



Douglas A. Ducey, Governor

Arizona State Board of Dental Examiners

“Caring for the Public’s Dental Health and Professional Standards”

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OPEN SESSION MINUTES

April 24, 2020

Special Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 9:04 a.m. on Friday, April 24, 2020, which was held virtually and telephonically due to the COVID-19 pandemic. All participants, including guests participated either telephonically or virtually. The Board did not meet in executive session.

BOARD MEMBERS:

- Heather N. Hardy, RDH..... President and Licensed Hygienist Member
Robert B. Taylor, DDS Vice-President and Licensed Dentist Member
Lisa B. Bienstock, DMD..... Licensed Dentist Member
Morgan Burg..... Business Entity Member
[X] Aditya Dynar, Esq..... Public Member
[X] Nick Goodman..... Public Member
v John N. Harman, IV, DDS Licensed Dentist Member
Anthony Herro, DDS Licensed Dentist Member
Marilyn J. McClain, RDH..... Licensed Hygienist Member
Russell J. Morrow, DDS Licensed Dentist Member
Leslie D. Seaman, DDS Licensed Dentist Member
v Left the meeting at 12:30 p.m.
[X] Absent

STAFF AND ASSISTANT ATTORNEY(S) GENERAL PRESENT:

- Ryan P. Edmonson..... Executive Director
Kristina Gomez Deputy Director
Seth T. Hargraves, Esq..... Assistant Attorney General
Sherrie Biggs..... Licensing Manager
Miriam Thompson, LLB, LEC Chief Compliance Officer
Nancy Elia..... Licensing Administrator
Selena Acuna Legal Administrator
Lisa Schmelling Administrative Assistant
Susie Adams..... Program and Project Specialist
Jill Barenbaum Information Processing Specialist

GUESTS PARTICIPATING AND/OR PRESENT:

- David Williams, Esq. Respondent’s Attorney
Susan McLellan, Esq. Respondent’s Attorney
Michael W. Chang, DDS. Respondent

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

Sean Murphy, Executive Director..... Arizona Dental Association
John MacDonald, Esq. Attorney for the Arizona Dental Association
Edward H. Christensen, DDS Board Anesthesia and Sedation Committee Member
Jessica Thomas..... Rules Consultant
Alex Vandiver, Chief Executive Officer Commission on Dental Competency Assessments
Harvey Weingarten, DDS, Chairman Commission on Dental Competency Assessments
Guy Champagne, DDS Commission on Dental Competency Assessments
Mark Christensen, DDS Western Regional Examining Board
Gregory A. Waite, DDS..... Former Board President
Deb Kappes, RDH, MPH.....Arizona Dental Hygienists' Association

OPEN SESSION

The meeting was called to order at 9:04 a.m. by Heather N. Hardy. The following order of business was then considered.

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

Dr. Robert B. Taylor declared a conflict of interest for cases 201600123 & 201700164; Margolis, Michael.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Review of Request(s) for Extension(s) and/or Online Continuing Education Courses(s)
201600123 & 201700164; Margolis, Michael

Dr. Michael Margolis was not present. David Williams, Esq. was present on behalf of Dr. Margolis and participated via video conference. Dr. John N. Harman spoke about the lack of access to hands-on continuing education courses; and how prudent it is to extend education requirements. The question is the length of time for the extension. Dr. Harman requested a discussion related to the timeframes for these particular requests.

Mr. Williams spoke about the specific request before the Board related to the auditing compliance provisions with the Board order. Dr. Margolis is required to submit quarterly patient records for the audit. According to Mr. Williams, Dr. Margolis' practice was shut down in compliance with COVID-19 restrictions. Mr. Williams requested a 90-day extension to submit records, given that Dr. Margolis' practice was shut down for almost a month. He mentioned the drop in patient records, which is part of the sample.

Dr. Russell J. Morrow asked a question regarding the proposed extension request presented by Mr. Williams. Mr. Williams did not see a problem with extending the period of the order by six months. Ryan P. Edmonson asked legal counsel if Dr. Margolis would need to sign a new order. Mr. Edmonson reiterated what had been requested by Mr. Williams, Dr. Margolis would skip the first quarter, report the second quarter patient reports in the third quarter and report the third quarter patient reports in the fourth quarter. If needed, the Board could extend the order after the fourth quarter.

A motion was made by Dr. Morrow, seconded by Heather N. Hardy and passed unanimously to grant a three-month forbearance due to the COVID-19 pandemic and then continuing monitoring for each quarter past the forbearance and re-evaluate at the end of the order. Mr. Williams thanked the Board and left the meeting.

201900115; Montes, Sergio

Dr. Sergio Montes was not present. Dr. Robert B. Taylor asked a question regarding when the order was executed. Miriam Thompson indicated that board staff had recently received the order in April.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed unanimously to grant Dr. Montes request to complete online courses in the areas of six (6) hours of diagnostic treatment, six (6) hours in crown and bridge and six (6) hours in record keeping due to the COVID-19 restrictions.

Motion for Rehearing or Review – A.A.C. R4-11-1701

201800221; Walker, Ronald D.

Dr. Ronald D. Walker was not present. Ms. Susan McLellan, Esq. was present on behalf of Dr. Walker and participated via video conference.

Ms. McLellan stated that they are not disputing the finding of facts; instead, they are requesting a correction to the continuation of law. Ms. McLellan stated there was a clerical error. Additionally, Ms. McLellan indicated that the board order related to continue education needed modification, given that one course requirement for crown and bridge is hands on, which cannot be done at this time. The second course is diagnosis in root canal or endodontics and she requested an online course. The third course required is three (3) hours of x-rays and Ms. McLellan requested for this to be taken online as well. Ms. McLellan requested an extension of the order from six (6) months to twelve (12) months.

Dr. Robert B. Taylor requested to hear from Seth T. Hargraves, Esq, about the conclusion of law. Mr. Hargraves apologized for the error and stated that it is a matter of striking the language, “respondent decision in performing invasive elective procedure on patient in the state of hypertensive crisis without a recommendation of treatment from the patient’s primary physician.” If the Board agreed to the request. The Board would grant the Review and then take action in their Review to strike that language. The Board could deal with the continuing education hours and whatever the Board felt was appropriate for the respondent’s request.

A motion was made by Heather N. Hardy and seconded by Dr. Robert B. Taylor to grant a Review for both the erred conclusion of law and for the continuing education requests. The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

A motion was made by Heather N. Hardy and seconded by Robert B. Taylor to strike the language, “respondent decision in performing invasive elective procedure on patient in the state of

hypertensive crisis without a recommendation of treatment from the patient’s primary physician” as defined in A.R.S. §32-1202.01.14. The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

A motion was made by Heather N. Hardy, seconded by Dr. Russell J. Morrow to add the recommended language from Ms. McLellan’s request to read, “The conduct and circumstances described in the above findings of fact constitute unprofessional conduct as define by A.R.S. §32-1201.01.14 such conduct is grounds for discipline under A.R.S. §32-1263 (A)(1).” The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

The board discussed the continuing education hours in accordance with the order. Dr. Taylor recommended that the hands on course should stand and be completed when things begin opening back up, since it is a 12- month order. Dr. Morrow agreed with Dr. Taylor’s recommendation. Dr. Taylor believes that the other two continuing education requirements can be done online.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow to modify the order to complete the continuing education hours within 12 months, to keep the crown and bridge as hands on, allow the diagnosis and root canal and x-ray continuing education to be completed online due to the COVID-19 restrictions. The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye

Leslie D. Seaman, DDS – Aye

Application(s) for Licensing of Dentist(s) – A.R.S. § 32-1231 et seq.

Chang, Michael W.

Dr. Michael W. Chang participated via video conference. Ryan P. Edmonson stated that this matter was tabled from the March 6, 2020 board meeting and that Dr. Robert B. Taylor and Nick Goodman requested Dr. Chang to attend the next meeting to address the Board’s questions. The Board wanted to review Dr. Chang’s matter and discuss his prior disciplinary action from another jurisdiction. Dr. Taylor summarized the matter stating that Dr. Chang was ordered, in Virginia, to pay a \$1,000.00 fine and complete three hours of continuing education.

Dr. Taylor expressed concern regarding all the jurisdictions that Dr. Chang has held or is holding a dental license – Virginia, Colorado, Utah, Washington D.C., Maryland, New Jersey and New York. Dr. Taylor wanted to know why so many places, why is he bouncing around and why he wants a license in Arizona? Dr. Chang stated that he had contact with a dental practice in Pearce, Arizona. The office in Arizona was looking for a part-time dental position that fits Dr. Chang’s future dental plans, and that is why he applied for an Arizona dental license. Dr. Taylor asked Dr. Chang where he currently practices and Dr. Chang stated Colorado. Dr. Taylor asked if there are any actions against him in Colorado? Dr. Chang stated no.

A motion was made by Dr. Robert B. Taylor, seconded by Dr. Russell J. Morrow and passed 9 – 0 to grant licensure to Dr. Chang.

COVID-19/CORONAVIRUS

COVID-19 Testing and Practice Changes

The Board discussed possible action regarding the Board’s current scope of practice and whether it allows for dentists and/or dental practices to test patients for COVID-19, or any other future virus – separate and apart from volunteer work. Additionally, the Board discussed what changes, if any, should licensees make within their practices based on this “new normal”.

Ryan P. Edmonson stated that this item is on the agenda because there is no clear direction and it was a request from the Arizona Dental Association. Mr. Edmonson stated that licensees want to know how they keep themselves safe, their staff safe and all of the patients who come into their office safe. Mr. Edmonson also stated that Executive Order 2020-32 appears to be mandating that in order to treat patients dentists would have to test.

Sean Murphy stated that he brought this up with the idea that the practice of dentistry does allow COVID-19 testing of dental patients. Mr. Murphy said that he is asking for BODEX to give some guidance on that matter. The Arizona Dental Association agrees that the Executive Order mandates dental professionals and other healthcare professionals to do COVID-19 testing. Mr. Murphy does not think that the mandate will hold up, and that there are not enough COVID-19 testing. Mr. Murphy said they need to have dental providers; dentists and hygienists go back to work. Mr. Murphy stated that they reached out to the Governor’s office and the Department of Health Services to receive guidance and whether or not COVID-19 testing is going to be required. Mr. Murphy indicated that they would like BODEX to come up with a statement, and that they believe dentists want to do COVID-19 testing. He went on to say that, in the future they would like to have the option to test for COVID-19.

Dr. Robert B. Taylor asked Mr. Murphy what response they received from the Governor's office regarding the COVID-19 test. Mr. Murphy stated that he had not heard back, and therefore, could not answer the availability of test or cost. Mr. Murphy also stated that their letter also addressed whether or not the Executive Order applies to all dentists or dentists working in hospitals. Board members continued to discuss testing, medical supplies for COVID-19 and how to proceed with the order.

Heather N. Hardy asked if other Board members agreed that COVID-19 testing is within the scope of practice in Arizona? Ms. Hardy stated if the Board agrees, then what other changes would be recommend based on this "new normal". Dr. Russell J. Morrow stated that he believes that dentists have the right to test; however, dentists do not have the right to treat.

Dr. Anthony Herro asked if dental malpractice companies evaluate coverage with this type of testing. He stated that if the Board agrees with the scope for testing, does the malpractice insurance automatically cover it. Dr. Herro is concerned that if the Board agrees that it is in the scope of practice, what happens if the insurance companies disagree with the Board. What would happen with those dentists that are testing? Dr. Taylor stated that he believes that testing should be left to the medical field and dentists should stay with oral health. Dr. Herro asked a follow up question regarding who would pay for patient testing and whether or not these testing costs can be passed onto the patient? He also asked what would happen to the lower social economic groups like AHCCCS patients that may not be able to afford the test that dentists are performing.

John MacDonald, Esq., requested to speak on behalf of the Arizona Dental Association and stated that he had conversations with Legislative members, individuals from the medical side and direct conversations with the Governor's office. Mr. MacDonald stated that his sense is that the Governor's office's goal through this Executive Order is try to provide some clear guidelines but also keep them as general as they can as to not be overly restrictive. They may be trying to avoid trying to answer every single question—every single circumstance that exists. He stated that they may be trying to give physicians and dentists as much leeway as they can within a certain framework. Mr. MacDonald stated that he believes it is wise to let them try to answer questions that they have received from all sides. Mr. MacDonald believes that the Governor's office is trying to maximize flexibility for physicians but also have some guidelines and safeguards in place to protect the public. Mr. Murphy stated that they are not advocating for any dental office to provide COVID-19 testing and reached out to the Governor's office for clarification. He stated that the testing should not apply in the dental setting, given that there is no availability of COVID-19 testing at the present.

Dr. Eddie Christensen was present via video conferencing and also requested to speak on the agenda item. Dr. Christensen stated that he has been seeing patients on an emergency basis and his office has set up parameters to treat patients safely. They are doing their best to keep people out of the emergency department. They have a questionnaire and check temperatures for every patient. He stated that they also check employees' temperature at the beginning and end of each workday. Dr. Christensen feels that they can treat patients in an emergent type of circumstance for dental needs.

The Board discussed responding to the Executive Order by requesting clarification from the Governor's Office. Mr. Edmonson asked Seth T. Hargraves, Esq. asked whether or not a two or more board members could collaborate in writing a letter? Mr. Hargraves responded that in order

to avoid open meeting law violations, any work on a collaborative effort would have to be kept to a few members. Mr. Hargraves stated that the Board can delegate the Chair and one or two other members to put together a letter to send to the Governor's office, but it would not be able to be pre-approved by all members prior to submission in order to avoid having to hold a meeting and avoid open meeting law violations. He stated that if the Board wants all Board-member input, it is going to have to be on an future agenda for discussion.

A motion was made by Dr. Russell J. Morrow and seconded by Heather N. Hardy that testing for COVID-19 currently falls under the ability of a licensed dentist and is within the Board's scope of practice, as defined in A.R.S. 32-1202. The motion passed 8 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Nay
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

Executive Orders 2020-10 and 2020-32

The Board discussed guidance they would like the Governor's office to take into consideration if the Governor's office plans on issuing clarification regarding Executive Order 2020-32. Following is a list of six items regarding what the Board would like to author to the Governor's office:

- Each dental practitioner should utilize their own discretion regarding whether they believe they have sufficient PPE supplies and can adequately and safely treat patients.
- Each dental practitioner should utilize their own discretion regarding what procedure(s) and treatment(s) they administer to patients.
- BODEX recommends that dental practitioners should not be required to apply for exemptions from AZDHS, as referred to in the most recent EO. If you believe that dental practitioners should be required to apply for exemptions, BODEX believes that they are in the best position to grant or deny such exemptions for dental practitioners, as opposed to AZDHS.
- Unless and until COVID-19 testing becomes more available, inexpensive, and easily accessible, BODEX recommends that the State does not mandate dental practitioners test for COVID-19 because this will inhibit patient access and treatment. That said, BODEX recommends that dental practitioners continue to follow the States mandate to:
 - a. implement a screening process for all staff, patients and visitors;
 - b. maintain social distancing standards;
 - c. follow all OSHA guidelines;
 - d. implement an enhanced cleaning process for all patient and waiting areas; and
 - e. implement a process to refer symptomatic patients to a testing site, lab or physician.

- When testing does become more available, inexpensive, and easily accessible, BODEX recommends that dental practitioners have discretion whether or not to administer COVID-19 tests to patients prior to treatment in the dental office setting.
- BODEX believes that dental practitioners can and should return to work on May 1, 2020, so long as they are following the guidelines espoused above.

A motion was made by Heather N. Hardy and seconded by Dr. Robert B. Taylor to direct Board staff to draft a letter listing each of the recommendation statements made by the Board to the Governor's office in response to Executive Order 2020-32. The motion included providing the draft to Ms. Hardy and Dr. Taylor for final review and to add their signatures and then send the letter to the Governor's office. The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

LICENSURE EXAMINATION COMPONENTS COMMITTEE (“COMMITTEE”) RECOMMENDATIONS

COVID-19 Executive Order 2020-17

The Board discussed the Licensure and Examination Committee's recommendations not to allow candidates to participate in electronic or remote examination formats due to its inability to test appropriately and protect the public. The recommendation included to continue to issue provisional licenses to candidates who meet all other licensing requirements, except the in-person examination.

A motion was made by Heather N. Hardy and seconded by Dr. Russell J. Morrow to accept the committee's recommendation to the Board, to continue to issue provisional licenses to candidates, who meet all other licensing requirements except the in-person examination. The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

Statutory and/or Rule Change(s)

Heather N. Hardy summarized the committee's discussion regarding the CompeDont tooth and what states currently accept this tooth. Dr. John N. Harman stated his concerns with this tooth. He added that many of these decisions are being taken out of their hands and continued to elaborate on the tooth. Dr. Russell J. Morrow indicated that his concern is that they will be putting a name on a tooth that goes in the Board's statutes. Dr. Morrow added that they just pulled the Western Regional Examining Board (WREB) out, because WREB changed. They changed their policies and procedures, so then the Board had to change what we accept and what we will not accept. Dr. Morrow worries about putting names of testing agencies back into the Board's statutes and rules.

Dr. Guy Shampaine provided comments regarding the tooth and stated that he understands that some members do not have experience with the tooth. Dr. Shampaine indicated that it took a long time to develop the CompeDont tooth. He stated that it was not developed for COVID-19; it was developed over three years ago. Dr. Shampaine provided further detail of the tooth and the examination. Dr. Shampaine stated that this was an adequate substitute for the patient based exam. Dr. Gregory A. Waite provided a brief summary of his history with the CompeDont tooth and his participation in the pilot examination. The tooth was a substitute for patients and is very close to a natural tooth. Dr. Shampaine continued to explain the examination series and the various lesions. The Board continued to ask Dr. Shampaine and Dr. Waite questions.

Ms. Hardy voiced her concerns, and stated that this is important, because this is coming in the future. She is not in favor of approving every non-patient based examine, even though she feels there will be a big push for that in the future. Ms. Hardy added that someone may bring legislation that would be mandated and the Board would have to follow without having a choice. Ms. Hardy added that if the Board votes to approve the committee's recommendation, they would be approving class 2 and class 3 for the restoration part exam. It would be the student's choice; they can use a live patient or use this tooth. This is not a one year COVID-19 action.

Ms. Hardy asked if there would be a desire to wait until things open back up? Dr. Shampaine stated that he does not see why they cannot wait. They could send the Board productions of the tooth, so that Board members, who would like to exam the tooth can do so. Dr. Shampaine also said that they would probably send the entire typodont. Alex Vandiver stated that they could probably send them to Board members mid to late June.

After discussion, a motion was made by Heather N. Hardy, seconded by Robert B. Taylor and passed unanimously to table action until the Board is able to have the six typodonts sent to representatives of the Board. After the passing of the motion, Ms. Hardy asked Mr. Vandiver if he could work with Mr. Edmonson regarding the delivery of the teeth.

Ms. Hardy provided a brief summary of the Board's statute, which lists the Western Regional Examining Board (WREB) and when WREB changed their exam requirements by default, so did the Board because their statute lists the organization versus exam requirements. She stated that when WREB changed their exam components the Board was forced to accept even though the Board did not agree to the changes.

Jessica Thomas had questions for and from the Board regarding language changes in both statutes and rules.

After discussion, a motion was made by Heather N. Hardy and seconded by Dr. Russell J. Morrow to accept the committee's recommendation to change the statute by removing WREB and adding a hands on, live patient, clinical examination, including the following portions: prosthodontist, endodontist class 2 and class 3 restoratives and periodontal, which would be administered by a state or testing agency in the United States within five years proceeding filing an application. Non-patient based clinical examinations may be accepted with Board approval. The motion passed 9 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Morgan Burg – Aye
John N. Harman, IV, DDS – Aye
Anthony Herro – Aye
Marilyn J. McClain, RDH – Aye
Russell J. Morrow, DDS – Aye
Leslie D. Seaman, DDS – Aye

Ms. Thomas questioned whether there is a national dental therapy examination like there is for dentists and dental hygienists. Ms. Hardy stated that she believes there is a state examination in Minnesota. Dr. Shampaine said that the CDCA administers a mid-level provider examination in Ohio and Minnesota and any other state that has requested it.

Ms. Thomas questioned if the Board took out the Western Regional Examining Board (WREB) language should they be inputting something about a national dental therapy examination similar to how it is currently written in the Arizona Revised Statute 1233 and the language regarding dental hygienists? Ms. Thomas continued to ask the Board questions regarding examinations for dentists, dental hygienists and dental therapist.

After discussion, a motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to add language for a national dental therapy board examination for the written component and to add verbiage as mirrored by the dental and dental hygiene portions to the subsequent dental therapy portion as well.

After discussion, a motion was made by Dr. Robert B. Taylor, seconded by Heather N. Hardy and passed unanimously to add the following language: “clinical hands on, patient based exam within five years before filing the applicant's application and examination”.

Ms. Thomas had a follow up question referencing back to A.R.S. 32-1233(2), which has prosthodontist, endodontist class 2 and class 3 restorative and periodontal the following portions, is that applicable to the dental therapist? Ms. Hardy indicated that she did not believe a dental therapist could perform the items listed above but wanted feedback from the CDCA. Dr. Shampaine stated that the CDCA would have to get back to the Board, but stated that, there are several components that apply to the occupational analysis and regulation in Minnesota, Ohio and elsewhere it is administered.

After discussion, a motion was made by Heather N. Hardy, seconded by Dr. Taylor and passed unanimously to reflect exactly what Ms. Hardy said, table the discussion on the written dental therapy examination, because we need to find out if there is one and change the clinical as Ms. Hardy stated.

Ms. Hardy amended her motion, seconded by Dr. Taylor, and passed unanimously to instead of tabling that part of it, and recommended to strike that wording, because it is not applicable. They don't have a written national board, because they've already taken their dental hygiene written board, once they continue on, they're going on to the clinical. Ms. Thomas reiterated that there is no national dental therapist examination, all they would have to complete is the clinical examination that includes the class two (2) and class three (3) restorative as well as the Arizona jurisprudence examination.

A motion was made by Ms. Hardy, seconded by Dr. Taylor and passed unanimously to approve the committee's recommendations for pages 9 through 13 as written.

FIVE-YEAR RULE REVIEW

After the Board reviewed the draft and made amendments, a motion was made by Heather N. Hardy, seconded by Dr. Taylor and passed unanimously to approve the draft with the proposed amendments for the Five Year Rule Review for submission to the Governor's Regulatory Review Council.

NOTICE OF PROPOSED RULE MAKING

After the Board made amendments to the Notice of Proposed Rule Making, a motion was made by Heather N. Hardy, seconded by Dr. Taylor and passed unanimously to approve the draft of notice of proposed rule making for submission to the Governor's Regulatory Review Council with the amendments that were stated.

Dr. Lisa B. Bienstock stated that she would like the advertising language on the next board meeting agenda. The Board requested that staff hold off on sending the proposed language to the Governor's Regulatory Review Council until the Board has an opportunity to discuss Dr. Bienstock's changes to the rules regarding advertisement.

ARIZONA STATE BOARD OF DENTAL EXAMINERS' FUND BALANCE

Ryan P. Edmonson summarized the financial situation of the Board related to COVID-19. Mr. Edmonson identified the fund balance for the Board as \$4.2 million; the Board does not have access to these funds. Mr. Edmonson stated that the Board is appropriated a specific amount of money from that fund balance each fiscal year. Mr. Edmonson stated that we share the financial report with the Joint Legislative Budget Committee, the Office of Strategic Planning and Budgeting and the Legislature. He also stated that the state leadership is looking at agencies that have a fund balance of more than \$2,000,000 dollars for a possible sweep.

Mr. Edmonson stated, to the Board, that this is your opportunity to consider another renewal fee holiday, which would be the Board making the decision versus legislation. He requested the Board to include a caveat, that if the Board's fund is swept, then the Board will convene to address the sweep between now and January 31 and implement renewal fees so the agency does not go insolvent.

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to continue with the fee holiday for the next triennial session, for all licensees who are licensed before January 1, 2021 and for all renewals with expirations occurring 2021 through 2023. The motion included that should the Board's fund balance be swept, then the Board will readdress the issue between now and 2021.

SUMMARY OF CURRENT EVENTS

Dr. Russell J. Morrow offered to assist Ryan P. Edmonson with drafting the Board's letter to the Governor.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETINGS AND AGENDAS

The advertisement language from Dr. Bienstock. Dr. Russell J. Morrow requested dental assistants and final impression discussion, tele-dentistry with the final rule package moving forward and orthodontics.

NEXT BOARD MEETING DATE

Next Board meeting Friday, June 5, 2020

ADJOURNMENT

A motion was made by Dr. Robert B. Taylor, seconded by Heather N. Hardy and passed unanimously to adjourn the meeting at 12:57 p.m.