

STATE OF IDAHO



BOARD OF DENTISTRY

MINUTES OF REGULAR MEETING – July 26-27, 2013

The Idaho State Board of Dentistry convened its regular meeting at 8:05 a.m. on July 26, 2013, at the Hampton Inn and Suites, Boise, Idaho. Board members in attendance were: Dr. Dennis Hatch, Chairman; Dr. Dan Davidson; Dr. Val Garn; Dr. Jay Harris; Dr. Scott Wright; Jan Simpson, RDH, and Ms. Tina Wilson, Consumer Member. Ms. Janis McClelland, RDH was absent and excused. Susan Miller, Executive Director, was present and Stephanie Seal, Administrative Assistant, was present and recorded the minutes. The Board's legal counsel, Michael Kane, 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. Hatch (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.

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 executive session. The Board concluded the executive session at 8:26 a.m.

BOD 13-11 Disciplinary Hearing

The Board conducted a disciplinary hearing for Dr. Carl B. Holm in connection with complaint #13-11. Present with Dr. Holm were: Dr. Holm's legal counsel, Mr. J. Kevin West; and Mrs. Ruby Holm.

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 10:30 a.m.

MOTION: The Board moved to approve the minutes of the April 26-27, 2013 regular meeting and the June 17, 2013 special meeting. *Wilson/Harris, Unanimous – Motion Carried*

MOTION: The Board moved to close the complaint file in connection with BOD #09-37. *Wilson/Garn, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that probable cause exists that a violation of the standards found in IDAPA 19.01.01.040.18 has occurred in connection with complaint #13-08 and will issue an administrative complaint.

Administrative Rule Discussion with Counsel

The Board reviewed changes to Administrative Rules 40, 46, and 55 as suggested by legal counsel. The Board also reviewed the suggested change to Idaho Code §54-924(8).

School and Association Reports

Dr. Jack Kulm from ISDA reported on the Board's possible revision to Idaho Code §54-903(9). Dr. Kulm assured the Board ISDA did not mean to exclude dental outreach programs in their written recommendation.

Ms. Colleen Stephenson reported on activity in IDHA. She stated the Idaho Oral Health Alliance has asked they submit names for its Board. Ms. Stephenson also reported on IDHA's annual session scheduled for October.

WREB Meeting Reports

Dr. Val Garn reported on the Dental Exam Review Board meeting for WREB. He stated all member states were represented at the meeting. Dr. Garn stated WREB is reviewing statistics of the dental exam and may change to a comprehensive planning portion of the exam as opposed to the current treatment planning portion.

Ms. Jan Simpson reported on the Hygiene Exam Review Board meeting for WREB. She stated WREB as a whole is looking to recruit more involvement in exams and committees. Ms. Simpson also stated there will be structural changes made to the organization as a whole.

BOD Status Report

Ms. Susan Miller and Ms. Stephanie Seal discussed with the Board miscellaneous business items.

MOTION: The Board moved to approve the Fiscal Year End financial report. *Garn/Wilson, Unanimous – Motion Carried*

MOTION: The Board moved to accept the legal services contract for Michael Kane. *Wilson/Simpson, Unanimous – Motion Carried*

MOTION: The Board moved to budget for a .5 FTP for FY2015. *Garn/Simpson, Unanimous – Motion Carried*

MOTION: The Board moved to accept the proposed licensing fee changes and to absorb credit card fees for online licensing and applications. *Davidson/Wilson, Unanimous – Motion Carried*

Extended Access Care Program

The Board reviewed a request for approval of an Extended Access Care Program. The Board's legal counsel, Michael Kane discussed the definition of this type of program and the license endorsement for dental hygienists. Mr. Kane suggested the response state the current rules regarding Extended Access Care Programs. Mr. Kane stated the Board should consider a revision to the statute and rules.

MOTION: The Board moved to allow Mr. Kane to draft laws and rules regarding Extended Access Programs and teledentistry for review at the October meeting. *Garn/Davidson, Unanimous – Motion Carried*

The Board adjourned for the day at 4:31 p.m. and reconvened at 8:02 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 8:59 a.m.

MOTION: The Board moved for a finding that a violation of the standards found in Idaho Code §54-924(8)(12) existed in connection with complaint #13-11.

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 12:17 p.m.

MOTION: The Board moved to affirm it's prior decision in complaint #12-41. *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 the administrative rules occurred in connection with complaint #13-12 but the Board will issue a letter of concern. *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 the administrative rules occurred in connection with complaint #13-13. *Garn/Wilson, 1 Opposed – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds exist to find probable cause that a violation of the standards found in either the Idaho Dental Practice Act or the administrative rules occurred in connection with complaint #13-14 and will issue a letter of concern. *Wilson/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 the administrative rules occurred in connection with complaint #13-15. *Davidson/Wright, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds exists to find probable cause that a violation of the standards found in either the Idaho Dental Practice Act or the

administrative rules occurred in connection with complaint #13-16 and authorizes the issuance of an administrative complaint. *Harris/Davidson, 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 complaint #13-18. *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 the administrative rules occurred in connection with complaint #13-21. *Wilson/Wright, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds exist to find probable cause that a violation of the standards found in either the Idaho Dental Practice Act or the administrative rules occurred in connection with complaint #13-22 and will propose a consent agreement. *Wright/Simpson, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds exist to find probable cause that a violation of the standards found in either the Idaho Dental Practice Act or the administrative rules occurred in connection with complaint #13-23 and will propose a consent agreement. *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 the administrative rules occurred in connection with complaint #13-26. *Davidson/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 the administrative rules occurred in connection with complaint #13-27. *Wright/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 the administrative rules occurred in connection with complaint #13-28/29/30. *Harris/Davidson, 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 complaint #13-31-32. *Simpson/Wright, Unanimous – Motion Carried*

Miscellaneous

The Board reviewed a request for approval of a moderate parenteral sedation course.

MOTION: The Board moved to approve Conscious Sedation LLC's moderate parenteral sedation course. *Wilson/Davidson, Unanimous – Motion Carried*

The Board reviewed policy change recommendations suggested by the Anesthesia Ad Hoc Committee.

MOTION: The Board moved to accept the recommendations of the Anesthesia Ad Hoc Committee. *Wilson/Wright, Unanimous – Motion Carried*

The Board reviewed a question regarding whether a dentist can prescribe CPAP therapy. The Board determined prescribing CPAP therapy is outside the scope of practice for a dentist.

The Board discussed participation in the American Association of Dental Board's clearinghouse. The Board determined they would not participate due to the requirements from the National Practitioner Database.

The Board discussed an issue from a former Montana State Board member regarding denturists placing over implants and the issue of soft tissue management.

Ms. Susan Miller requested approval to attend the FARB conference in October 2013 in Coeur d'Alene, ID.

MOTION: The Board moved to fund Ms. Miller's attendance to the FARB conference in October 2013 as well as offer to pay registration and lodging for Michael Kane to attend. *Simpson/Harris, Unanimous – Motion Carried*

The Board reviewed a question regarding dentists buying prescription drugs from a wholesaler for personal use. The Board's legal counsel Michael Kane advised dentists should be talking to their pharmacist.

Statutes and Administrative Rule Review

The Board finalized their revisions to the statutes and administrative rules.

MOTION: The Board moved to send the proposed statutory revisions on to the next step in the approval process. *Wilson/Garn, Unanimous – Motion Carried*

MOTION: The Board moved to allow Dr. Val Garn and Ms. Susan Miller to finalize the wording on administrative rule 060.01.a. *Wilson/Harris, Unanimous – Motion Carried*

MOTION: The Board moved to send the proposed rule revisions to the next step in the approval process. *Wilson/Harris, Unanimous – Motion Carried*

Prescription Drug Abuse

Ms. Susan Miller reported on recent activity in the workgroup. She stated there may be a push to mandate PMP checks. The Board reviewed and discussed the PMP unsolicited data report received from the Board of Pharmacy. After reviewing the report and informational materials that BOP provided to prescribers, as well as a sample prescriber unsolicited report letter, the Board found the efforts by BOP to address the issue with prescribers to be adequate at this time.

The Board adjourned the meeting at 2:56 p.m.



Dennis S. Hatch, DDS
Chairman