

STATE OF IDAHO



BOARD OF DENTISTRY

MINUTES OF REGULAR MEETING – October 23-24, 2015

The Idaho State Board of Dentistry convened its regular meeting at 8:00 a.m. on October 23, 2015, 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 July 17-18, 2015 regular meeting. *Wright/Wilson, Unanimous – Motion Carried*

MOTION: The Board moved to reconsider BOD #15-14. *Wilson/Long, 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 §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 12:04 p.m.

FTC v NC Board of Dental Examiners: Supreme Court Case

Mitch Toryanski, legal counsel for the Idaho Bureau of Occupational Licenses, discussed the Governor's concerns regarding the opinions of the court in this case. Mr. Toryanski stated the Governor wants to protect the board and its members. Ms. Ann Beebe, Special Assistant to the Governor was also present at the meeting and answered questions regarding possible future actions.

School and Association Reports

Kristin Calley, RDH, MS reported on activity in the dental hygiene program at ISU including new admissions information, student activity, accreditation, and department activity.

Dr. John Hisel reported on recent activities with the ISDA. He stated their focus is on growing participation in the association and collaboration with others who wish to advance oral health for Idahoans.

ISU Dental Hygiene

The Board reviewed a letter submitted by the ISU Department of Dental Hygiene. Kristin Calley, RDH, MS explained each specific request in the letter.

Meeting Reports

Dr. Val Garn and Ms. Meg Long reported on the July Western Regional Examining Board's DERB and HERB meetings.

MOTION: The Board moved to appoint Dr. Nathan Catmull to serve as Idaho's DERB representative for WREB. *George/Wilson, Unanimous – Motion Carried*

Applications – PBIS Services

Ms. Miller reviewed the Board's current licensing procedure and the use of PBIS (Professional Background Information Services) for dentists. Ms. Miller stated Board staff has been analyzing its application processes and asked the Board to consider PBIS for licensing of dental hygienists by credentials.

MOTION: The Board moved to require dental hygienist applicants by credentials to obtain a PBIS Level II background information report effective January 1, 2016. *Long/Wilson, Unanimous – Motion Carried*

BOD Status Report

Ms. Miller and Ms. Lotridge reviewed miscellaneous business items, including the quarterly financial report and the FY17 budget.

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

MOTION: The Board moved to authorize submission of a request for a one-time supplemental appropriation in the amount of \$80,000 for development of a software licensing system. *Wilson/Brammer, Unanimous – Motion Carried*

Miscellaneous

The Board reviewed revisions to the office inspection form, it was decided to include a requirement that water supply must follow the CDC Guidelines.

Ms. Lotridge reviewed the 2015 sedation renewal report, the random office review report, and the dental assisting proprietary program report.

The Board discussed the plan for 2016 office inspections. Ms. Miller said it has become increasingly difficult to find and retain dentist consultants to conduct the inspections and asked if the Board felt it was important to have a dentist conduct the reviews or if a staff person could be trained for this function. The Board decided to continue using some of the current consultants and to pilot use of a board staff member to cover inspections in geographic areas where there is a lack of consultants. The process will be reevaluated at the end of 2016.

Ms. Miller reviewed the 2015 performance report, data report, and the revised strategic plan.

The Board reviewed dates and hotel availability for the July 2016 meeting. It was decided to move the meeting date to July 14-15, 2016. The meeting will be held at the Templin' Hotel in Post Falls.

The Board adjourned for the day at 4:57 p.m. and reconvened at 8:14 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 §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 10:58 a.m.

MOTION: The Board moved to amend the proposed consent agreement in BOD 14-18 as follows: letter of concern, successful completion of live periodontal continuing education pre-approved by the board, of not less than 12 hours duration, successful completion verified both by the course administrator and by successful completion of a post-course assessment; follow-up practice assessments by board; and reimbursement of board costs.

Davidson/Wilson, Unanimous – Motion Carried

MOTION: The Board moved to issue a special status license to Dr. Chris Mazzola limited to teaching, treating family members and colleagues, Dr. Mazzola cannot hold himself out to the public as a practicing dentist or be an associate in a practice. The special status license will expire on 9/30/16. To be considered for active status licensure Dr. Mazzola will need to successfully complete an approved clinical exam and complete any required continuing education. *George/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 BOD #15-14. *Wright/Brammer, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds existed in connection with BOD 15-17 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, the Board further recommends disciplinary action in the form of a reprimand and remedial training for the doctor. *George/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 BOD #15-21. *Garn/George, 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 #15-23. *Wright/George, Unanimous – Motion Carried*

MOTION: The Board moved for a finding that sufficient grounds existed in connection with BOD 15-25 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. *George/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 BOD #15-26. *Catmull/George, Unanimous – Motion Carried*

Legislative Planning and Discussion

Ms. Miller reviewed the IdaCare draft legislation. She stated this will be presented in the House Health & Welfare committee when the 2016 legislature convenes. Ms. Miller also reviewed emerging issues and potential legislation for 2017.

MOTION: The Board moved to support the IdaCare legislation. *Wright/Wilson, Unanimous – Motion Carried*

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

The Board discussed the requests contained in a 9/23/15 letter from the ISU Department of Dental Hygiene.

Regarding the request to allow dental hygiene students to administer nitrous oxide with general supervision when under the direct supervision of a licensed dental hygiene faculty member on a case-by-case basis: The Board concluded they do not have discretionary authority to authorize exceptions to law or the administrative rules.

Ms. Brammer suggested the Board have a general discussion at the next meeting of the current supervision level for the administration of nitrous oxide by dental hygienists. Dr. Garn suggested she bring information regarding training standards and research regarding any negative outcomes.

Regarding ISU's request regarding requirements for licensure by credentials for dental hygiene faculty members: It was the Board's conclusion they do not have discretionary authority to authorize exceptions to law, rules or policy on a case-by-case basis.

The Board then discussed the requirements for dental hygiene licensure by credentials. The Board felt the clinical experience requirement as well as the new policy requiring PBIS background reports would be sufficient reasoning to accept all dental hygiene examinations for licensure by credentials.

MOTION: The Board moved to accept all state or regional clinical examinations for licensure by credentials for dental hygienists effective 01/01/2016. *Brammer/Long, Unanimous – Motion Carried*

Regarding ISU's request to modify the definition of dental hygiene and scope of practice based on the academic entry-level degree: The Board generally felt the issue was outside their mission and purpose.

MOTION: The Board moved to deny ISU's request in regards to Section 54-902, 54-903, 54-904 and Rule 29 and Rule 30. *Wilson/Wright, 2 In Favor, 3 Opposed, 1 Abstained – Motion Failed*

MOTION: The Board moved to deny ISU's request as written as it is not in the Board's mission of public protection. The Board will suggest that ISU take up the issue with the professional associations. *Davidson/Wright, Unanimous – Motion Carried*

The meeting adjourned at 12:52 p.m.



Val Garn, DDS
Chairman