



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

August 21, 2020 Special Board Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) held a meeting at 8:03 a.m. on Friday, August 21, 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
[checked] Lisa B. Bienstock, DMD..... Licensed Dentist Member
[x] Morgan Burg..... Business Entity Member
Aditya Dynar, Esq..... Public Member
Nick Goodman..... Public Member
John N. Harman, IV, DDS Licensed Dentist Member
[x] Anthony Herro, DDS Licensed Dentist Member
Marilyn J. McClain, RDH..... Licensed Hygienist Member
o Russell J. Morrow, DDS Licensed Dentist Member
Leslie D. Seaman, DDS Licensed Dentist Member
[checked] Left the meeting at 11:37 a.m.
o Participated from 10:25 a.m. to 10:52 a.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 Projects Specialist
Jill Barenbaum Administrative Assistant

GUESTS PARTICIPATING AND/OR PRESENT:

- Kristen Boilini, Managing Partner..... Pivotal Policy Consulting
Allison Corr, Officer..... The Pew Charitable Trusts

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.

Jennifer Dangremond, Grants & Special Projects Manager . Native American Connections
Jennifer L. Enos, DDS, President Arizona Dental Association
Gianna Hartwig.....American Association of Orthodontists
Denise Helm.....Northern Arizona Oral Health Coalition
Deb Kappes, RDH, MPH.....Arizona Dental Hygienists’ Association
John MacDonald, Esq. Arizona Dental Association
Alida Montiel, Director..... Health & Human Services, Inter Tribal Council of Arizona
Sean Murphy, JD, Executive Director Arizona Dental Association
Monica Nenad, DHed, MEd, RDHA.T. Still University
Loyal Rabat Asian Pacific Community in Action, Arizona Oral Health Coalition
Jessica Rainbow, Senior Associate Pivotal Policy Consulting
Jessica Robertson, DDS American Academy of Pediatric Dentistry
Kim Russell, Executive DirectorArizona Advisory Council on Indian Health Care
Ndekela Sakala.....Southern Arizona Oral Health Coalition
Guy Champaine, DDS..... Commission on Dental Competency Assessments
Karen TamPima Community College
Jessica Thomas..... Board Rules Consultant
Alicia M. ThompsonSouthern Arizona Oral Health Coalition
Alex Vandiver, Chief Executive Officer Commission on Dental Competency Assessments
Srinivasan Varadarajan, JD, Asst. Executive Dir. ...American Association of Endodontists

OPEN SESSION

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 8:03 a.m. by Heather N. Hardy. Roll call of the Board members was taken and a quorum was established. The following order of business was then considered.

STATUTORY AND/OR RULE CHANGE(S)

Board members discussed their opinions and experience cutting on the examples of the American Board of Dental Examiners’ CompeDont™ tooth provided to them. Dr. Guy Champaine commented on the development of the tooth and its statistics, including the statistic that 38 states already accept and allow examinations using the CompeDont™ tooth. With some exceptions, the overall opinion of the Board was that the CompeDont™ was acceptable, but that a live patient is optimal and if the dental field is moving towards typodont teeth, then the CompeDont™ is the most acceptable.

After discussion, a motion was made by Heather N. Hardy and seconded by Dr. Robert B. Taylor to continue with proposed legislation regarding the Board’s previous motion to amend its laws regarding the licensing examination requirements and its components and approve the Commission on Dental Competency Assessments’ CompeDont™ tooth as an acceptable non-patient based examination for the restorative portion of the dental and dental therapy examinations. The motion passed 5 – 1 – 2 by the following roll call vote:

- Heather N. Hardy, RDH – Aye
- Robert B. Taylor, DDS – Aye
- Lisa B. Bienstock, DMD – Aye
- Aditya Dynar, Esq. – Nay
- Nick Goodman – Abstain
- John N. Harman, IV, DDS – Nay

Marilyn J. McClain, RDH – Aye
Leslie D. Seaman, DDS – Aye

CALL TO THE PUBLIC

Alida Montiel introduced herself and questioned when the best time for her to speak regarding dental therapy and the Board’s rule changes.

NOTICE OF PROPOSED RULEMAKING (“NPR”)

The Board reviewed, discussed the Notices of Proposed Rulemaking and invited other stakeholders to voice their concerns, amendments, deletions, etc. Several guests were present to express their opinion(s) regarding the Board’s rules, but most specifically spoke about the expansion of the field with the addition of dental therapy and dental therapists in the State of Arizona.

The Board took a break from 9:15 a.m. to 9:20 a.m.

After a discussion regarding definitions of the specific dental professions, a motion was made by Dr. Lisa B. Bienstock, seconded by Heather N. Hardy and passed unanimously to delete the proposed definition of “dental therapist” in *Article 1. Definitions*.

After hearing from stakeholders and holding a discussion regarding whether or not the Board should add and define licensed health care provider in its rules, a motion was made by Heather N. Hardy and seconded by Robert B. Taylor to strike the recommended definition of a “licensed health care provider”. The motion passed 8 – 0 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Lisa B. Bienstock, DMD – Aye
Aditya Dynar, Esq. – Aye
Nick Goodman – Aye
John N. Harman, IV, DDS – Aye
Marilyn J. McClain, RDH – Aye
Leslie D. Seaman, DDS – Aye

After hearing from Deb Kappes and Sean Murphy, a motion was made by Dr. Robert B. Taylor, seconded by Lisa B. Bienstock and passed unanimously to strike the recommended definition of a “limited dental therapy license”.

A motion was made by Aditya Dynar, seconded by Dr. Robert B. Taylor and passed unanimously to remove the comma after the words “American Dental Association” in the definition of recognized continuing dental education to then read “American Dental Association Continuing Education Recognition Program (ADA CERP)...” and to keep everything else as drafted.

After discussing the proposed language of “Restricted permit holder”, a motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed to strike the recommended language, “a dental therapist who meets the requirements of A.R.S. § 32-1276.02”.

After the Board received an update from Deb Kappes regarding the definition of “Preventative and therapeutic agents”, a motion was made by Heather N. Hardy, seconded by Aditya Dynar and

passed unanimously to accept the stakeholders' suggestions to strike the words, "used in relation to dental hygiene procedures" in the definition and add the profession "dental therapist" in the definition of "Public member".

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to accept the stakeholders' suggestion to add "dental therapists" in the definition of "Study club".

The Board reviewed the draft language regarding *Article 2. Licensure by Credential* with its stakeholders.

Dr. Russell J. Morrow joined the meeting.

After discussion regarding *Article 2. Licensure by Credential*, a motion was made by Heather N. Hardy, seconded by Robert B. Taylor to table any action on the draft language.

After the Board discussed the stakeholder suggestion to add a reference to Article 16 in A.A.C. R4-11-201(B), a motion was made by Heather N. Hardy, seconded by Aditya Dynar and passed 8 – 1 to not accept the addition and leave the rule as is, especially since the stakeholder who suggested it believes it's no longer necessary.

Dr. Robert B. Taylor voted against the motion.

Dr. Russell J. Morrow left the meeting.

The Board took a break from 10:51 a.m. to 11:00 a.m.

After another discussion regarding *Article 2. Licensure by Credential*, specifically clinical examination requirements being separated for each profession – dentists, dental therapists and hygienists, a motion was made by Heather N. Hardy, seconded by Robert B. Taylor to table any action on the draft language and discuss it at the Board's next meeting regarding its rules.

A motion was made Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to strike subsection C from A.A.C. R4-11-202 since it is already covered in A.A.C. R4-11-201.

After discussion regarding A.A.C. R4-11-203(B)(2), a motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to strike the language, "American Dental Association" before the words, "Commission on Dental Accreditation" and immediately add "or another post-secondary dental education program accrediting agency recognized by the United States Department of Education".

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to amend all other similar references similar to the previous motion and make the same amendments.

After a discussion regarding subsection C of A.A.C. R4-11-203, a motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to strike C from A.A.C. R4-11-203 because it has an inaccurate reference and is already covered in A.A.C. R4-11-201.

Dr. Lisa B. Bienstock left the meeting.

In an effort to confirm the Board still had a quorum, Heather N. Hardy requested another roll call. Roll call of the Board members was taken and a quorum was established with seven members still present.

The Board reviewed the new rule replacing the repealed section, *A.A.C. R4-11-206. Dental Therapist Licensure by Credential; Application* and discussed with the stakeholders the draft language.

After discussion regarding subsection (B)(1), a motion was made by Heather N. Hardy and seconded by Dr. Robert B. Taylor to accept the stakeholders' suggestion to add, "with substantially the same scope of practice as defined by A.R.S. § 32-1276.03". The motion passed 6 – 1 by the following roll call vote:

Heather N. Hardy, RDH – Aye
Robert B. Taylor, DDS – Aye
Aditya Dynar, Esq. – Nay
Nick Goodman – Aye
John N. Harman, IV, DDS – Aye
Marilyn J. McClain, RDH – Aye
Leslie D. Seaman, DDS – Aye

After discussion regarding subsection (B)(2), a motion was made by Heather N. Hardy, seconded by Aditya Dynar and passed 6 – 1 to accept the stakeholder suggestion establishing the hour requirement at 3,000 hours in this subsection.

Dr. Robert B. Taylor voted against the motion.

Sean Murphy stated that a prior version of the Board's draft rules showed A.A.C. R4-11-206(B)(2) differently and he suggested that the Board move back to the prior version reading "practiced as a dental therapist" versus "practiced dental therapy". The Board agreed that the suggestion is more clearly written.

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed 6 – 1 to accept the aforementioned suggestion and amend the first sentence of subsection (B)(2) to read, "Submit a written affidavit affirming that the applicant has practiced *as a dental therapist* for a minimum of...".

Aditya Dynar voted against the motion.

After the Board discussed the additional stakeholder comment in subsection (B)(2), a motion was made by Heather N. Hardy, seconded by Aditya Dynar and passed unanimously to not accept the suggested language in this subsection that reads, "or that has received initial accreditation".

After the Board discussed the stakeholders' comment to add an additional subsection under subsection (B) to add a subsection 5 to read, "Provide evidence regarding the educational Requirements" and the suggestion to amend subsection 4 to read, "Provide evidence regarding the

clinical examination, *taken more than five years prior to the applications [sic] submission* and by complying...”, a motion was made by Heather N. Hardy, seconded by Aditya Dynar and passed unanimously to table any action until the Board decides how they want A.A.C. R4-11-201 to read.

A motion was made by Heather N. Hardy, seconded by Nick Goodman and passed unanimously to table any further action regarding the Board’s draft NPRs until a future meeting(s).

SUMMARY OF CURRENT EVENTS

No current events were provided.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

No discussion was had about future meeting agenda topics.

ADJOURNMENT

A motion was made by Heather N. Hardy, seconded by Dr. Robert B. Taylor and passed unanimously to adjourn the Board meeting at 1:07 p.m.