



## South Dakota State Board of Dentistry

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Amber Determan, DDS

Roy Seaverson, DDS

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### SOUTH DAKOTA STATE BOARD OF DENTISTRY MINUTES OF PUBLIC HEARING

Dr. Hattervig called the public hearing to order at 10:07 a.m. on Monday March 26, 2012, in the large conference room, High School Activities Association Building, Pierre, South Dakota, and noted that this was the time and place for the Board of Dentistry Public Hearing to consider ARSD 20:43:02:01, 20:43:02:01.01, 20:43:02:02, 20:43:02:03, 20:43:02:04, 20:43:02:05, 20:43:03:01, 20:43:03:02, 20:43:03:04, 20:43:03:04.01, 20:43:03:04.02, 20:43:03:06, 20:43:03:07, 20:43:03:07.01, 20:43:03:07.02, 20:43:04:03, 20:43:06:05, 20:43:07:09, 20:43:08:09, 20:43:09:08, 20:43:10:01, 20:43:10:02, 20:43:10:03, 20:43:10:04, 20:43:10:05, 20:43:10:06.

Dr. Hattervig noted that statements made during the hearing were being digitally recorded, minutes were being taken and that due notice of this hearing had been published in three South Dakota newspapers and was made to interested parties in advance of the hearing. Dr. Hattervig noted that the proposed rules were edited for compliance with the requirements for form, style and legality as requested by the South Dakota Legislative Research Council pursuant to SDCL 1-26-6.5.

Hearing Officer: Dr. Robin Hattervig, Board Member, Howard, South Dakota. Members of the Board in attendance: Dr. Roy Seaverson, Dr. Amber Determan and Audrey Ticknor.

Others in Attendance: Brittany Novotny; Allen Ireland; Scott Graff, Community HealthCare Association of the Dakotas (CHAD); Lonna Jones, Falls Community Health; Buddy Seiner, South Dakota Head Start Association; Jeanette Miranda, South Dakota Dental Hygiene Association (SDDHA); Keri Thompson, Delta Dental; Paul Knecht, South Dakota Dental Association (SDDA); Zona Hornstra, South Dakota Dental Hygiene Association (SDDHA); Suzanne Luken, South Dakota Dental Hygiene Association (SDDHA).

Written Testimony: Dr. Hattervig entered into the record one letter which had been received in advance of the hearing from Grant Flynn, Senior Staff Attorney at the Department of Human Services.

Oral Testimony: Oral testimony was presented by the following individuals:

- Paul Knecht (SDDA) spoke in support of the Collaborative Supervision rules. He suggested that the Board review the 4,000 practice hours requirement for dental hygienists (20:43:10:02). Paul spoke in support of the Continuing Education rules revisions related to home study. Paul thanked Brittany for outlining the need for fee increases at the South Dakota Dental Association (SDDA) Board of Trustees meeting in February and noted that the SDDA understands the need for the fee increases and is supportive. He also noted that the SDDA is aware that many fees had not been increased in nearly 20 years.
- Buddy Seiner (SD Head Start Association) voiced support for the proposed Collaborative Supervision rules, noting that collaborative supervision could benefit over 5,000 children in the head start programs.

- Jeanette Miranda (SDDHA) voiced support for the proposed Collaborative Supervision rules. She suggested that the Board review the 4,000 practice hours requirement for dental hygienists (20:43:10:02). Jeanette noted that the SDDHA understands the need for the fee increases and does not oppose the fee increases, but suggested the Board reconsider the amounts charged to the dental hygienists as she felt they were disproportionately impacted. Jeanette was asked if she could suggest alternative increases, but she said she had no specific numbers to offer.
- Lonna Jones, speaking on her own behalf, expressed concern that the proposed fee increases would negatively impact dental hygienists, possibly causing them to choose to give up certain permits and thereby harm their marketability.
- Scott Graf (CHAD) asked for clarification of the change in wording from “dental license examinations” to “jurisprudence examinations” as they relate to applicants for licenses to practice dentistry and dental hygiene (20:43:02:01).
- Keri Thompson (Delta Dental) suggested that the Board change the wording of “five year licensure cycle” to “educational cycle” as it appears in the proposed Continuing Education rules.

Dr. Hattervig closed testimony and opened the public hearing to Board discussion and/or action. The Board reviewed the proposed rules section by section and allowed for additional questions from those in attendance.

Motion by Seaverson to remove (7) from the statutory reference to a nursing facility contained in 20:43:10:01(2). Second by Ticknor. Motion carried.

Motion by Seaverson to lower the dental hygienist application fee from \$150 to \$100 (20:43:03:01). Second by Determan. Motion carried.

Motion by Ticknor to lower the dental hygienist renewal fee from \$75 to \$60 (20:43:03:06). Second by Seaverson. Motion failed.

Motion by Ticknor to change the language in 20:43:03:07.01 from “each five year cycle” to “each five year licensure cycle”. Second by Seaverson. Motion carried.

Motion by Seaverson to change the language in 20:43:09:08 to refer to a permit to monitor patients “under general anesthesia and deep sedation or moderate sedation” where it currently reads “receiving analgesic or anesthetic agents”. Second by Determan. Motion carried.

Motion by Seaverson that the South Dakota State Board of Dentistry approve the adoption of amended rules as follows: 20:43:02:01, 20:43:02:01.01, 20:43:02:02, 20:43:02:03, 20:43:02:04, 20:43:02:05, 20:43:03:01, 20:43:03:02, 20:43:03:04, 20:43:03:04.01, 20:43:03:04.02, 20:43:03:06, 20:43:03:07, 20:43:03:07.01, 20:43:03:07.02, 20:43:04:03, 20:43:06:05, 20:43:07:09, 20:43:08:09, 20:43:09:08, 20:43:10:01, 20:43:10:02, 20:43:10:03, 20:43:10:04, 20:43:10:05, 20:43:10:06. Second by Determan. Motion carried.

Moved by Seaverson to adjourn the public hearing. Second by Determan. Motion carried. The public hearing was adjourned at 11:45 a.m.