

**BOARD OF DENTISTRY
RULES COMMITTEE MEETING
VIA TELEPHONE CONFERENCE CALL
OCTOBER 26, 2009; 6:00 P.M. EDT**

CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Dr. Winker, Chair. Those present for all or part of the meeting included the following:

Committee members:

Wade Winker, D.D.S., Chairman
Carl Melzer, D.D.S.
Tammy Baker, R.D.H.
Thad Morgan, D.M.D.
Vicki Campbell, consumer member

Member absent:

Robert Perdomo, D.M.D. (excused)

Others present:

Dr. Don Erbs, Florida Dental Association
Dr. Joe Thomas, D.D.S., Chairman,
Board of Dentistry
Dr. Betty Klement, D.M.D., Member,
Board of Dentistry
Ms. Nancy Zinser, R.D.H., President,
Florida Dental Hygiene Association
Ms. Elmira Gainey, Member, Board of Dentistry

Staff present:

Michael Flury, Board Counsel
Sue Foster, Board Director
Cindy Ritter, Program Administrator

Dr. Winker asked that the agenda be modified with a correction and change of order.

Motion: by Dr. Melzer to accept this modification

Second: by Ms. Campbell

Vote: unanimous

APPROVAL OF MINUTES FROM JULY 7, 2009

The minutes of the July 7, 2009 rules committee were reviewed. After review, the following action was taken:

Motion: by Dr. Morgan to approve as presented

Second: by Dr. Melzer

Vote: unanimous

(Ms. Gainey stated that she was present at the July telephone conference call – staff will add to others in audience present)

ITEMS FOR TOPIC DISCUSSION

Rule 64B5-2.013, FAC, Dental Examination Requirements and Grading

The agenda contains the current rule and the draft rule which was presented to the Rules Committee on July 7, 2009.

Following discussion, the following action was taken by the Committee:

Motion: by Dr. Morgan to table this for the board meeting on Friday as a more current draft of this rule is in the addendum and will also be in file folders for full board discussion

Second: by Dr. Melzer

Vote: unanimous

Rule 64B5-10.011, FAC, Retired Status and Reactivation of Retired Status License

License renewal will occur later this fall and end February 28, 2010. We may have dentists who wish to reinstate their retired license. The rule drafts included on page 19 of the agenda list requirements to reactivate this license.

Following discussion, the following action was taken by the board:

Motion: by Dr. Melzer to approve draft language
Second: by Dr. Winker
Vote: unanimous

64B5-10.011 Retired Status and Reactivation of Retired Status License.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee set forth in Rule 64B5-15.0122, F.A.C. If the licensee chooses to place the license in retired status at any time other than at the time of license renewal the licensee shall pay the change of status processing fee set forth in Rule 64B5-15.0121, F.A.C., and the retired status fee set forth in Rule 64B5-15.0122, F.A.C.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) Paying the reactivation fee set forth in Rule 64B5-15.0091, F.A.C.;

(b) Showing documentary proof of satisfying the continuing education requirements of Rules 64B5-12.013, 64B5-12.016, 64B5-12.019, 64B5-12.020, F.A.C., for each licensure biennial period in which the license was in retired status.

(c) Dentists must demonstrate compliance with Rule 64B5-17.011, F.A.C., Financial Responsibility.

(3) Any dentist whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of dentistry within the past five (5) years shall be required to appear before the Credentials Committee of the Board and establish the ability to practice with care and skill sufficient to protect the health, safety and welfare of the public. At the time of such appearance, the dentist must:

(a) Demonstrate compliance with subsection (2) above;

(b) Account for any activities related to the practice of dentistry during the period that the licensee was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(4) The Department shall refuse to reactivate the license of a retired status dentist who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 2-14-06, amended

Rules 64B5-16.005 and 16.006, FAC, Remediable Tasks Delegable to Dental Assistants and Remediable Tasks Delegable to a Dental Hygienist

Motion: by Dr. Morgan to approve language on pg. 22 for 64B5-16.005 with the addition of (g) taking or recording patient's blood pressure rate, pulse rate, respiration rate, case history and oral temperature
Second: by Dr. Melzer
Vote: unanimous

Motion: by Dr. Morgan to approve language on pg. 22 for 64B5-16.006 and be receptive to some of FDA's suggestions/amendments such as review of (7) FDA's draft language concerning medical clearance and recommendation to have a dental exam by a dentist within 180 days

Second: by Dr. Melzer

Vote: unanimous

Dr. Erbs, Florida Dental Association, indicated that there would be a conference call on October 27 and they would discuss the committee's concerns with present FDA draft language and this rule can be further discussed at the board meeting on October 30.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 6:45 p.m.