

## STATE OF IDAHO



## BOARD OF DENTISTRY

### MINUTES OF REGULAR MEETING – January 29-30, 2016

The Idaho State Board of Dentistry convened its regular meeting at 8:17 a.m. on January 29, 2016, at the Hampton Inn and Suites, Boise, Idaho. Board members in attendance were: Dr. Val Garn, Chairman; Dr. Nathan Catmull; Dr. Dan Davidson; Dr. Richard George; Dr. Scott Wright; Ms. Carolyn Brammer, RDH, Ms. Meg Long, RDH, and Ms. Tina Wilson, Consumer Member. Susan Miller, Executive Director, was present and Stephanie Lotridge, Administrative Assistant, was present and recorded the minutes. Michael Kane, the Board's enforcement attorney was also present. The members of the Board of Dentistry may hereinafter be collectively referred to as the "Board."

Call to Order: At the appointed time, Dr. Garn (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 October 23-24, 2015 regular meeting. *Wilson/Wright, Unanimous – Motion Carried*

**Executive Session.** Upon motion and unanimous roll call vote of the members, the Board of Dentistry entered into executive session in accordance with Idaho Code §74-106(8)(9) and §74-206(1)(d). 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 11:19 a.m.

#### Application Hearing

The Board conducted a hearing on the application of Dr. Robert J. Houchin, DDS. Dr. Houchin had submitted an application for licensure as a general dentist by credentials and was noticed of the time and place for the hearing. Dr. Houchin personally appeared to provide testimony in support of his application and to answer questions from the members of the Board and the Board's attorney, Mr. Michael Kane.

Dr. Houchin left at the conclusion of his testimony and the Board proceeded to deliberate matters contained in his application file and to further consider his testimony.

**MOTION:** The Board moved to deny Dr. Houchin's application based on their findings that he had personally engaged in actions contrary to good moral character. *Davidson/Wilson, Unanimous – Motion Carried*

### General Attorney Discussion and Updates

Mr. Kane discussed the Idaho Attorney General's opinion regarding the NC Board of Dental Examiners vs. FTC Supreme Court case. He stated the Governor will bring forward a bill for the legislature directly addressing the issues and opinion of the AG. Mr. Kane discussed the issue of Dental Support Organizations (DSO's) across the country. He stated they are legal in some states and illegal in others. Mr. Kane wants the Board to be aware they will see more of these in the future.

### Geriatric Dentistry

Dr. Scott Kido a General Dentist from Nampa, ID discussed the use of silver nitrate for geriatric patients. He stated there is little information for using this for geriatrics. Dr. Kido said geriatric patients are not prepared to invest in payments for dental caries and silver nitrate is an option to arrest decay as long as the patient is aware this does not eliminate the decay. Dr. Kido stated he would like to see silver nitrate used in long term care facilities.

### School and Association Reports

Linda Swanstrom reported on recent activities with the ISDA. She stated their 2016 legislative focus was to increase personal property tax exemptions, find ways to improve dental coverage for Medicaid patients, and to establish new criteria and rules for insurance carriers to establish, maintain, and communicate provider rating systems. Ms. Swanstrom also discussed the ISDA's community projects and goals which include: the Dentist to Dentist referral program, Incurred Medical Expense (IME) program for nursing homes, and the Idaho Oral Health Alliance membership.

Roger Simmons reported on recent activities in the IDHA. He said IDHA is preparing for a lobby day at the State Capitol on February 22, 2016.

Dr. Spencer Lloyd reported on recent activities in the Academy of General Dentistry. He stated the program focuses on making general dentists really good general dentists. Dr. Lloyd stated the AGD encourages members to be involved in the state association.

### Meeting Reports

Dr. Dan Davidson and Ms. Stephanie Lotridge reported on the November AADB and AADA meetings held in Washington, DC. The themes and topics of the meetings included licensing board oversight, increased student debt, alternative forms of licensure, license portability, dental corporations, and trends in laws and court cases.

### BOD Status Report

Ms. Miller and Ms. Lotridge reviewed miscellaneous business items, including the quarterly financial report, software system updates, IdaCare legislation, and the FY16 supplemental budget request and FY17 budget request.

MOTION: The Board moved to accept the quarterly financial report. *Wilson/Brammer, Unanimous – Motion Carried*

### Miscellaneous

Ms. Miller reviewed upcoming meetings and representation from the board.

### WREB

Dr. Nathan Catmull stated he received an email from WREB requesting input on using a plastic tooth for the endodontic portion of the exam. The DERB members will be completing endo procedures on the teeth prior to the upcoming DERB meeting. The Board gave Dr. Catmull discretion to give an opinion at the DERB meeting upon further information and evaluation.

#### Dental Assisting Proprietary Program Review

The Board reviewed an application for approval of a fundamentals of dental assisting curriculum. The Board also considered the educational consultant's report in connection with this application.

MOTION: The Board moved to request specific revisions to the curriculum as they were recommended by the educational consultant. *Davidson/Catmull, 1 Recused, Unanimous – Motion Carried*

Executive Session. Upon motion and unanimous roll call vote of the members, the Board of Dentistry entered into executive session in accordance with Idaho Code §74-106(8)(9) and §74-206(1)(d). 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 4:55 p.m.

The Board adjourned for the day at 4:56 p.m. and reconvened at 8:15 a.m. on Saturday.

Executive Session. Upon motion and unanimous roll call vote of the members, the Board of Dentistry entered into executive session in accordance with Idaho Code §74-106(8)(9) and §74-206(1)(d). 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 10:04 a.m.

#### Complaint Reviews

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or the administrative rules occurred in connection with BOD #15-24. *Davidson/Wilson, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds existed in connection with BOD #15-27 to find probable cause that a violation of the Idaho Dental Practice Act or the administrative rules occurred and the Board of Dentistry will refer the case to counsel for enforcement action. *Wright/Wilson, 5 For, 2 Against – Motion Carried*

MOTION: The Board moved for a finding that no violation of the standards found in either the Idaho Dental Practice Act or the administrative rules occurred in connection with BOD #15-28 but the Board will issue a letter of concern. *George/Wright, 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 the administrative rules occurred in connection with BOD #15-33 but the Board will issue a letter of concern. *Davidson/George, Unanimous – Motion Carried*

#### Legislative Planning and Discussion

The Board discussed potential statute and rule revisions for 2016-17, directing staff to draft revisions in identified sections for further discussion at the April 2016 meeting.

#### Rule 030 Discussion

The Board reviewed Administrative Rule 030 (Dental Hygienists – Practice). Ms. Carolyn Brammer discussed current supervision requirements for a licensed dental hygienist to administer and monitor nitrous oxide/oxygen to patients.

MOTION: The Board moved to initiate a rule revision to allow a dental hygienist to administer and monitor nitrous oxide/oxygen to patients under general supervision. *Catmull/Long, 5 For, 1 Against, 1 Abstained – Motion Carried*

#### Emerging Issues

The Board discussed emerging issues, including radiation safety, Dental Support Organizations, and Licensure Examinations. The Board reviewed the Buffalo Model Examination and discussed concerns with this type of assessment. The Board discussed sending Dr. Val Garn to observe an exam and report back to the Board. He will work with Board staff to make the arrangements.

#### CSI Advisory Committee

The Board elected Dr. Nathan Catmull to serve on the CSI Advisory Committee.

MOTION: The Board moved to elect Dr. Dan Davidson to serve as Chairman of the Board for the upcoming year. *Wright/Long, Unanimous – Motion Carried*

The meeting adjourned at 2:06 p.m.

---

Daniel B. Davidson, DMD  
Chairman