

KENTUCKY BOARD OF DENTISTRY
BOARD MEETING
March 8, 2014

President called the meeting to order at 9:02 a.m. There was a determination of a quorum.

ROLL CALL

Board Members present were:

Robert Zena DMD; Stephanie Gudger CADC; Mary Ann Burch RDH; Tim Daugherty DMD, (ex-officio ULSD); Katherine King DMD; James K. Hargan DMD MD; Sid Brantley DMD; Jason E. Ford DMD MD; Adam Rich DMD; Julie McKee DMD, (ex-officio Dept. Public Health); Byron Owens DMD; Mara Beth Womack RDH MA CDA; Deborah Ray DMD, (ex-officio UKCD); and Mary W. Jones RDH, (RDH from Dental Hygiene Program). Staff present were Mr. David J. Beyer, Executive Director and Lisa A. Turner, Executive Staff Advisor.

Guests in attendance at the Board Meeting were introduced by Sid Brantley DMD: Jennifer Miller RDH and Carrie Hopper CDA MS who administer the WKCTC Dental Assisting Programs and commended them for their excellence in their field.

Sid Brantley DMD made a motion to approve the November 23, 2013 minutes with the attached reports with the following corrections:

- revise sentence to read, "The deadline to accept applications ***from candidates interested in the General Counsel position*** is December 2, 2013."
- and strike the sentence, "Additionally, Mary Ann Burch RDH was asked by the AADB as the Dental Hygienist Representative to be the speaker at ADEX."

Mary Ann Burch RDH seconded the motion. All were in favor.

REVIEW AND APPROVE POLICIES AND PROCEDURES MANUAL

Adam Rich DMD made a motion to revise the Policies and Procedures Manual on the requirements for Board Member Per Diems as follows:

BOARD MEMBER REIMBURSEMENT

KRS 313.020 permits voting Member to receive compensation (per diem) of two hundred dollars (\$200) for each day actually engaged in the duties of his or her office. This statute also permits each voting Member of the board to be paid for any necessary expenses incurred in attending its meetings. In accordance with this statute, the following requests for compensation and reimbursement will be permitted:

Each voting Member may claim one day of per diem for:

- 1. Attending a Board meeting;*
- 2. Attending a Board Committee meeting (if they are appointed to that committee by the Board);*

3. *Time expended in preparation for a Board or Committee meeting (if they are appointed to that committee by the Board) if such preparation time equals or exceeds 4 hours;*
4. *Travel to a Board approved event for every 4 hours of travel if the travel does not occur on the day of the event; however, it is not permissible to add hours of travel from multiple days to arrive at the 4 hour required minimum for travel compensation;*
5. *Every day they attend a Board approved conference.*

In addition to the compensation discussed above, a voting Board Member may be reimbursed for necessary expenses incurred in traveling to or attending a Board meeting, Board Committee meeting (if they are appointed to that committee by the Board), or other Board approved event. Necessary expenses would include, but are not limited to, airfare, mileage, meal expenses, and parking expenses.

A report of compensation and reimbursement received by each voting Member will be included in the monthly budget report.

Sid Brantley DMD seconded the motion. Robert Zena DMD; Stephanie Gudger CADC; Mary Ann Burch RDH; Katherine King DMD; Sid Brantley DMD; Jason E. Ford DMD MD; Adam Rich DMD; Byron Owens DMD; and Mara Beth Womack RDH MA CDA were in favor. James K. Hargan DMD MD was opposed. Motion passed by majority.

Katherine King DMD made a motion to revise the Policies and Procedures Manual on the requirements for Board Member Per Diems:

PER DIEM AND REIMBURSEMENT FOR ATTENDING TESTING AGENCY CONFERENCE

A voting Board Member may be paid per diem and reimbursed for expenses in accordance with the Board reimbursement policy when they travel to and attend a testing agency conference to represent the Board's interests at that conference if such attendance is approved in advance by the Board. A Board Member may not be compensated by any other entity for attendance at the same event.

Byron Owens DMD seconded the motion. All were in favor.

COMMITTEE REPORT: Education Committee (see attached)
Committee Chair Mary Ann Burch RDH gave the Education Report.

OLD BUSINESS

Lisa Turner presented instruction on the process for Board Members to submit timesheets to receive Per Diems. Also presented was instruction on the new process to submit requests for reimbursement of travel expenses. Both new processes were carefully designed so that Board Member pay requests are submitted in a consistent format in order to ensure that payments are accurate.

GENERAL COUNSEL SELECTION COMMITTEE

Jason E. Ford DMD MD made the General Counsel Selection Committee's recommendation to contract with the Attorney General's Office on an interim basis pending further Board review in 4

months and the agency opening for in-house position shall remain in place pending a future determination. Byron Owen DMD seconded the motion. All were in favor.

BUDGET REPORT (see attached)

DIRECTORS REPORT (see attached)

Jason E. Ford DMD MD made a motion to assign the task to the Investigator Selection Committee (Robert Zena DMD, Katherine King DMD, Sid Brantley DMD and Mara Beth Womack RDH) to review submissions and interview applicants for the investigator position that will be vacant as of July 1, 2014. Katherine King DMD seconded the motion. All were in favor.

Marquetta Poynter DMD was recognized (in absentia) for her excellent and dedicated service to the Board of 20 years with the hope to express their gratitude to her at the May 2014 Board Meeting.

James K. Hargan DMD MD made a motion to send the letter opposing the denturist legislation proposed by Representative Tom Burch. Robert Zena DMD amended the motion that the letter should include key points as dictated in its entirety to David Beyer. Jason E. Ford DMD MD seconded the motion. All are in favor.

NEW BUSINESS

Testing Agency Issues - Katherine King DMD

Katherine King DMD discussed current issues in clinical examination.

Adam Rich DMD made a motion to follow the regulation without exception in response to the petitions from 2 dentists who requested refunds of the renewal late fees. Jason E. Ford DMD MD seconded the motion. All were in favor.

New Board Member Nominations Process

Katherine King DMD made a motion to send an email notification to all licensees and post on our website that nominations will be accepted for three open Board Member positions for 21 days, thereafter the online election will be open for seven days with the election results to be presented at the May 2014 Board Meeting, with those names selected by the Board to be sent to the Governor's Office in sufficient time for a July 1 appointment. Katherine King DMD seconded the motion. All were in favor.

Jason E. Ford DMD MD made the motion for the Policies and Procedures Manual to include the same board seat election process as above, to send an email notification to all licensees and post on our website that nominations will be accepted for open Board Member positions for 21 days starting on February 15, thereafter the online election will be open for seven days with the election results to be presented at the next following Board Meeting, with those names selected by the Board to be sent to the Governor's Office in sufficient time for a July 1 appointment. Katherine King DMD seconded the motion. All were in favor.

Adam Rich DMD made a motion to adjourn James K. Hargan DMD MD seconded the motion. All were in favor.

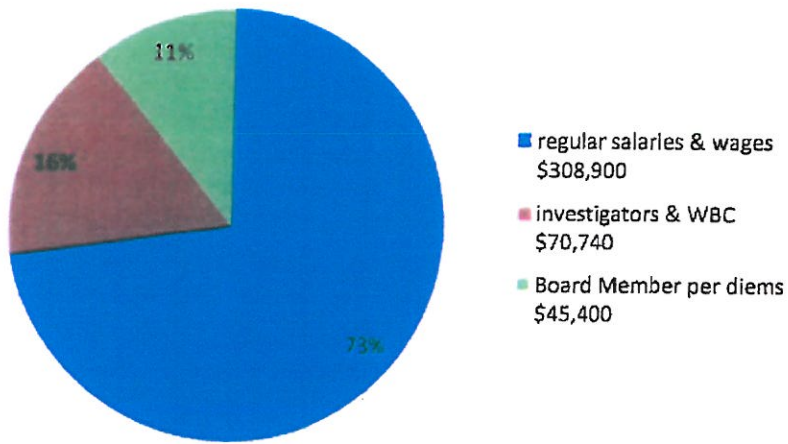
APPROVED:

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

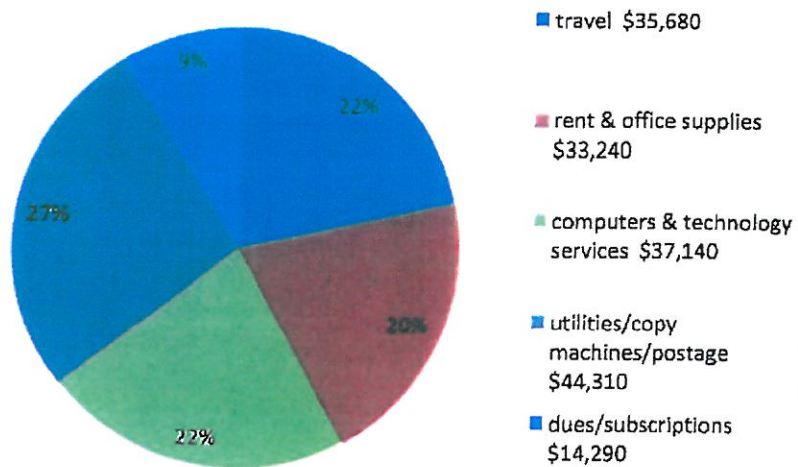
Sid Brantley, D.M.D.
Vice President

2014 Year to Date Expenditures \$589,702

Personnel Costs \$425,042

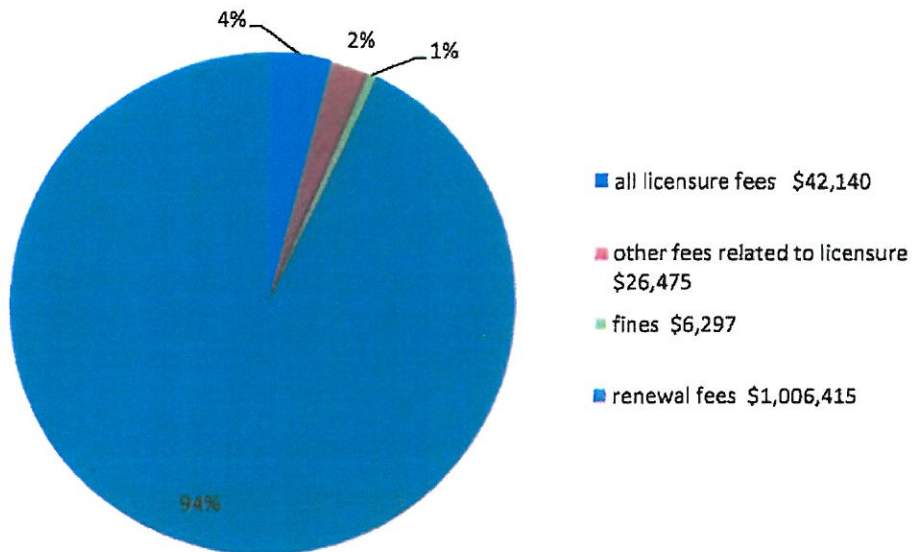


Operating Costs \$164,660



2014 Year to Date Revenue \$1,081,327

Total Revenue \$1,081,327



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	\$0.00	-\$68,176.53		-\$13,267.10	
August	\$66,587.00	-\$58,428.32		-\$5,108.42	
September	-\$50.00	-\$85,846.70		-\$90,804.70	
October	\$146,025.00	-\$65,758.60		-\$10,538.72	
November	\$247,900.00	-\$67,910.09		\$169,421.19	
December	\$461,404.98	-\$86,750.74		\$544,075.43	
January	\$156,051.64	-\$115,189.23		\$584,937.84	
February	\$3,714.73	-\$42,509.95		\$546,142.62	
March to date	-\$298.34	-\$2,591.33		\$543,252.95	

DIRECTOR'S REPORT

The following are highlights of matters addressed since our last meeting:

1. Board Investigator Marquetta Poynter has submitted a letter advising that she will not seek renewal of her contract which expires at the end of June 2014 (copy attached). Marquetta has provided the Board with exceptional and professional service for 20 years. Most recently, she has been assisting our new investigator, George Georgacopoulos, learn the nuances of investigating complaints filed with the Board. Marquetta will be dearly missed, but she wants to devote more time to her bed and breakfast business and her husband, Jerry, who retired last year. Thus, we will need to advertise for an investigator to replace Marquetta and form a Board Investigator Selection Committee to review the applications. I recommend that the persons who worked on the Selection Committee that recommended Mr. Georgacopoulos be appointed by the Board to review the applications and recommend the applicants to be considered by the full Board.
2. Met with and have been working extensively with the Legislative Research Commission (LRC) staff to finalize our proposed regs changes as well as the new lab reg. A small change such as modifying the date on the "Delegated Duties List" and replacing same with a new list requires pages of explanation as to what changes are being made, why the changes are being made and the impact such changes will have financially on the public and our Board. It also requires very precise markings of the changes in the old and new that includes ensuring the portion being deleted are marked with "strike out" lines that do not intersect the "brackets" at the beginning and end of the changes. The final drafts will be signed by Board President Dr. Jason Ford at Saturday's meeting. Thereafter, the original and five copies will be filed with the LRC next week. A public hearing will be scheduled for Friday, April 25, 2014. We will need a quorum of the Board to be present for that meeting. The meeting can be canceled if no one requests in advance to be heard at the meeting.
3. We advertised twice for a new General Counsel and the General Counsel Selection Committee has met twice to review the applications submitted. The Committee Chair, Dr. Jason Ford, will present the Committee's report and recommendations at Saturday's meeting.
4. We just completed the renewal cycle for the dentists. Although not required by law, we did the following to advise the dentists of their need to renew—sent postcard in October; sent four follow up emails reminding dentists of need to renew before 12/31/13; after 12/31/13 we sent emails and personal letters to those dentists who had

not renewed reminding them of their obligation to renew or retire their licenses. At the completion of this process, there were 90 dentists who were in a non-renewal status. Board Investigator George Georgacopoulos was tasked with attempting to call these 90 dentists to remind them of their obligation to renew and to ensure they were not practicing without a license. The bulk of those contacted advised that they were dealing with illnesses or disabilities and would not be renewing their licenses; others had moved out of the state; and, some contact numbers were unanswered or disconnected. Based on the investigation by Mr. Georgacopoulos, I believe the Board can be confident we do not have dentists practicing without licenses in the state.

5. Since our last meeting, I traveled to Paducah at the invitation of Board Vice-President Sid Brantley to speak to the Purchase Dental Society. Approximately 50 dentists attended the evening event. The presentation included a review HB1 and the dentists' obligations thereunder; an overview of the Board of Dentistry, its composition, duties and responsibilities; the complaint process and recommendations on how to avoid becoming part of the complaint process. The group seemed appreciative of my traveling to Paducah to speak to them.

I also gave a presentation to the senior class at the U of L School of Dentistry. The topic of my presentation was the initial application process and how to expedite the process; also included was a discussion of HB1, an overview of the Board and the complaint process as well as suggestions on how not to become part of the complaint process.

6. Prepared for and attended the LEC; during the past two months we have had two LEC cases that have consumed a great amount of my time as well as investigators' time; the cases involved allegations of drug and alcohol use by the dentists; those cases are still pending and scheduled for LEC review on 3/7/14.
7. Reviewed the suggestions on revising the Policies and Procedures and Orientation Manual. Synthesized, collated and typed the suggestions and disseminated same to Board.
8. Fielded calls from various Board Members on testing agency issues. Contacted CRDTS and WREB to determine whether we could send observers to their tests even if we were not members of those testing agencies; both agencies advised they would welcome observers as well as input from the Board on the observer's findings. Requested membership packages from both testing agencies.
9. Dealt with water damage issues to office space from cold weather (broken water pipe flooded building from third floor down to first floor) as well as numerous snow/ice events.
10. Reviewed HB 453 currently under consideration by a Kentucky legislative committee. Legislation would create a new entity to license and regulate denturists in Kentucky.

This legislation proposed by Representative Tom Burch is similar to legislation proposed by him in the past. I've spoken with KDA Executive Director Mike Porter about the legislation. He advised the KDA is opposed to the legislation. He asked if the Board would send a letter in opposition to the legislature. I stated I would review with the Board.

11. We hired a new temporary employee, Uconda Schofield, who is the person most likely to answer the phone when you call. Uconda has been an excellent addition to the office staff. She replaced temporary employee, Faith Miller, who left to concentrate on school. Uconda has helped scan several boxes of records that had accumulated over the past year. She is also addressing a backlog of license verification requests and license retirements.
12. Finally, I have set as a top priority for 2014 the acquisition of a new database system. We had been following efforts of Accela Corporation to obtain rights to deploy its database platform via the existing state contractor, kentucky.gov, however, they have not been successful in working out an agreement. I believe we need to move forward to pursue other options even if it requires us to advertise for and solicit bids through the state bidding process. A new database is critical to our ability to monitor CE compliance as well as to adequately compile and extract licensee data.

Marquetta Poynter, DMD

1008 Gagel Avenue

Louisville, Kentucky

502-594-4171

mpoynt@bellsouth.net

January 13, 2014

David Beyer
312 Whittington Parkway, Suite 101
Louisville, KY 40222

Dear Mr. Beyer,

I am writing this letter to formally advise of my plan to resign from the position of investigator for the Kentucky Board of Dentistry effective when my current contract expires, June 30, 2014.

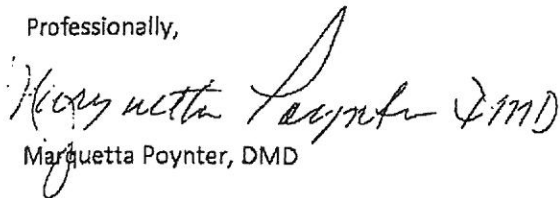
It is with very mixed emotions that I write this letter. I have been blessed with one of the best jobs available. I appreciate the opportunity to have met so very many practitioners, often under stressful circumstances. My goal has always been be a positive and appropriate representative of a group of Board members who work tirelessly for my profession of dentistry. The education I have received and the knowledge gained by my association with the Kentucky Board of Dentistry has been priceless.

Additionally, my husband Jerry and I look forward to spending more time together. Jerry retired in February of 2012 and has been busy adjusting to a different daily structure. We are both ready for me to join him.

I have a great appreciation for the years of professional association which has been given to me through this work. I will cherish the past eighteen years as I look forward to the next chapter of my life.

I will end with thank you and best wishes for all your future efforts.

Professionally,



Marquetta Poynter, DMD