

STATE OF IDAHO



BOARD OF DENTISTRY

MINUTES OF REGULAR MEETING – January 20-21, 2012

The Idaho State Board of Dentistry convened its regular meeting at 8:20 a.m. on January 20, 2012, at the Hampton Inn and Suites, Boise, Idaho. Board members in attendance were: Dr. Curtis Wiggins, Chairman; Dr. John Blaisdell; Dr. Val Garn; Dr. Jay Harris; Janis McClelland, RDH; Jan Simpson, RDH; Dr. Robert Timothy; and Tina Wilson, Consumer Member. Susan Miller, Executive Director, was present and Stephanie Seal, Administrative Assistant, was present and recorded the minutes. The members of the Board of Dentistry may hereinafter be collectively referred to as the "Board."

Call to Order: At the appointed time, Dr. Wiggins (who hereinafter may be referred to as the "Chairman") called this duly scheduled regular meeting of the Idaho State Board of Dentistry to order. The record of the meeting reflected the fact that notice of the Board's meeting and agenda was given in the form and manner prescribed by the Idaho Open Meeting Act. The meeting's notice and agenda were previously mailed to those persons and organizations that requested or were entitled to receive that information. The required quorum was present at all times during the meeting in order for the Board to make final decisions regarding matters on the agenda.

MOTION: The Board moved to approve the minutes of the November 4, 2011 regular meeting and the November 29, 2011 special meeting. *Wilson/Timothy, Unanimous – Motion Carried*

Executive Session. Upon motion and unanimous vote of the members, the Board of Dentistry entered into executive session in accordance with Idaho Code §67-2345(1)(d) and (f). While in executive session, the members of the Board of Dentistry considered those matters falling within the scope of the aforementioned statutory authority. The Board's legal counsel, Michael Kane, was present for the executive session. The Board concluded the executive session at 1:13 p.m.

MOTION: The Board moved to propose and accept specific terms and conditions of an amended consent agreement in BOD 03-73. *Wilson/Garn, Unanimous – Motion Carried*

MOTION: The Board moved to issue an order extending the special status license for an additional 30 days in BOD 11-06. *Garn/Harris, Unanimous – Motion Carried*

MOTION: The Board moved to evaluate and reconsider the terms of the consent agreement in connection with complaint #08-45 at their April 2012 meeting. *Wilson/ ,Motion failed for a lack of second.*

MOTION: The Board moved to deny the request for modification of the letter of reprimand and early conclusion of the consent agreement in 08-45. *McClelland/Garn, 4 in favor, 1 opposed, 2 recused – Motion Carried*

MOTION: The Board moved to require an additional 6 month period of mentoring in complaint #09-37. *Simpson/Timothy, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds existed in connection with complaint #11-32 to find probable cause that a violation of the standards found in either the Idaho Dental Practice Act or the administrative rules occurred and the Board will issue a letter of concern. *Blaisdell/Wilson, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or administrative rules occurred in connection with complaint #11-41. *Simpson/Harris, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or administrative rules occurred in connection with complaint #11-42. *Harris/Wilson, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or administrative rules occurred in connection with complaint #11-43. *McClelland/Simpson, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or administrative rules occurred in connection with complaint #11-44/45. *Timothy/Harris, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or administrative rules occurred in connection with complaint #11-46. *Garn/Wilson, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or administrative rules occurred in connection with complaint #11-48. *Wilson/Harris, Unanimous – Motion Carried*

Advertising Issues

Jenifer Marcus, Deputy Attorney General, discussed with the Board the concern about advertising with sites such as Groupon and Living Social. She stated that dentists can advertise in any medium as long as the ad is not fraudulent, false, or mis-leading. Ms. Marcus also stated that every voucher is different and the Board must decide on a case by case basis if it violates the advertising statute.

School and Association Reports

Gina Secrist from IDHA gave a report on the association's current events.

Roger Simmons, lobbyist for IDHA, asked the Board to consider participation in the association's annual session being held in Boise, ID in October 2012.

BOD Rulemaking Update

Susan Miller gave the Board an update on the pending rules. She stated the rules have passed the House Health and Welfare Committee. Ms. Miller said the rules will be presented before the Senate committee the following week.

Anesthesia Permit Update

Susan Miller updated the Board on the regional evaluator trainings. She stated there was concern at every area training regarding requirements for a permit. Ms. Miller also stated she would like to have an anesthesia committee meeting in the spring. Dr. Timothy stated it is beneficial to have a Board member at the committee meetings and suggested that Dr. Val Garn attend. Dr. Wiggins stated that the revenue on anesthesia permits is higher than what we pay consultants in connection with permit office evaluations.

MOTION: The Board moved to raise all consultant fees to \$75/hour. *Wilson/Harris, Unanimous – Motion Carried*

Upcoming Meetings

Susan Miller discussed the AADB mid-year meeting to be held in Chicago in April. She stated that the networking alone is invaluable.

MOTION: The Board moved to send Janis McClelland and Dr. Jay Harris to the AADB mid-year meeting. *Wilson/Blaisdell, Unanimous – Motion Carried*

Susan Miller also discussed the CLEAR training. She stated that they offer training and certification in investigation techniques.

MOTION: The Board moved to send Susan Miller to CLEAR training. *Garn/Wilson, Unanimous – Motion Carried*

Dental Assisting Proprietary Programs

The Board reviewed and discussed North Idaho Dental Assisting Academy's application to teach fundamentals of dental assisting as well as the Board's dental assisting consultant's recommendations.

MOTION: The Board moved to deny the application of fundamentals of dental assisting for North Idaho Dental Assisting Academy until the recommendations from the consultant are addressed. *Simpson/Garn, Unanimous – Motion Carried*

Miscellaneous

The Board reviewed a question regarding special or volunteer licensing for non-Idaho dentists looking to take part in Free Dental Days within Idaho. The Board decided that any dentist looking to volunteer in Idaho needs to go through the same background check process as any dentist licensed in the state. The Board determined that Idaho Code 54-920 defines the terms "license with special status" and "license with provisional status", both of which may work for this situation; however application and licensure fees would be applicable per Idaho Code 54-916.

The Board reviewed and discussed a letter from the Oregon Board of Dentistry regarding the ADA's request for proposal for a portfolio licensing examination. The Board concluded they will take no action on this issue at this time.

The Board reviewed and discussed an email regarding whether or not digital impressions fall within the scope of permitted duties for dental assistants.

MOTION: The Board moved to respond to the digital impression email stating it is not a permissible duty at this time. *McClelland/Garn, 2 Opposed – Motion Carried*

The Board discussed an issue of ordering blood draws and labs. They concluded that it was within the scope of practice of a dentist.

The Board discussed a patient question regarding taking of x-rays. The Board determined that it is the dentist's responsibility to decide whether an x-ray is needed or not.

Personnel Review

The Board reviewed a letter composed in connection with the employee evaluation for Ms. Susan Miller.

The Board adjourned for the day at 4:41 p.m. and reconvened at 8:20 a.m. on Saturday.

Executive Session. Upon motion and unanimous vote of the members, the Board of Dentistry entered into executive session in accordance with Idaho Code §67-2345(1)(d) and (f). While in executive session, the members of the Board of Dentistry considered those matters falling within the scope of the aforementioned statutory authority. The Board concluded the executive session at 8:57 a.m.

MOTION: The Board moved to conclude all consent agreements with a final letter to the person under the consent agreement. *Wilson/Harris, Unanimous – Motion Carried*

BOD Status Report

The Board reviewed the financial reports. Ms. Miller discussed with the Board the FY13 budget as well as the zero based budgeting timeline.

MOTION: The Board moved to approve the financial report. *McClelland/Simpson, Unanimous – Motion Carried*

The Board discussed employee compensation. Ms. Miller recommended an employee performance bonus be awarded to Ms. Seal.

MOTION: The Board moved to award a performance bonus to Ms. Stephanie Seal in the amount of \$1,000. *Simpson/Blaisdell, Unanimous – Motion Carried*

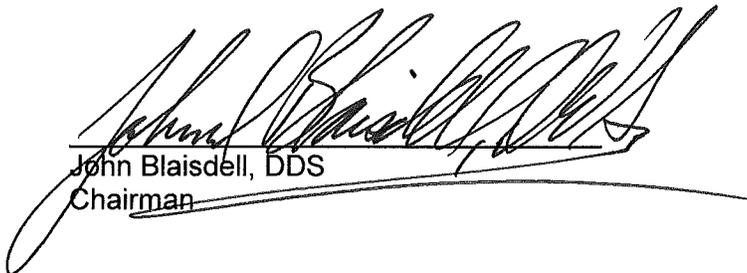
MOTION: The Board moved to authorize Ms. Miller to purchase five new laptops. *Wilson/Simpson, Unanimous – Motion Carried*

Strategic Planning

The Board reviewed and discussed the strategic plan as well as emerging issues. The Board will finalize the plan at the April meeting.

MOTION: The Board moved to elect Dr. John Blaisdell to serve as Chairman of the Board for the upcoming year. *Harris/Garn, Unanimous – Motion Carried*

The Board adjourned the meeting at 10:42 a.m.



John Blaisdell, DDS
Chairman