

KENTUCKY BOARD OF DENTISTRY
BOARD MEETING
May 10, 2014

President called the meeting to order at 9:10 a.m. There was a determination of a quorum.

ROLL CALL

Board members present were:

Tim Daugherty DMD, (ex-officio ULSD); Mary W. Jones RDH, (RDH from Dental Hygiene Program); James K. Hargan DMD MD; Katherine King DMD; Robert Zena DMD; Sid Brantley DMD; Jason E. Ford DMD MD; Byron Owens DMD; Mara Beth Womack RDH MS CDA; Mary Ann Burch RDH; Julie McKee DMD, (ex-officio Dept. Public Health); and Deborah Ray DMD, (ex-officio UKCD). Adam Rich DMD and Stephanie Gudger CADC were not in attendance. Staff present were Mr. David J. Beyer, Executive Director / Acting General Counsel and Lisa A. Turner, Executive Staff Advisor.

APPROVAL OF THE MARCH MINUTES

Jason E. Ford DMD MD made a motion to approve the March minutes amended to correct Carrie Hopper's credentials from RDH to CDA MS. Byron Owens DMD seconded the motion. All were in favor.

INTRODUCTION OF RYAN HALLORAN – OFFICE OF ATTORNEY GENERAL

David Beyer introduced Ryan Halloran from the Office of the Attorney General. Brian Judy will serve as KBD legal counsel.

**REVIEW AND CONSIDERATION OF COMMENTS RECEIVED FROM PUBLIC
ON REGULATIONS FILED WITH LRC**

The Board reviewed the public comments received on the proposed changes to 201 KAR 8:571 Section 3. Katherine King DMD made a motion to accept the draft submission of 201 KAR 8:571 Section 3 as is with no changes. Sid Brantley DMD seconded the motion. All were in favor.

The Board reviewed the public comments received on the proposed changes to 201 KAR 8:571 Section 7. Byron Owens DMD made a motion to accept the draft submission of 201 KAR 8:571 Section 7 as is with no changes. James K. Hargan DMD MD seconded the motion. James K. Hargan DMD MD; Katherine King DMD; Robert Zena DMD; Sid Brantley DMD; Jason E. Ford DMD MD; Byron Owens DMD; and Mary Ann Burch RDH were in favor. Mara Beth Womack RDH MA CDA voted against. Motion passed by majority.

The Board reviewed the public comments received on the proposed changes to 201 KAR 8:550. James K. Hargan DMD MD made a motion to accept the draft submission of 201 KAR 8:550 as is with no changes. Sid Brantley DMD seconded the motion. All were in favor.

DISCUSSION REGARDING POLICIES AND PROCEDURES & ORIENTATION MANUALS

James K. Hargan DMD MD made a motion to accept the nepotism policy in the Policies and Procedures Manual as written with the insertion of the word "partner" after "wife." Katherine King DMD seconded the motion. All were in favor.

Katherine King DMD made a motion to accept the Policies and Procedures Manual as written with the caveat that the manual may be revised and/or amended in the future by majority vote of the Board. Mary Ann Burch RDH seconded the motion. All were in favor.

James K. Hargan DMD MD made a motion to accept the Board Member Orientation Manual as written with the caveat that the manual may be revised and/or amended in the future by majority vote of the Board. Byron Owens DMD seconded the motion. All were in favor.

DIRECTORS REPORT

David Beyer gave the Director's report.

Mary Ann Burch RDH made a motion to authorize David Beyer to contact Henderson Community College Dental Hygiene program to request a representative from their program to serve as an ex-officio Member of the Kentucky Board of Dentistry. Sid Brantley DMD seconded the motion. All were in favor.

Katherine King DMD made a motion to authorize David Beyer to advise the Governor's office of the Board Member election results. Sid Brantley DMD seconded the motion. All were in favor.

Sid Brantley DMD made a motion to nominate Robert Zena DMD for the office of president of the Kentucky Board of Dentistry for the 2014-15 term. Mary Ann Burch RDH seconded the motion. All were in favor. Robert Zena DMD accepted the nomination.

Robert Zena DMD made a motion to nominate Sid Brantley DMD for the office of vice-president of the Kentucky Board of Dentistry for the 2014-15 term. Byron Owens DMD seconded the motion. All were in favor. Sid Brantley DMD accepted the nomination.

Sid Brantley DMD made a motion to nominate Adam Rich DMD for the office of secretary-treasurer of the Kentucky Board of Dentistry for the 2014-15 term. Robert Zena DMD seconded the motion. All were in favor.

Jason E. Ford DMD MD made a motion to form the Advisory Opinion Committee comprised of Robert Zena DMD, Adam Rich DMD, James K. Hargan DMD MD, Sid Brantley DMD, and Byron Owen DMD. Mary Ann Burch RDH seconded the motion. All were in favor.

BUDGET REPORT (see attached)

The Budget Committee was appointed comprised of Robert Zena DMD, Byron Owens DMD, Jason E. Ford DMD MD, and James K. Hargan DMD MD.

COMMITTEE REPORT: Education Committee (see attached)

Committee Chair Mary Ann Burch RDH gave the Education Report.

Sid Brantley DMD made a motion to approve the Education Committee Report as amended. Mary Ann Burch RDH seconded the motion. All were in favor.

OLD BUSINESS

NEW BUSINESS

Sid Brantley DMD made a motion to approve the application letter to WREB requesting Kentucky to join as a member state. Katherine King DMD seconded the motion. All were in favor.

The Board agreed that autoimmune antibody testing of mucosal membranes are within the scope of practice in response to the inquiry from Cyrex Laboratories.

The Board agreed that the use of CO2 lasers for debridement by registered dental hygienists in Kentucky is not authorized under the Kentucky Practice Act in response to an informal inquiry from John Bell.

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

APPROVED:

Jason E. Ford, D.M.D., M.D.
President

Sid Brantley, D.M.D.
Vice President

INTRODUCTION

Through working together with the Office of the State Budget Director (OSBD), projections show that significant reductions in spending or increases in revenue are needed to be able to maintain the current direction of the Board budget in the future.

The current KBD fee structure was developed to create a total biennial budget using the Governor's approved 11-12 biennial budget as the target. With the goal of setting conservative fees, the structure was created using a spreadsheet of projected numbers for all permit types of new applications; all types of renewal applications and retirements. Then each fee was determined by the Legislative Committee based upon achieving a total revenue to meet the amount of 11-12 biennial budget (fines are never included in projected revenue).

The information provided here shows the actual direction that the KBD budget has taken annually. There are more than a few relevant variables that have caused changes, with no specific factor or single trend accounting for the changes. The data is provided for your review and evaluation to determine the action to be taken for prospective balance in the future.

The information provided here includes

- actual spending totals and sources
- actual revenue totals and sources
- projected spending
- projected revenue
- Governor's approved budgets
- actual budgets
- biennial budgets

Fiscal year 2014 is based on actual figures through the conclusion of the third quarter (March 31st). The fourth quarter figures were best estimates included to provide the broad overview.

Lists of certain application fees in other states are available in the AADB Annual Composite publication, although fee structures vary considerably and are too complex to compare head-to-head.

CASH BALANCE CHART FROM OSBD

Dentistry - 180 - 1313	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
Beg Bal	564,217.00	644,290.00	216,479.00	491,657.37	180,570.89	426,454.91	54,909.43	314,109.43	(41,190.57)
Receipts	816,163.00	319,689.00	1,039,454.56	482,913.52	1,112,205.66	532,402.20	1,120,100.00	539,000.00	1,089,600.00
Fund Trsfr & Furlough	(128,000.00)	(50,000.00)	-	(16,900.00)	(38,900.00)				
Revenue Balance	1,252,380.00	913,979.00	1,255,933.56	957,670.89	1,253,876.55	958,857.11	1,175,009.43	853,109.43	1,048,409.43
Expend	608,090.00	697,500.00	764,275.86	777,100.00	827,421.64	903,947.68	760,900.00	855,600.00	855,600.00
Salary and Health									
Full ARC							100,000.00	34,100.00	10,300.00
Total Expenditures	608,090.00	697,500.00	764,275.86	777,100.00	827,421.64	903,947.68	860,900.00	894,300.00	903,000.00
End Bal	644,290.00	216,479.00	491,657.70	180,570.89	426,454.91	54,909.43	314,109.43	(41,190.57)	145,409.43

FY 12/13 Rev	1,644,607.86
FY 12/13 EXP	1,731,369.32
	(86,761.46)

(41,190.57)

58,800.00

100,290.57

carry-forward per budget

Amount needed to meet difference. Only if expenditures don't increase.

GOVERNOR'S "APPROVED BUDGET" <i>not actual</i>	FY 14	FY 15	FY 16
balance forward	\$54,900	\$414,100	\$58,800
current year receipts	\$1,120,100	\$539,000	\$1,089,600
total funds	\$1,175,000	\$953,100	\$1,148,400
personnel costs	\$629,400	\$667,900	\$676,000
operating costs	\$131,500	\$226,400	\$226,400
total expenditures	\$760,900	\$894,300	\$903,000
TOTAL AMOUNT APPROVED IN THE BUDGET BILL	\$760,900	\$894,300	\$903,000

FEE RE-STRUCTURE WITH NEW DENTAL PRACTICE ACT

201 KAR 8:520 fees were structured in a collaboration by the Legislative Committee (which included representatives of the KBD, KDA, KyDHA and their lobbyist, Dept. of Public Health; and other interested members of the dental profession).

The biennial budget at the time was for FY 11-12: **\$1,419,400**
 FY 2011 \$705,400
 FY 2012 \$714,000

ACTUAL COMBINED SPENDING FY 11-12 : **\$1,605,000**
 FY 2011 \$777,000
 FY 2012 \$828,000
 spending exceeded structure by \$185,600

PROJECTED COMBINED SPENDING FY 13-14 : **\$1,770,000**
 FY 2013 \$906,000
 FY 2014 \$864,000
 spending exceeded structure by \$350,600

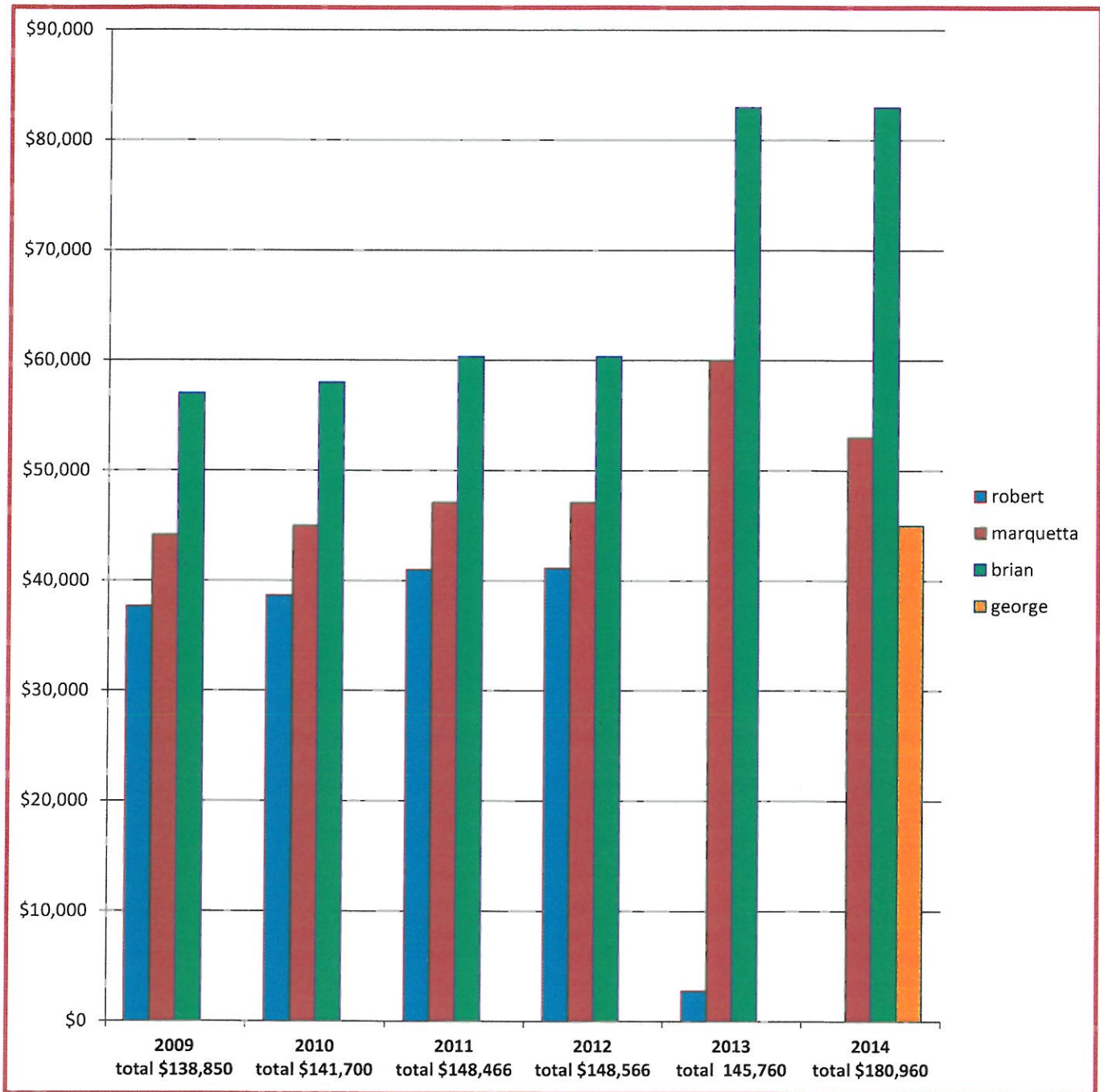
BUDGET BREAKDOWN BY FISCAL YEAR

	2014	2013	2012	2011	2010	2009
budget	\$760,900	\$753,000	\$714,000	\$705,400	\$641,800	\$641,800
over budget		\$153,000	\$114,000	\$88,600	\$122,600	\$55,700
total expenditures	\$860,600	\$906,000	\$828,000	\$777,000	\$764,000	\$697,500
cash left		\$54,000	\$426,000	\$180,000	\$491,000	\$216,000
carry forward	\$414,100	\$54,000	\$396,000	\$180,000	\$444,000	
required by budget						
surplus		\$0	\$30,000	\$0	\$47,000	
<i>spent on MondoPads & State Fair</i>						
		\$42,000	\$2,000			
<i>Funds Swept By the Legislature</i>						
	\$0	\$0	\$38,900	\$16,900	\$0	\$50,000
revenue from fees	\$1,185,500	\$506,000	\$1,083,000	\$297,000	\$877,000	\$646,500
finer	\$6,200	\$26,000	\$30,000	\$186,000	\$163,000	\$51,000
total revenue	\$1,191,700	\$532,000	\$1,113,000	\$483,000	\$1,040,000	\$697,500
salaries	\$436,000	\$419,700	\$339,000	\$367,000	\$300,000	\$284,000
per diems & travel	\$113,000	\$147,000	\$169,500	\$98,000	\$113,000	\$65,000
contracts	\$145,000	\$148,000	\$155,000	\$148,500	\$163,000	\$142,500
operational expenses	\$166,600	\$191,300	\$164,500	\$163,500	\$188,000	\$206,000
total expenditures	\$860,600	\$906,000	\$828,000	\$777,000	\$764,000	\$697,500

Board Member payments FY 2014 (all submissions received 7/1/13 – 4/21/14)



INDIVIDUAL & TOTAL CONTRACT AMOUNTS BY FISCAL YEAR



Turner, Lisa A (Brd of Dentistry)

From: Mary Ann Burch <maburch1947@gmail.com>
Sent: Friday, May 09, 2014 9:18 PM
To: Beyer, David J (Brd of Dentistry); Turner, Lisa A (Brd of Dentistry)
Subject: Fwd: Education committee

Sent from my iPad

Begin forwarded message:

From: Mary Ann Burch <maburch1947@gmail.com>
Date: May 9, 2014 at 9:04:26 PM EDT
To: Mary Ann Burch <maburch@dcr.net>
Subject: Education committee

Lisa and David,

Due to circumstances beyond my control, this is my best option for creating the education committee report for tomorrow's meeting.

The Education committee recommends denial of approval of the 4 hour "Medical Emergency in the Dental Office" submitted by the Ohio Dental Association based on it's lack of fulfillment of the Kentucky requirements .

The Education committee recommends denial of approval of the 6 hour "Nitrous Oxide Sedation on the Dental Patient" course submitted by the Ohio Dental Association based on it's lack of fulfillment of the Kentucky requirements.

The committee recommends that a list of the requirements be include with the denial notice to allow the Ohio Dental Association to be aware of the deficiencies.

The Approved Course CE list was reviewed. Dr. Hargan made the suggestion and the committee agreed that each course should provide full course content (CD, printout or PowerPoint) to allow the committee to review to assure that the course fulfills the Kentucky requirements. It was suggested that when we receive the course content each of the committee members will take several to review without calling a meeting, but will confer with the committee if there are any questions. This will provide an assurance that all the courses listed are valid.

Jessica Poynter is to be commended for the wonderful job she has done revamping the Approved CE listing. There were only a few errors on the list which need to be corrected. It was suggested that a second notice, with a 3 week deadline, be sent to providers of courses with missing information because we can not approve those courses until we have all the information. At the end of the deadline, courses with incomplete vital information, such as number of hours, would be removed from the listing. The committee would like to review the final list prior to our next meeting. A timetable of June 16, 2014 for the updated list to be posted on the working documents, would allow time for the committee to review and hopefully submit to the full Board at the July 12, 2014 meeting.

Along with the Approved CE listing, there are lists of "Approved Dental Hygiene Programs and Approved Dental Assisting Programs" posted on the working documents. The committee

recommends that after corrections are made the listings be available on the website under Registered Dental Hygiene and Dental Assisting tabs respectfully. That information is important, but should be separate from the Approved Continuing Education list. It was also suggested that the power points under Dental Assisting tab be updated to reflect the current information, such as the new Delegated Duties list after final approval. It was also suggested that there be separate power point presentations for Registered Dental Hygienists and Dental Assistants.

Respectfully submitted,

Mary Ann Burch RDH
Chair
5/9/14