

**KENTUCKY BOARD OF DENTISTRY**  
**BOARD MEETING**  
September 14, 2013

The President called the meeting to order at 9:10 a.m.

**SWEARING IN**

Byron Owens DMD and Mary W. Jones RDH pledged to uphold the Oath of Office.

**ROLL CALL**

Board members present were:

Byron Owens DMD; Sid Brantley DMD; Robert Zena DMD; Mary W. Jones RDH (RDH from Dental Hygiene Program); Deborah Ray DMD, (ex-officio UKCD); James K. Hargan DMD MD; Jason E. Ford DMD MD; Adam Rich DMD; Katherine King DMD; Tim Daugherty DMD (ex-officio ULSD); Mara Beth Womack RDH MA CDA; Julie McKee DMD (ex-officio Dept. Public Health); and Mary Ann Burch RDH. Reverend Stephanie Gudger CADC was absent.

There was a determination of a quorum.

Staff present were Mr. David J. Beyer, Executive Director; Brent Asseff, General Counsel; and Lisa A. Turner, Executive Staff Advisor.

**APPROVAL OF THE MINUTES**

Sid Brantley DMD made a motion to approve the July 13, 2013 minutes with the attached reports with the correction to title for Mara Beth Womack under Roll Call to RDH MS CDA and the correction of Tim Daugherty DMD to ex-officio member from ULSD. Adam Rich DMD seconded the motion. All were in favor.

**PRESENTATION BY DR. AL PELPHREY**

Dr. Pelphrey discussed his role as Kentucky Public Policy Advocate for the American Academy of Pediatric Dentistry and explained the benefit to his participation with the Kentucky Board of Dentistry in this capacity.

**INTERVIEW INVESTIGATOR APPLICANTS**

James K. Hargan DMD MD made a motion to go into closed session per KRS 61.810 (1)(f) to discuss the hiring of a Board investigator. Mary Ann Burch RDH seconded the motion. All were in favor.

Kathy King DMD made a motion to come out of closed session. Rev. Stephanie Gudger CADC seconded the motion. All were in favor.

Jason E. Ford DMD MD made a motion to offer Mark Stapleton the personal service contract for statewide investigator at the hourly rate of \$50. James K. Hargan DMD MD seconded the motion. All were in favor.

Mark Stapleton declined the offer.

Jason E. Ford DMD MD made a motion to go into closed session per KRS 61.810 (1)(f) again to further discuss the hiring of a Board investigator. Kathy King DMD seconded the motion. All were in favor.

Jason E. Ford DMD MD made a motion to come out of closed session. Rev. Stephanie Gudger CADDC seconded the motion. All were in favor.

Jason E. Ford DMD MD made a motion to offer George Georgacopoulos the personal service contract for statewide investigator at the hourly rate of \$35 as bid in his response to the posting. James K. Hargan DMD MD seconded the motion. All were in favor.

George Georgacopoulos accepted the offer.

#### **BUDGET REPORT (see attached)**

Jason E. Ford DMD MD made a motion to approve the Budget Report. Sid Brantley DMD seconded the motion. All were in favor.

#### **DIRECTORS REPORT**

Sid Brantley DMD made a motion to approve the Director's Report. Rev. Stephanie Gudger CADDC seconded the motion. All were in favor.

#### **COMMITTEE APPOINTMENTS**

Mary Ann Burch RDH made a motion for the Education Committee to be comprised of the following Board Members: Mara Beth Womack RDH, Tim Daugherty DMD, Deborah Ray DMD, Mary W. Jones RDH, and Mary Ann Burch RDH and that Mary Ann Burch RDH continue as Committee Chair and that Tim Daugherty DMD remain his role of taking minutes. Kathy King DMD seconded the motion. All were in favor.

#### **Education Committee (see attached)**

Mary Burch RDH gave the Education report and made a motion approve the recommendations presented in the report, including the legal interpretation supplied by General Counsel Brent Asseff :

*While the wording of the statute seems to impose a one-year experience requirement to take radiographs, it's not so clear that this was the intent. There is inconsistency in the statute and regulations regarding references to "dental assistants" and "registered dental assistants." "Registered dental assistant" clearly envisions someone with at least a year of experience, and this language is used when the statute authorizes a dentist to delegate the taking of radiographs.*

*For the duties typically undertaken by dental assistants that are not specifically discussed by statute or regulation (radiographs and coronal polishing), the typical workaround has been to permit inexperienced and unregistered assistants to perform these duties as a trainee. I will confer with David, but it's possible that we could permit an assistant with less than a year of experience to take radiographs so long as they have received the required education and training. The one-year experience requirement can simply be seen as the threshold point at which a dentist must register an assistant with the Board when renewing his or her license, and disclosing the qualification to take radiographs.*

*I agree completely that if a dentist believes that an assistant is competent to take radiographs, after they have received the required education and training, then the dentist should be entitled to delegate this duty. After all, if anything untoward occurs, it's the dentist that will be called to task and have to answer to the patient. I don't believe there is a danger of dentists delegating the taking of radiographs to incompetent assistants. That's what the education and training requirement is intended to solve, and the one-year experience requirement is arbitrary in comparison.*

James K. Hargan DMD MD seconded the motion. All were in favor.

#### **Law Enforcement Committee**

General Counsel Brent Asseff gave the LEC report for the July and August Meetings.

James K. Hargan DMD MD made a motion that an email be sent to all Kentucky licensed dentists advising that dental offices must post the names of the dentists that practice at that location and that a corporate or business name does not suffice unless it is the name/s of the dentist practicing at that location and that the email contain specific language of the old law and the new law enacted in 2010. Kathy King DMD seconded the motion. All were in favor.

#### **Legislative Committee**

General Counsel Brent Asseff gave the Legislative report explain the list of the proposed changes.

Sid Brantley DMD made a motion to authorize the recommended changes to be implemented. Mara Beth Womack RDH MS CDA seconded the motion. All were in favor.

#### **Policies and Procedures Committee**

Executive Director David Beyer stated that the draft of the Policies and Procedures Manual submitted by the Committee will be distributed to the Board prior to the next Board Meeting for their review.

## **NEW BUSINESS**

### SRTA Committee Assignments

Kathy King DMD made a motion that Robert Zena DMD serve as the Kentucky Dental Examination Committee for both SRTA. James K. Hargan DMD MD seconded the motion. All were in favor.

Mary Ann Burch RDH made a motion that Mara Beth Womack RDH MS CDA serve as the Kentucky Dental Hygiene Examination Committee for SRTA. Kathy King DMD seconded the motion. All were in favor.

### ADEX Committee Assignments

Adam Rich DMD made a motion that Kathy King DMD serve as the Kentucky House of Representatives Member for ADEX. James K. Hargan DMD MD seconded the motion. All were in favor.

Kathy King DMD made a motion that Robert Zena DMD serve as the Kentucky Dental Examination Committee for ADEX. James K. Hargan DMD MD seconded the motion. All were in favor.

### CITA Committee Assignments

Jason E. Ford DMD MD made a motion to approve funding from the Board, including hotel, per diem, registration and charges to change flights, for five Board Members, including James K. Hargan DMD MD as the Board of Directors representative for Kentucky and Adam Rich DMD as the back-up; Mary Ann Burch RDH, Robert Zena DMD, Kathy King DMD and Adam Rich DMD as CITA Examiners) to attend the 2013 CITA Meeting to be held in October in New Orleans. Rev. Stephanie Gudger CADC seconded the motion. All were in favor.

### NERB Committee Assignments

James K. Hargan DMD MD explained that all members of the Board are invited to attend the NERB Meeting, at which time the Kentucky representation for NERB is elected on-site.

### WREB Committee Assignments

The application documentation for Kentucky to become a member state of WREB is still in process.

It was noted that the CITA, SRTA and WREB examinations are all administered by ADEX wherein ADEX approves the final examination materials.

James K. Hargan DMD MD made a motion that the members of the Law Enforcement Committee to be approved to attend the Council on Licensure, Enforcement and Regulation Investigator Training at the next available opportunity. Kathy King DMD seconded the motion. All were in favor.

Jason E. Ford DMD MD made a motion to adjourn. Mary Ann Burch RDH seconded the motion. All were in favor.

APPROVED:

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Jason E. Ford DMD MD  
President

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Sid Brantley DMD  
Vice President

### KBD Fiscal Year 2014 Cash Balance

revenue

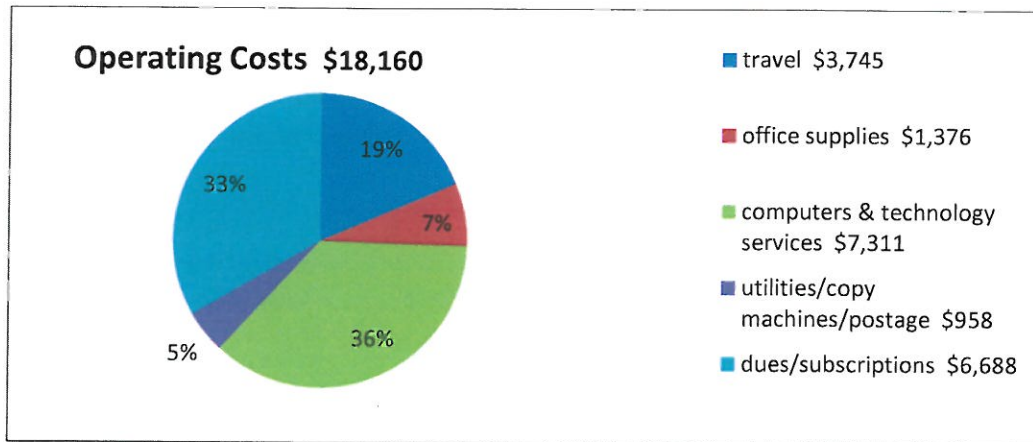
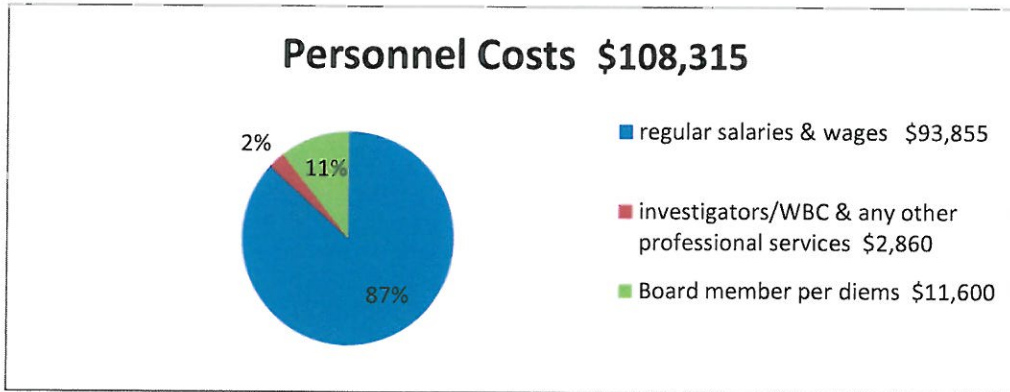
expenditures

		BEGINNING BALANCE	\$ 64,503.07
fiscal year 2013 transactions that posted after 6/30 (fiscal month 13)			\$ (9,593.64)
			\$ 54,909.43
July	\$ -	\$ (68,176.53)	\$ (13,267.10)
August	\$ 66,587.00	\$ (58,428.32)	\$ (5,108.42)

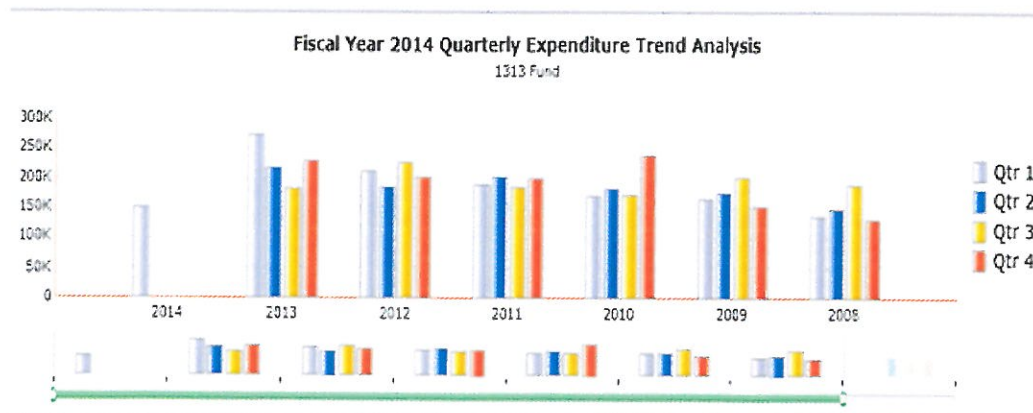
Expenditure balance has been processed as a Cash Override issued by the Budget Office.

Dentist renewal fees will exceed this year's annual budget allotment and will be used to fund the override.

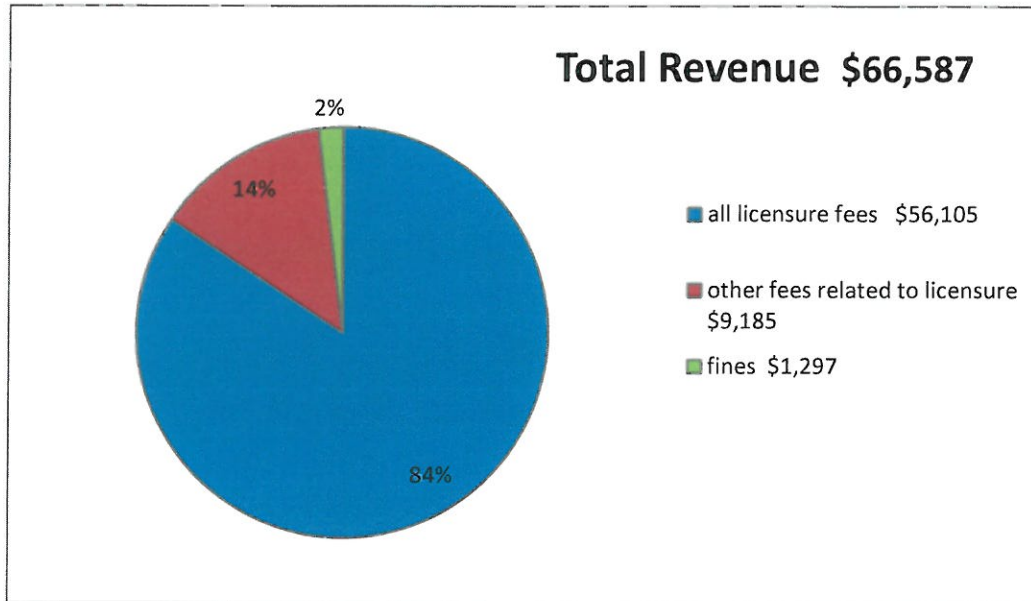
## 2014 FIRST QUARTER EXPENDITURES \$126,475



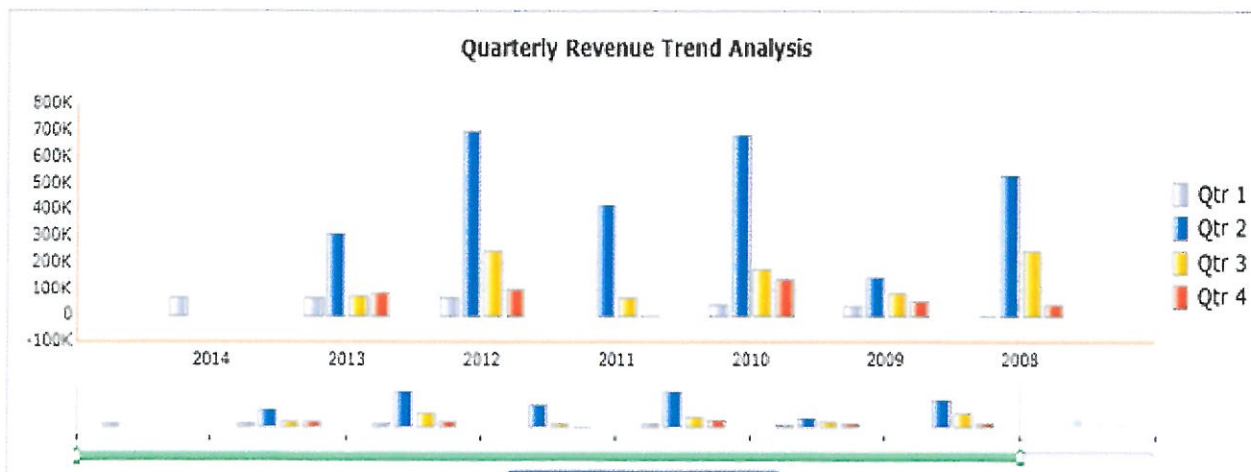
## 2014 COMPARISON TO LAST 6 YEARS



## 2014 FIRST QUARTER REVENUE



## 2014 COMPARISON TO LAST 6 YEARS





**Report of the Law Enforcement Committee  
Kentucky Board of Dentistry  
September 14, 2013 Board Meeting**

The Law Enforcement Committee met on July 12 and August 16, 2013. The following is a summary of LEC activity during this meeting:

**Total number of cases reviewed: 18**

**Case outcomes:**

Dismissed:	12
Settlement Agreement:	1
Private Admonishment:	0
Continued for further investigation:	1
License granted:	4

**Subjects of complaints by licensure type:**

Dentists:	17
Hygienists:	1
Dental labs:	0

**Subject matter of complaints:**

Negligence:	13
Fee dispute:	0
Patient abandonment:	0
CDC/sanitation:	0
KASPER/HB1:	0
Rude behavior:	0
Patient records:	0
Discipline from other state:	0
Impaired licensee:	4
Applicant with criminal history:	1

**Well-Being Committee:**

Participants:	23
Non-Compliance:	2

## KENTUCKY BOARD OF DENTISTRY

Legislative Committee Meeting

September 11, 2013

The following committee members were present: Dr. Jason Ford; Dr. Jamie Hargan; Dr. Adam Rich; Mary Ann Burch, RDH; KYDHA Reps ED Donna Ruley, RDH and Jennifer Osborne, KYDHA Legislative Rep; KDA Rep ED Mike Porter and KDA 2<sup>nd</sup> VP Dr. Dennis Price; UK Rep Dr. Deborah Ray; KY Dental Labs Association Reps Douglas Wagner and Wm Chris Schnell; KBD ED David Beyer and GC Brent Asseff. U of L Rep Dr. Tim Daugherty was unable to attend the meeting.

The committee reviewed a list of potential legislative or regulatory issues prepared by GC Asseff (copy attached).

The following actions were taken:

Item #1 - Motion to revise 201 KAR 8:550, Section 2, to state: "A Registered Dental Assistant may only deliver nitrous oxide at a rate specified by direct orders of a dentist." Motion by Dr. Rich; seconded by Dr. Hargan; unanimous vote.

Item #2 – Motion to revise the delegated duties list to conform the regulation and statutory cites to properly reflect the appropriate regulations and statutes as identified by KBD GC. Motion by Mrs. Ruley; seconded by Dr. Ford; unanimous vote.

Item #3 – Motion that the KBD take no action at this time to "open" the dental practice act to insert zones for Board representation; Motion by Mrs. Ruley; seconded by Dr. Ford; unanimous vote.

Item #4 – Motion to revise Sections 2 of 201 KAR 8:532 and 8:562 to remove reference to "a nationalized clinical examination." Motion by Dr. Rich; seconded by Dr. Ray; unanimous vote.

Item #5 – Motion to revise 201 KAR 8:532, Section 10 and 201 KAR 8:562, Section 6, to remove requirement to submit a notarized signature and photograph when renewing a dental or dental hygiene license. Motion by Dr. Ford; seconded by Dr. Hargan; unanimous vote.

Item #6 – Motion to revise 201 KAR 8:562, Section 15(4), to properly cite KRS 313.040(8)(a) rather than KRS 313.040(8)(c). Motion by Dr. Hargan; seconded by Dr. Ford; unanimous vote.

Item #7 – Review of this issue by GC Asseff determined that no inconsistency existed and, therefore, no action needed to be taken on this issue.

Item #8 – Motion to insert language in 201 KAR 8:571, Section 3(4) to indicate that the list of approved institutions in Kentucky does not preclude approval of courses from institutions outside of Kentucky. Motion by Dr. Ford; seconded by Dr. Hargan; unanimous vote.

Item #9 – After a lengthy discussion on the merits of requiring Kentucky dentists to only use dental labs registered with the KBD and requiring the registration of dental labs with the KBD, the Kentucky Dental Lab Association Reps were requested to provide a proposed draft regulation for review by the Legislative Committee at its next meeting.

In addition to the above, the Legislative Committee requested GC Asseff to provide a report at its next meeting on the legal requirement for the delegated duties list. Additional changes to the delegated duties list discussed at the meeting were tabled pending GC Asseff's report.

The next meeting will be held at the KBD Board Room on Wednesday, October 16, 2013 at 9:00 a.m.

**September 13, 2013      MINUTES OF THE EDUCATION COMMITTEE MEETING**

Chairperson Mary Ann Burch, RDH, called the meeting to order at 6:30 p.m., Friday, September 13, 2013 at the Kentucky Board of Dentistry office. The Education Committee members present were: Dr. Sid Brantley, Mary Ann Burch, RDH, Mara Beth Womack, RDH, Dr. Deborah Ray, and Dr. Tim Daugherty. A quorum of members was established and declared by the Chairperson.

Dr. Ray made a motion to approve the minutes from the last Education Committee meeting in July, submitted by Dr. Tim Daugherty. The motion was seconded by Dr. Tim Daugherty and the vote to approve was unanimous.

The Committee had a discussion concerning the educational components related to radiation safety courses with a definite need to clarify who can take the courses. A person at large, who doesn't work in a dental office wanted to take the course "piece mill" to add to her resume.

The discussion that followed was concerning the terminology of "registered dental assistant" vs. certified dental assistant and the statement of the one (1) year experience required prior to being able to take the course. Registered dental assistant meant only that the person had been registered with an individual dentist's license. Mary Ann stated that this problem had been recognized and referred to the Legislative Committee for further review and change if necessary. Dr. Brantley wanted to make sure that Brent understood the one (1) year experience meant to be for coronal polishing and not radiation safety.

The second item of discussion was concerning consideration for approval of a refresher course for dental hygienists offered by Ohio State University Dental School. The director of the program, Michelle Carr, RDH, had submitted all the appropriate documentation including her extensive resume for review by the Committee. Mary Ann attempted to phone the director during the meeting but was unsuccessful and had to leave a message to return the call. The request had been made by Vanessa Hodges, RDH, who had not practiced in about two (2) years and was looking to return to the work force. After speaking with the director, it was determined that the course did have a didactic as well as a clinical component.

There was a motion made to recommend acceptance of the Dental Hygiene Refresher Course offered at Ohio State University Dental School by Mara Beth Womack and seconded by Dr. Sid Brantley.

A motion to adjourn the meeting was made by Dr. Sid Brantley and seconded by Dr. Deborah Ray. The meeting adjourned at 8:14 p.m.

Respectfully submitted,

Timothy C. Daugherty, DMD