

## STATE OF IDAHO



## BOARD OF DENTISTRY

### MINUTES OF REGULAR MEETING – October 18-19, 2013

The Idaho State Board of Dentistry convened its regular meeting at 8:10 a.m. on October 18, 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; Janis McClelland, RDH; Jan Simpson, RDH, and Ms. Tina Wilson, Consumer Member. 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.

**MOTION:** The Board moved to approve the minutes of the July 26-27, 2013 regular meeting and the August 14, 2013 special meeting. *Wilson/Garn, 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 executive session. The Board concluded the executive session at 9:30 a.m.

#### BOD 12-32

The Board conducted a hearing via teleconference with Dr. Thomas Walsh and his attorney Dylan Eaton. The purpose of the hearing was to hear Dr. Walsh's testimony regarding compliance with paragraph 9.c. of the Consent Agreement for Formal Disposition and Order entered into on January 30, 2013.

**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 10:34 a.m.

Mr. Kane gave advised the Board on particular matters on the agenda before leaving the meeting.

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 12:23 p.m.

MOTION: The Board moved to amend the consent agreement in BOD #12-32. *Wilson/Simpson, Unanimous – Motion Carried*

MOTION: The Board moved to table BOD #13-16. *Harris/Davidson, Unanimous – Motion Carried*

MOTION: The Board moved to deny Ms. Cordes' request for reconsideration of her local anesthesia credentials. *Simpson/McClelland, Unanimous – Motion Carried*

MOTION: The Board moved to deny Dr. Edward Dolan's application for issuance of an active status license by credentials based on the requirements of Idaho Code §54-916(b). *Garn/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 BOD # 13-35/36. *Davidson/McClelland, 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 # 13-37. *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 #13-38 but the Board will issue a letter of concern. *Harris/Wilson, 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 #13-39 and will propose a consent agreement. *Garn/Wilson, 1 Opposed – Motion Carried*

#### WREB Presentation

Dr. Gerald Woodworth gave a historical presentation of the Western Regional Examining Board. Dr. Woodworth reviewed WREB's mission statement, governance, exam development, and statistical information.

### School and Association Reports

Roger Simmons from IDHA thanked Ms. Susan Miller and Ms. Janis McClelland for their participation in the IDHA's Annual Session professional forum.

Ms. Susan Cameron reported on activity in IDHA. She stated she was stepping down as Executive Director.

Dr. Jack Kulm and Ms. Tami Chaffin reported on ISDA's position regarding the Board's legislative proposals.

### CAD/CAM Demonstration

Ernesto Figueroa of Patterson Dental, provided a demonstration of CAD/CAM technology.

### BOD Status Report

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

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

MOTION: The Board moved to shift legislative discussion proposals to 10:30 a.m. on October 19, 2013 due to time restraints. *Wilson/Harris, Unanimous – Motion Carried*

### Meeting Reports

Dr. Val Garn reported on the DOCS sedation course. Dr. Garn stated observation of 3 live sedation cases is important. He further stated sedation observations can be just as effective in an office setting.

Ms. Susan Miller reported on the FARB conference she attended earlier in the month.

Ms. Stephanie Seal reported on the Prescription Drug Workgroup she attended in August.

MOTION: The Board moved to accept observation of 3 live sedation cases in an office setting in connection with DOCS course completion. *Garn/Wilson, Unanimous – Motion Carried*

The Board adjourned for the day at 5:10 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 8:51 a.m.

MOTION: The Board moved to take BOD #13-16 off the table. *Harris/Simpson, Unanimous – Motion Carried*

MOTION: The Board moved to issue a letter of concern regarding the advertising matters raised in BOD #13-16. *Simpson/Wilson, Motion failed*

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 #13-16 and will propose a consent agreement. *Wright/Harris, 3 Opposed – Motion Carried*

#### Regional Exam Review

Ms. Jan Simpson reported on the CRDTS dental hygiene exam. Ms. Simpson stated she was unsure about accepting CRDTS for initial licensure.

Dr. Val Garn reported on the CRDTS dental exam. He stated the candidates taking this particular exam would be qualified to do dentistry.

The Board decided to not make any changes to the exams accepted for licensure in Idaho.

#### CAD/CAM Discussion

The Board had a general discussion on CAD/CAM technology based on the presentation given the previous day. Dr. Jay Harris said a digital image is the same as an impression. The Board was in agreement that the final digital impression would be the scanned image of the prep. Ms. Miller said she would send an updated advisory statement regarding the Board's opinion.

MOTION: The Board moved to add the word "intraorally" to administrative rule 031.01.c and 035.2.b. *Davidson/Garn, Unanimous – Motion Carried*

#### Teledentistry/Extended Access Discussion

Ms. Susan Miller stated there is a disconnect between the statute and rules regarding Extended Access. Ms. Jan Simpson said wording of the rule obstructs access to care. Ms. Tina Wilson stated she would support further research regarding extended access issues. The Board decided to delegate research to a Board subcommittee. Dr. Wright, Ms. Wilson and Ms. McClelland will serve on the committee.

#### Legislative Proposals

The Board reviewed legislative proposal 423-01.

MOTION: The Board moved to change the language in 54-903(9) and place it in a separate legislative proposal. *Simpson/Garn, Unanimous – Motion Carried*

#### Rulemaking Docket 19-0101-1301

The Board reviewed rulemaking docket 19-0101-1301.

MOTION: The Board moved to leave in the word "prominent" and "clearly worded" in 046.03.b. and c. *Harris/Wright, 1 Opposed – Motion Carried*

MOTION: The Board moved to revise rules 046.03.c and 046.03.b. for consistency. *Wright/Davidson, 1 Opposed – Motion Carried*

MOTION: The Board moved to strike the reference to nitrous oxide in rule 055 and 055.01. *Wilson/Harris, Unanimous – Motion Carried*

MOTION: The Board moved to adopt the proposed rules and publish them as pending unless additional substantive comment is received by the deadline. *Wilson/McClelland, Unanimous – Motion Carried*

#### Miscellaneous

The Board reviewed a request for a special status license for Dr. Terry Brady.

MOTION: The Board moved to approve Dr. Terry Brady's request for a special status license limited to practice in the ISU Dental Residency program. *Garn/Wilson, Unanimous – Motion Carried*

The Board reviewed Delta Dental's 2014 request for approval of their mobile outreach program.

MOTION: The Board approved Delta Dental's 2014 request for approval. *Wilson/McClelland, Unanimous – Motion Carried*

The Board adjourned the meeting at 12:08 p.m.



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Dennis S. Hatch, DDS  
Chairman