motion. All were in favor.

Dr. Vance made a motion to approve the November 2010 meeting minutes. Dr. Susan King seconded the motion. All were in favor.

Dr. Susan King made a motion to approve the February 4, 2011 Special meeting minutes. Mr. Francis seconded the motion. All were in favor.

WELL BEING COMMITTEE

Brian Fingerson gave the Board a status report of his work with the LEC.

CONFIDENTIALITY AGREEMENT TASK FORCE COMMITTEE

Allan Francis made a motion to approve the draft of the Confidentiality Agreement that the Task Force endorsed. Dr. Rich seconded the motion. All were in favor.

All Board members present signed the approved draft and submitted the original for their files.

USE OF LASERS BY HYGIENISTS TASK FORCE COMMITTEE

Dr. Susan King gave a status report of the status of the ongoing work of the committee.

CREDENTIALING COMMITTEE

Dr. Susan King made a motion that the Credentialing Committee receive all the required documents for licensure under 201 KAR 8:531 and 561 at least 20 days prior to each Board meeting and granting the Committee power to submit recommendations to the full board for licensure. Allan Francis seconded the motion. All were in favor.

Dr. Susan King made a motion to approve all completed backlogged credentialing applications. Dr. Boggess seconded the motion. All were in favor.

Dr. Fort made a motion to grant special approval for all credential candidates who had at a minimum their application received in our office by February 10th, as long as all other required documentation is received by March 5, 2011 and it reflects the required qualification was earned by February 10, 2011. Dr. Susan King seconded the motion. All were in favor.

SEDATION TASK FORCE

Dr. Fort appointed Dr. Susan King to recruit members of a new sedation task force to approve education to include U of L and UK as well as permit holders, specifically the regulation task force from the KDA with the goal to have this task force formed by the May Board Meeting. Adam Rich also volunteered to serve. Dr. Susan King seconded. All were in favor.

DENTAL ASSISTANT RADIOGRAPHY &/or CORONAL POLISHING TASK FORCE

Dr. Fort appointed Mary Ann Burch as chair and charged her with recruiting members of a new task force to approve education associated with dental assistant certifications. Dr. Susan King seconded the motion. All were in favor.

LAW ENFORCEMENT COMMITTEE

Dr. Katherine King gave a status report of the LEC.

Allan Francis made a motion to approve the Board's General Counsel to investigate teeth whitening as practicing dentistry without a license (to determine the viability of possibly filing a case in Circuit Court to seek injunctive relief in the future). Dr. Adam Rich seconded the motion. All were in favor.

LEGISLATIVE COMMITTEE

Consideration of Public Health Hygienist Language was considered as 201 KAR 8:562 as a meeting of the Legislative Committee.

OLD BUSINESS

Regulations update

Dr. Adam Rich made a motion to hold a Special Meeting of the Board on March 29, 2010, pending requests received for a hearing on 201 KAR 8:531 and 561. Dr. Susan King seconded the motion. All were in favor.

Mr. Francis made a motion to grant Brian Bishop authority if the April ARRS Meeting is deferred, to file the current version of 201 KAR 8:531 and 561 as emergency regulations. Dr. Susan King seconded the motion. All were in favor.

Mr. Francis made a motion to grant a six month extension for Cathi Lykins RDH to get 3 more live interactive hours. Dr. Susan King seconded the motion. All were in favor.

The request for an extension of time to complete CE from Patricia Roberts RDH was tabled until more information is gathered.

The request for Licensure Restriction by Dr. James Patterson to waive CPR requirement, was resolved with the charge to Mr. Bishop to inform him that AHA has certification available for participants who can complete requirements by instructing others how to perform CPR.

There was discussion of the cancellation of the January Board Meeting.

Dr. Rich made a motion to create a Task Force to draft bylaws for the Board. Dr. Zena seconded the motion. All were in favor. President Fort appointed Dr. Rich chair and charged him with recruiting members of this task force. Dr. McKee, Dr. Susan King, Dr. Zena, Dr. Katherine King, Allan Francis volunteered to serve.

Discussion of the appropriateness of individual board members accepting compensation from testing agencies in light of the ethics commission's recent ruling and discussion of possible Board order disallowing active board members from participation in any testing agency while a sitting board member tabled until next meeting.

Dr. Vance made a motion that continuing education audits be performed at 25% consistently from this point forward for both dentists and hygienists applying a different modifier for variance each cycle. Dr. Katherine King seconded the motion. All were in favor.

Dr. Rich made a motion to go into Closed Session for discussion which might lead to the appointment, discipline, or dismissal of one or more employees pursuant to KRS 61:810 (1) (f). Dr. Katherine King seconded the motion. All were in favor.

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

President Fort made a statement of the record that he was thoroughly embarrassed of the *suspicion of alleged termination of Brian Bishop and that he had no knowledge of why anyone would (support termination of Mr. Bishop) and that both e William Bausch and Brian Bishop have done a great job with the legislative committee not the least of which is putting Kentucky Board of Dentistry in a lead position, both at the state and national level.*

Dr. Fort read formally submitted letter of support into the record (see attached).

Dr. Katherine King made a motion to remove Brian Bishop as the Executive Director of the Kentucky Board of Dentistry. Dr. Robert Zena seconded the motion. Dr. Katherine King called for a written ballot vote. The tally of votes were as follows:

RZ-yes (dismiss Mr. Bishop as Executive Director)

GV-keep (Mr. Bishop as Executive Director)

WPB-dismiss

CMF-keep

KK-dismiss

ADF-keep

SK-keep

AR-dismiss.

No action was taken on the motion.

Dr. Susan King made a motion to adjourn at 4:25 p.m. Dr. Vance seconded the motion. All were in favor.

APPROVED:

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

Katherine King, D.M.D.
Vice President

Keep Brian

Dismiss Brian

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||||

3/5/2011

Malta
President

DMU

KBD

SP702

Dismiss

KEEP
BRIAN

WTS

SK

yes

* KEEP *

RZ

ADF

Dismiss by CAF per
verbal instruction

- ALLAN -

Keep
Brian

Dismiss

CAF

ME

DISMISS
KK

KEEP

Gen
Craig Vance