

CASES WITH RESOLUTION NOTES
STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

Resolution Date Range from 01/01/1900 to 01/24/2012

Sort Order: Resolution Date - Descending

BOARD OF DENTAL EXAMINERS

06/21/2011 RAMIN NAJAFI, DDS (DEN4095)

Case ID: 09-38 **Open Date:** 09/24/2009 **Closed Date:** 06/21/2011 **Type:** FRM

By consent agreement dated June 21, 2011, Dr. Ramin Najafi agreed to a license probation of five years based on unprofessional conduct relating to: failing to note several items in the patient record, continuing to work on a patient without achieving profound anesthesia, and preparing and delivering a crown to a patient which negatively impacted the occlusion. Specific conditions of probation include: within twelve (12) months, Dr. Najafi shall successfully complete pre-approved courses in Pain Control; Fixed Prosthetics; and Ethics.

06/21/2011 ROBERT EARL ERICKSON, DMD (DEN3214)

Case ID: 10-54 **Open Date:** 12/07/2010 **Closed Date:** 06/21/2011 **Type:** FRM

By consent agreement dated June 21, 2011, Dr. Robert Erickson admits he committed unprofessional conduct with regard to the dental record-keeping in complaint 10-54 because he failed to document: (a) the diagnosis of impacted teeth; (b) the basis for the extraction of teeth; (c) treatment alternatives to extraction; (d) any discussions with the patient; (e) any dental examination prior to the decision to treat the patient (f) adequate informed consent; and (g) a prescription for the partial denture. Dr. Erickson agreed to a period of license probation of 5 years during which he agrees: (a) to comply with all Board statutes and rules; (b) to provide proof of successful completion of a pre-approved course in dental risk management within 6 months; and (c) to submit the complete dental records of ten patients to the Board for review every 3 months.

05/10/2011 MARK DAVID DICKINSON, DDS (DEN3304)

Case ID: 10-47 **Open Date:** 10/14/2010 **Closed Date:** 05/10/2011 **Type:** FRM

By consent agreement dated May 10, 2011, Dr. Mark Dickinson admitted with regard to Complaint No. 10-47 that his dental records revealed a lack of diagnostic radiographs during the last seven years, and did not include a written treatment plan for his patient who had a demonstrated high rate of dental caries and decay. As discipline, Dr. Dickinson agreed to a license probation for five years with the following specific conditions: (a) within six months, Dr. Dickinson shall successfully the following pre-approved courses (i.) Caries Assessment; and (ii.) Cerec CAD-CAM Crown training course; (b) Following his successful completion of the Cerec CAD-CAM crown training course, Dr. Dickinson shall provide the Board's Complaint Officer with a copy of the dental records of six patients upon whose teeth he placed Cerec CAD-CAM crowns; and, (c) He shall pay all costs associated with complying with the terms and conditions of probation.

02/11/2011 THEODORE WARREN GRAFF, DDS (DEN3726)

Case ID: 10-34 **Open Date:** 07/30/2010 **Closed Date:** 02/11/2011 **Type:** FRM

By consent agreement executed on February 11, 2011, Dr. Theodore W. Graff admitted a violation of the Maine Dental Practice Act by failing to renew his Maine dental license in a timely fashion. As discipline, Dr. Graff agreed to pay a monetary fine of \$100 within 60 days following execution of the consent agreement.

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BOARD OF DENTAL EXAMINERS**01/21/2011 GERALD E. VERMETTE, DDS (DEN1029)**

Case ID: 09-2 **Open Date:** 01/13/2009 **Closed Date:** 01/21/2011 **Type:** FRM

By consent agreement dated January 21, 2011, Dr. Gerald E. Vermette admitted that the Maine Board of Dental Examiners had sufficient evidence from which it could conclude that he violated the conditions of the consent agreement that he entered into with the Board on May 1, 1992, by diagnosing and treating mercury toxicity. As discipline, Dr. Vermette agreed to a five year license probation with the following conditions: (1) Agrees to not diagnose or treat mercury toxicity; (2) He shall submit his dental practice to inspections; (3) Shall pay all costs associated with complying with the terms and conditions of probation; (4) Understands and agrees that if the Board receives any reliable evidence that he continues/continued to diagnose or treat mercury toxicity in patients following the date of this agreement, that the Board may summarily suspend his Maine dental license pending an adjudicatory hearing.

12/17/2010 WALTER JOHN YORZINSKI, DDS (DEN3608)

Case ID: 10-20 **Open Date:** 04/29/2010 **Closed Date:** 12/17/2010 **Type:** FRM

By consent agreement dated December 17, 2010, Dr. Walter Yorzinski admitted with regard to Complaint No. 10-20 that he (a.) failed to obtain a current medical history for the patient; (b.) failed to obtain and record the patient's vital signs prior to the administration of anesthesia and the performance of an invasive dental procedure; (c) failed to file a written report with the Board within thirty days from the date of occurrence of a significant health incident requiring medical care as a sequel of care in his dental office as required by Chapter 15 of the Board's rules; and (d) allowed an unlicensed individual to monitor the patient while being administered nitrous oxide. As discipline, Dr. Yorzinski agreed to complete the following within six (6) months: (a) Dr. Yorzinski shall retake and successfully pass the Board's jurisprudence examination (closed book) with a score of 90 or above; (b) Successfully complete, at his own expense, a course pre-approved by the Board's complaint officer regarding medical history/assessment of patients prior to operative procedures; and (c) Dr. Yorzinski shall successfully complete, at his own expense, an inspection of and verification of the calibration of the nitrous oxide equipment and delivery system that he utilizes in his dental practice.

09/21/2010 CATRINA M. GREEN, RAD (RAD1875)

Case ID: 10-45 **Open Date:** 09/21/2010 **Closed Date:** 09/21/2010 **Type:** IFRM

Ms. Catrina Green entered into a consent agreement with the Maine Board of Dental Examiners on September 21, 2010 based upon previous criminal convictions. Ms. Green agreed that her dental radiography license would be placed on a five-year probation subject to conditions.

09/21/2010 JOHN E. ROYAL, DDS (DEN2639)

Case ID: 09-12 **Open Date:** 02/10/2009 **Closed Date:** 09/21/2010 **Type:** FRM

Dr. John E. Royal entered into a consent agreement with the Maine Board of Dental Examiners on September 21, 2010 based upon violations of the Maine Dental Practice Act. Dr. Royal agreed to a license probation of three years with specific conditions which include: (1) Compliance with all Board statutes and/or rules; (2) Submit his dental practice to announced inspections of dental records; (3) Submit for review, the complete dental records of ten patient records every three months (five of which shall involve oral surgery procedures); (4) Successfully complete a pre-approved course in dental risk management within six months; and (5) Pay all costs associated with compliance with the terms and conditions of probation.

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BOARD OF DENTAL EXAMINERS**09/07/2010 ROBERT C. TURNER, DMD (DEN2501)**

Case ID: 10-40 **Open Date:** 09/07/2010 **Closed Date:** 09/07/2010 **Type:** IFRM

On September 7, 2010, the Board entered into a Consent Agreement for Re-licensure with Dr. Robert C. Turner. By previous written decision dated August 4, 2006, the Board denied Dr. Turner's application for re-licensure based on numerous violations of the Maine statutes and rules, including fraud or deceit in obtaining a license, habitual substance abuse, and unprofessional conduct. As a condition of license reinstatement, Dr. Turner was required to demonstrate full compliance with the Medical Professionals Health Program (MPHP). On April 5, 2010, the Board received an application for reinstatement from Dr. Turner. The Board subsequently received confirmation from the MPHP that Dr. Turner was enrolled in and in full compliance with that program. Therefore, pursuant to the Consent Agreement for Re-Licensure the Board issued Dr. Turner a probationary license for five (5) years with numerous conditions, including but not limited to, substance abuse counseling and monitoring.

07/16/2010 MEGAN ELIZABETH HIGGINS, LD (DTR5510)

Case ID: 09-39 **Open Date:** 09/25/2009 **Closed Date:** 07/16/2010 **Type:** FRM

On July 16, 2010, the Board entered into a Consent Agreement with Ms. Megan Higgins, Maine licensed dentist. Based on numerous violations of the Maine statutes and rules, including fraud or deceit in obtaining a license, habitual substance abuse, and unprofessional conduct, Ms. Higgins' was issued a reprimand, a license suspension of six (6) months and a license probation of five (5) years with numerous conditions, including but not limited to, substance abuse counseling and monitoring.

On November 19, 2010, the Maine Board of Dental Examiners voted to issue an immediate suspension of the Maine dentist license of Megan Higgins, which will commence upon the expiration of the current six (6) month license suspension which is due to expire on January 16, 2011. This decision was based on documentation indicating that Ms. Higgins was arrested on two separate occasions which involved the use of alcohol and her non-compliance with a consent agreement dated July 16, 2010, which required her to enroll in and participate in the Medical Professionals Health Program, and that she refrain from the use or possession of any and all "Prohibited Substances". The matter will be set for an adjudicatory hearing at a future date.

By consent agreement dated May 20, 2011, Ms. Megan Higgins, licensed dentist agreed to immediately and voluntarily surrender her Maine dentist license. This agreement is based upon habitual substance abuse, unprofessional conduct, criminal convictions, and violation of previous conditions of probation/consent agreement. This agreement does allow Ms. Higgins to petition the Board for reinstatement of her license at reasonable intervals.

12/11/2009 PETER FREDERICK MEYER, DDS (DEN2585)

Case ID: 07-50 **Open Date:** 09/26/2007 **Closed Date:** 12/11/2009 **Type:** IFRM

On December 11, 2009, Peter Meyer, DDS entered into a First Amendment to Consent Agreement with the Maine Board of Dental Examiners. At Dr. Meyer's request, the Board agreed and voted to modify his previous Consent Agreement by reducing the frequency of his random testing from once every week to once every two weeks.

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BOARD OF DENTAL EXAMINERS**10/08/2009 HEATHER L. CORSON, RDH (RDH3182)**

Case ID: 09-21 **Open Date:** 04/13/2009 **Closed Date:** 10/08/2009 **Type:** FRM

By consent agreement dated October 8, 2009, Ms. Heather Corson, RDH, admitted that the Board had sufficient evidence from which it could reasonably conclude that she engaged in unprofessional conduct and habitual substance abuse. Ms. Corson agreed to accept a license probation for five (5) years with the following specific conditions: (a.) Completely abstain from the use of any and all Prohibited Substances; (b.) Obtain her prescription medication from a single primary care physician approved by the Board; (c.) Obtain her prescription medications from a single pharmacy approved by the Board; (d.) Submit to substance monitoring overseen by an approved supervising physician; (e.) Submit for Board approval within thirty days, the name of a substance abuse monitor, a single primary care physician who will agree to provide quarterly reports to the Board concerning treatment; (f.) Attend "AA" and/or "NA" meetings; (g.) Enroll in and successfully participate in the Medical Professionals Health Program; (h.) Comply with the conditions of probation regardless of whether she is outside of the State of Maine; (i.) Provide a copy of the Agreement to any prospective employer and to her supervising physician and treatment providers; (j.) Notify the Board in writing within one week if she changes employment, moves her residence, or changes her telephone number at home or work; and (k.) Pay all costs associated with her compliance with the conditions of probation.

On September 17, 2010, Ms. Heather Corson entered into a First Amendment to her consent agreement with the Maine Board of Dental Examiners dated October 8, 2009. The Board voted to modify Ms. Corson's previous Consent Agreement by reducing the frequency of her testing to twice per month, which will continue through October 8, 2010. Thereafter, testing may be reduced to once per month.

08/12/2009 ALAN RICHARD MULLY, DMD (DEN3678)

Case ID: 08-6 **Open Date:** 02/01/2008 **Closed Date:** 08/12/2009 **Type:** FRM

By consent agreement dated August 12, 2009, Dr. Alan Mully neither admitted nor denied that he committed fraud or deceit in obtaining the renewal of his Maine dental license in 2005. However, Dr. Mully did concede that the Board had sufficient evidence from which it could reasonably conclude that he had engaged in fraud or deceit by failing to disclose discipline by the Massachusetts Board of Registration in Dentistry in May 2004. As discipline, Dr. Mully agreed to accept a five (5) year license probation and agreed to comply with all Board statutes and/or rules, and ensure that he accurately completes all future forms and applications he submits to the Board.

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BOARD OF DENTAL EXAMINERS**05/08/2009 TERRIE LYNN ANDERSEN, RAD (RAD2219)**

Case ID: 09-33 **Open Date:** 05/08/2009 **Closed Date:** 05/08/2009 **Type:** FRM

By Consent Agreement dated May 8, 2009, The Board agreed to issue a probationary license to practice dental radiography to Ms. Terrie Andersen. The Agreement includes the following conditions/restrictions: (a.) Shall completely abstain from the use or possession of intoxicating liquor (alcohol); (b.) Agrees to obtain pre-approval from the Board of a qualified substance abuse counselor and/or treatment provider, consult with that individual no less than twice per month, and ensure that the Board receives reports every three months beginning August 8, 2009; (c.) Ms. Andersen shall ensure that she undergoes random testing for the presence of alcohol and that the Board receives the appropriate reporting. Ms. Andersen is required to provide samples once a week for the first 60 days, and once a month thereafter for the remainder of the term of the Consent Agreement; (d.) She shall enroll in and successfully participate in the Medical Professionals Health Program (MPHP) and ensure that the Board receives written confirmation on a quarterly basis beginning August 8, 2009; (e.) Ms. Andersen understands that she will need to provide the MPHP with a peer monitor; and (f.) She understands and agrees that she will be required to attend at least one Alcoholics Anonymous ("AA") meeting each week while enrolled in the MPHP.

On January 21, 2011, Terrie Andersen entered into a First Amendment to Consent Agreement with the Maine Board of Dental Examiners. At Ms. Andersen's request, the Board voted to modify her previous Consent Agreement by reducing the frequency of her counseling sessions to once every other month through the remainder of her probation, which will end on May 8, 2014.

On May 5, 2011, Terrie Andersen entered into a Second Amendment to Consent Agreement with the Maine Board of Dental Examiners. The Board voted to modify her previous Consent Agreement by deleting the requirements that she 1.) Maintain a relationship with a qualified substance abuse counselor who shall submit quarterly reports to the Board; and, 2.) That she undergoes random testing for the presence of alcohol with reports provided to the Board. All other requirements will stay in effect through the remainder of her probation, which will end on May 8, 2014.

04/09/2009 JIN HWANG, DMD (DEN4051)

Case ID: 08-40 **Open Date:** 11/05/2008 **Closed Date:** 04/09/2009 **Type:** FRM

By consent agreement executed on April 9, 2009, Dr. Jin Hwang admitted a violation of the Maine Dental Practice Act by failing to renew his Maine dental license in a timely fashion. As discipline, Dr. Hwang agreed to pay a monetary fine of \$500 within 60 days following execution of the consent agreement.

03/30/2009 DANIEL PERRY SCHECTER, DMD (DEN3631)

Case ID: 07-55 **Open Date:** 10/18/2007 **Closed Date:** 03/30/2009 **Type:** FRM

By consent agreement dated March 30, 2009, Dr. Daniel Schecter neither admitted nor denied that he violated the standard of care regarding his treatment of a patient. Dr. Schecter agrees that failure to provide appropriate documentation, including appropriate pre-treatment consultation with the physicians for medically compromised patients, could constitute unprofessional conduct and grounds for discipline. Dr. Schecter agreed to successfully complete the following continuing education courses within six months, which must be pre-approved by the Complaint Officer, (1) Treatment of the medically compromised patient; (2) Pharmacology; and (3) Ethics.

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BOARD OF DENTAL EXAMINERS**03/06/2009 JOSEPH A. BENEDETTO, DDS (DEN3683)**

Case ID: 08-24 **Open Date:** 06/26/2008 **Closed Date:** 03/06/2009 **Type:** FRM

By Consent Agreement dated March 6, 2009, Dr. Joseph Benedetto admitted that the Board had sufficient evidence from which it could reasonably conclude that he engaged in unprofessional conduct by failing to adhere to the standard of care for dental record-keeping and failing to communicate with a patient in a professional manner on the date of the final delivery of the denture. Dr. Benedetto agreed to accept a license probation of five (5) years with the following specific conditions: a) Comply with all Board Statutes and/or Rules; and b) Within six (6) months, successfully complete a courses in dental risk management to include record-keeping, treatment planning, and patient management. Continuing education courses shall not be creditable towards continuing dental education required for re-licensure.

01/27/2009 JASON KASSIR, DMD (DEN3762)

Case ID: 07-68 **Open Date:** 12/07/2007 **Closed Date:** 01/27/2009 **Type:** FRM

On September 12, 2008, the Board of Dental Examiners voted to deny Dr. Jason Kassir's application for renewal of his Maine dental license. This decision was based upon Dr. Kassir's apparent absence from the State of Maine, his discontinuation of practice, and the facts of the opened, unanswered, and unresolved complaints with the Board. By letter dated November 10, 2008, Dr. Kassir was notified of the Board's decision to preliminarily deny his dental license renewal. By letter dated January 27, 2009, Dr. Kassir was notified that the decision to deny his Maine dental license was final.

12/12/2008 ALLEN I. JACOBS, DMD (DEN2446)

Case ID: 08-3 **Open Date:** 01/17/2008 **Closed Date:** 12/12/2008 **Type:** FRM

On December 12, 2008, Dr. Allen I. Jacobs entered into a consent agreement with the Board of Dental Examiners. Dr. Jacobs admitted that the Board had sufficient evidence from which it could conclude that he had (1) failed to diagnose irreversible pulpitis; and (2) he failed to create and maintain dental records, which comport with professional standards for describing and billing for dental restorative procedures. Dr. Jacobs agreed to a license probation of five years with the following conditions: (A) he shall comply with all Board statutes and/or rules; (B) he shall reimburse the Board \$30.00 for costs incurred within 30 days; (C) Dr. Jacobs shall successfully complete a pre-approved course in endodontic diagnosis within 12 months and provide proof to the Board; (D) Dr. Jacobs shall immediately cease billing and recording for tooth surfaces that have not been appropriately prepared; (E) he shall submit his dental practice to both announced and/or unannounced inspections; and (F) he shall pay for all costs associated with complying with the terms and conditions of probation.

12/12/2008 BRUCE ALAN ROSS, DMD (DEN3204)

Case ID: 08-14 **Open Date:** 04/16/2008 **Closed Date:** 12/12/2008 **Type:** FRM

By consent agreement dated December 12, 2008, Dr. Bruce Ross admitted that he failed to meet the standard of care in the following areas: (1) Record-keeping, and (2) Pulpal pathology. As discipline, Dr. Ross agreed to a five year license probation with the following conditions: (a) Dr. Ross shall comply with all Board statutes and/or rules; (b) Within six months, he shall successfully complete a pre-approved course in dental risk management and a pre-approved course in pulpal pathology, and provide proof to the Board; (c) Dr. Ross shall submit his dental practice to announced and/or unannounced inspections; and (d) He shall pay all costs associated with complying with the terms and conditions of probation.

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Case ID: 06-021 **Open Date:** 04/20/2006 **Closed Date:** 10/10/2008 **Type:** FRM

On October 10, 2008, Dr. Henry entered into a Second Amended Consent Agreement, which amended an original Consent Agreement dated January 12, 2007, and a First Amended Consent Agreement dated October 12, 2007. In the Second Amendment, Dr. Henry was granted an extension of time until December 14, 2008, to provide proof of his successful completion of Part II of the National Dental Board Examination. In the event that Dr. Henry is unable to successfully pass Part II of the National Board Examination, the restrictions imposed pursuant to his original Agreement shall continue to remain in full force and effect indefinitely. These restrictions include his inability to perform oral surgery procedures, including extractions and periodontal surgery.

10/10/2008 WILLIAM EDWARD HOWELL, DDS (DEN2247)

Case ID: 08-28 **Open Date:** 07/17/2008 **Closed Date:** 10/10/2008 **Type:** FRM

By Consent Agreement dated October 10, 2008, Dr. William Howell admitted that he failed to comply with the Maine Dental Practice Act by: (1) disclosing a patient's medical history information in an inappropriate manner; (2) creating and maintaining inadequate dental records for the patient; and (3) threatening to withhold pain medication from a patient unless he submitted to a blood test. As discipline, Dr. Howell accepted a reprimand and a license probation of one (1) year.

09/28/2008 NAUM KITZIS, DMD (DEN3600)

Case ID: 09-41 **Open Date:** 09/28/2008 **Closed Date:** 09/28/2008 **Type:** FRM

The Maine Board of Dental Examiners voted to deny Dr. Naum Kitzis' application for reinstatement of his Maine dental license, which became final on September 28, 2008. The Board's denial was based upon: (1) his decision not to renew his Maine dental license following the Board's issuance of a decision and order imposing discipline upon his license; (2) his failure to comply with the Board's decision and order in a timely manner (and until that failure affected his ability to be re-licensed in MA); and (3) his disciplinary history in MA that includes his failure to disclose the ME disciplinary action to the MA Board, which conduct is dishonest, untrustworthy, and unprofessional.

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BOARD OF DENTAL EXAMINERS**08/15/2008 PETER FREDERICK MEYER, DDS (DEN2585)**

Case ID: 07-50 **Open Date:** 09/26/2007 **Closed Date:** 12/11/2009 **Type:** IFRM

By Consent Agreement (CA) dated 8/15/2008, the Board (Bd.) agreed to issue, and Dr. Peter Meyer agreed to accept, a permanently modified dental license (lic.) that includes conditions placed upon his lic. to practice dentistry in Maine. Those conditions included: (a.) Reimbursement to the Bd. within 60 days, \$685.00 as costs incurred for the investigation of this matter; (b.) That, for the first 60 days following his return to active practice, he works in the dental office no more than 3 hours per day (for a total of 15 hours per week). Thereafter, Dr. Meyer agrees that he shall work in the dental office no more than 40 hours per week so long as the Bd. has been provided with documentation from his Bd.-approved treating psychiatrist, primary care physician (PCP), and monitoring dentist that he is capable of returning to full-time dental practice; (c.) His dental practice is restricted to his current practice location; (d.) Within 30 days of opening his dental practice, he shall employ the services of a Bd. approved consultant to perform an in-office review and evaluation of his dental office and provide a report to the Bd. and immediately implement any and all changes or recommendations; (e.) He shall not apply for a Federal Drug Enforcement Administration (DEA) registration; (f.) He agrees to not purchase, accept delivery, store or utilize any controlled substances in his home or dental office, except as may be prescribed to him; (g.) He shall provide the Bd. with the names, addresses, and tel. numbers of all employees of his dental practice and notify the Bd. within 10 days of any changes to the employees; (h.) He shall provide the Bd. with the names, addresses, and tel. numbers of all dental supply companies from whom his dental practice orders or receives dental supplies and drugs; (i.) He shall permit the Bd. or its agent(s) to conduct random, unannounced and announced inspections of his dental practice; (j.) He shall ensure that his office complies with Bd. Rule concerning sanitary and safe office conditions; (k.) He shall completely abstain from the use of any Prohibited Substances, whether illicit or not. The approved supervising physician must send notification of any controlled drug dispensed or prescribed to Dr. Meyer to the Bd. (l) Dr. Meyer also agreed to: Obtain his pres. med. from a single PCP approved by the Bd.; Continue some level of substance monitoring to test whether he has used a Prohibited Substance; (m.) Submit for Bd. approval the name of a licensed individual or agency in treatment of substance abuse with whom he shall consult and counsel at least twice monthly; (n.) Submit the name of a licensed Maine dentist who shall monitor his dental practice at least once a week; (o.) Ensure that results of random testing be provided to the Bd., with samples being provided at least once a week; (p.) Attend monthly therapy sessions with a provider pre-approved by the Bd.; (q.) Obtain pre-approval of his PCP who shall prescribe all necessary medications and who shall coordinate the licensee's treatment and pharmacological therapy. (r.) Enter into a contract with the Committee on Physicians' Health (PHP) and fully participate in that program as long as this CA remains in force; (s) Attend "AA" and/or "NA" at least twice per week; (t) Provide a copy of the CA to all providers and hospital(s) where he practices or holds privileges; and (u.) Shall have his supervising physician, monitoring physician and all treatment providers read, date and sign a copy of the CA and provide a copy of the signature page to the Bd. Reports relating to CA are required to be submitted quarterly.

07/10/2008 ELLEN ANDRLE BREINDEL, RAD (RAD1541)

Case ID: 06-49 **Open Date:** 08/17/2006 **Closed Date:** 07/10/2008 **Type:** FRM

By consent agreement dated July 10, 2008, Ms. Ellen Breindel, dental radiographer, admitted to engaging in unprofessional conduct by consuming narcotic pain medication that was not prescribed for her and while performing duties as a dental assistant. As discipline, Ms. Breindel agreed to a license probation of three years with the following conditions: 1.) comply with all Board statutes and rules; 2.) within four months, undergo a substance abuse evaluation by a person or entity approved by the complaint officer; 3.) ensure that the Board is provided with a copy of the evaluation, and follow all recommendations, if any, included in the evaluation; 4.) within one month, provide the Board with a written protocol that she will follow to prevent her diversion and use of narcotic medication in her current employment; and 5.) provide her current employer with a copy of this consent agreement, and the written protocol that she will employ.

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BOARD OF DENTAL EXAMINERS**06/10/2008 ROBERT ALPHONSE PATENAUDE, DMD (DEN3344)**

Case ID: 07-67 **Open Date:** 12/07/2007 **Closed Date:** 06/10/2008 **Type:** FRM

By consent agreement dated June 10, 2008, Dr. Robert Patenaude admitted that he: 1.) failed to diagnose periodontal disease in a patient; and 2.) failed to create and maintain an adequate dental record for said patient. Dr. Patenaude agreed to a license probation of 5 years with the following conditions: a.) comply with all Board statutes and rules; b.) within 6 months, show proof of completion of the following pre-approved courses: Diagnosis and Treatment of Periodontal Disease; and Dental Risk Management; c.) provide the Board for review every three months, with up to 10 patient records involving periodontal issues chosen by the complaint officer; d.) submit his dental practice to random inspections both announced and unannounced; e.) pay all costs associated with complying with the conditions of probation; and f.) within 30 days, reimburse the Board \$30.00 for actual costs incurred.

On May 20, 2011, Dr. Robert A. Patenaude, Jr. entered into a first amendment to consent agreement with the Board of Dental Examiners. Following a positive office inspection, the Board agreed to amend Dr. Patenaude's consent agreement by deleting the requirement that he provide the Complaint Officer with ten patient dental records per calendar quarter. All other terms and condition of the Agreement dated June 10, 2008 shall remain in full force and effect.

03/11/2008 JACK MARTIN GELB, DDS (DEN3175)

Case ID: 09-7 **Open Date:** 04/17/2008 **Closed Date:** 04/17/2008 **Type:** IFRM

On February 8, 2008, the Board of Dental Examiners voted to deny Dr. J. Martin Gelb's application for dental license reinstatement and/or permit to provide dental services to a bonafide non-profit organization. This decision was based upon an extensive disciplinary history in multiple states, open and pending complaints against his New Jersey dental license, and Dr. Gelb's prior criminal conviction in New York on November 20, 1984, for grand larceny in the second degree, which involved his theft of \$50,000.00 by submitting false claims for Medicaid payments for alleged dental procedures. The license and/or permit denial became effective on April 17, 2008.

02/25/2008 RICHARD RAYMOND, DMD (DEN2406)

Case ID: 07-46 **Open Date:** 08/27/2007 **Closed Date:** 02/25/2008 **Type:** FRM

By consent agreement dated February 25, 2008, Dr. Raymond admitted that he violated the standard of care in dentistry by: (1) performing an invasive dental procedure prior to taking a dental radiograph; (2) failing to obtain and record an appropriate medical history of a patient prior to diagnosis and treatment; (3) failing to provide written after-care instructions following an invasive dental procedure that resulted in the fracture of a tooth; and (4) failing to properly dismiss a minor patient from his practice. As discipline, Dr. Raymond agreed to a five year license probation with the following specific conditions: a.) comply with all Board statutes and/or rules; b.) comply with all terms and conditions of the consent agreement; c.) within 6 months, show proof of successful completion of pre-approved courses in risk management, record keeping, and care of pediatric patients; d.) take dental radiographs on all patients prior to performing invasive dental procedures; e.) provide up to 10 patient records chosen by the complaint officer for review every three months; f.) submit his dental practice to inspections both announced and unannounced; and g.) pay all actual costs associated with complying with the terms and conditions of probation.

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BOARD OF DENTAL EXAMINERS**02/08/2008 SO YONG PASTORE, RDH (RDH2777)**

Case ID: 07-41 **Open Date:** 08/17/2007 **Closed Date:** 02/08/2008 **Type:** FRM

By consent agreement dated February 8, 2008, Ms. Pastore admitted that she failed to comply with the Board Rule that required that she place a radiation barrier over a patient's body prior to exposing the patient to ionizing radiation. As discipline, Ms. Pastore agreed to within 60 days of the execution of the consent agreement, take and successfully pass a closed book jurisprudence examination administered by the Board staff. In addition, Ms. Pastore agreed to submit a report to the Board's Complaint Officer regarding the protocols that have been put into place in the dental practice where she works to prevent the reoccurrence of exposing a patient to ionizing radiation without first providing him/her with a radiation barrier.

01/08/2008 ALAN RICHARD MULLY, DMD (DEN3678)

Case ID: 07-14 **Open Date:** 04/10/2007 **Closed Date:** 01/08/2008 **Type:** FRM

By consent agreement dated January 8, 2008, Dr. Mully admitted that he violated the standard of care by: (1) failing to create and maintain appropriate dental records; and (2) failing to review the patient medical histories and determine how they pertained to oral surgery procedures. As discipline, Dr. Mully agreed to a license probation of 3 years with the following conditions: 1.) comply with all Board statutes and/or rules; 2.) within 6 months, provide proof of successful completion of pre-approved courses regarding risk management and patient assessment/ medical emergencies; 3.) submit his dental practice to inspections, announced and/or unannounced as directed by the Board complaint officer; and 4.) pay all costs associated with complying with the terms and conditions of probation, including the cost of any and all office inspections by the Board or its agent(s).

12/14/2007 JOSEPH DANIEL BURNELL, RDH (RDH3059)

Case ID: 06-124 **Open Date:** 12/14/2006 **Closed Date:** 12/14/2007 **Type:** FRM

Following a public adjudicatory hearing on November 9, 2007, the Board found that Mr. Burnell violated the provisions of 32 M.R.S.A. Section 1077 (2)(A) by practicing fraud or deceit in obtaining a license by failing to disclose his criminal arrest history on his original application for licensure and his application for re-licensure. As discipline, the Board revoked Mr. Burnell's dental hygiene license effective December 14, 2007.

12/07/2007 ANASTASIA POLEMNIA THEODOROU, DMD (DEN3712)

Case ID: 07-12 **Open Date:** 03/23/2007 **Closed Date:** 12/07/2007 **Type:** FRM

By Consent Agreement dated December 7, 2007, Dr. Anastasia Theodorou admits that she permitted dental assistants to engage in the unlicensed practice of dentistry by allowing them to perform dental procedures beyond the scope permitted by Board rules. Dr. Theodorou agrees to 1.) License suspension of 10 consecutive business days commencing on December 3, 2007; 2.) License probation for 5 years; 3.) For a period of 3 years, provide the Board on a semi-annual basis with a complete list of all employee names, addresses, and telephone numbers; 4.) Within 6 months, Dr. Theodorou shall take and successfully pass the Board's closed book jurisprudence examination; 5.) Within 30 days, she shall pay a monetary fine of \$1,500.00; 6.) Within 6 months, she shall reimburse the Board \$1,122.98 for actual costs incurred; and 7.) Dr. Theodorou shall submit her dental practice to inspections, announced and/or unannounced, as directed by the Board Complaint Officer and pay all costs associated with such inspections.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****11/09/2007 DENISE A WARDEN NADEAU, DDS (DEN3697)**

Case ID: 06-020 **Open Date:** 04/14/2006 **Closed Date:** 07/13/2007 **Type:** FRM

On November 9, 2007, The Maine Board of Dental Examiners held a hearing with regards to the dental license of Dr. Denise Nadeau. As a result of the hearing, the Board executed an Amended Decision on this date. Dr. Nadeau's Maine dental license is hereby restored as of this date, as she is competent to resume the practice of dentistry but not as a sole practitioner. Dr. Nadeau is restricted in her profession to practice in the office of another dentist who has been pre-approved by the Board Complaint Officer. This supervising dentist shall agree to provide written quarterly reports to the Board regarding her competency, professionalism, and any significant concerns. The supervising dentist shall also be on the premise a minimum of 60% of the time when Dr. Nadeau is practicing. Dr. Nadeau's still will be required to fulfill the previous sanctions as stated in her original Decision dated July 13, 2007.

10/30/2007 GEORGE J. O'DONNELL, JR, DMD (DEN3499)

Case ID: 07-62 **Open Date:** 10/30/2007 **Closed Date:** 10/30/2007 **Type:** IFRM

By Consent Agreement dated October 30, 2007, The Board agreed to issue, and Dr. O'Donnell agreed to accept, a permanently modified dental license that includes conditions placed upon his license to practice dentistry in Maine. Until this Agreement for Conditional Licensure is amended in writing by all of the parties, Dr. O'Donnell's license to practice dentistry shall be subject to the following condition(s): (a.) Successful completion of the North East Regional Board Examination within 2 years; (b.) Within one year, successfully complete dental continuing education courses pre-approved by the Board in the following areas: (i.) OSHA; and (ii.) CDC updates regarding infection control in the dental office setting; (c.) Dr. O'Donnell shall obtain and maintain dental malpractice insurance during the time that he is licensed by the Board with annually providing proof to the Board; (d.) Shall completely abstain from consuming alcohol and mood or mind altering substances or medications, illicit or not for the term of this Agreement; (e.) Agrees to continue some level of substance monitoring to test whether he has used a Prohibited Substance; (f.) Shall submit for Board approval the name of a licensed individual or agency in treatment of substance abuse with whom Dr. O'Donnell shall consult and counsel on a monthly basis; (g.) within 30 days of re-licensure, Dr. O'Donnell shall submit the name of a licensed Maine dentist who shall monitor his dental practice at least once a week; (h.) Dr. O'Donnell shall file quarterly reports with the Board with a written list of employees and their contact information; (i.) He agrees to attend AA and/or NA meeting at least twice per month for the 1st year; and at least once per month for the remaining four years. Dr. O'Donnell agrees to file written quarterly reports to the Board beginning three months after the execution of this Agreement; (j.) Dr. O'Donnell shall maintain his obligations regarding monitoring and meetings at all times; (k.) Dr. O'Donnell shall enter into a contract with the Maine Committee on Physicians' Health (PHP) and fully participate in that program as long as this Consent Agreement remains in force; and (l.) Shall have his supervising physician, monitoring physician and all treatment providers read, date and sign a copy of the CA and provide a copy of the signature page to the Board.

CASES WITH RESOLUTION NOTES
STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**10/12/2007 NELSON DAVID HENRY, DMD (DEN3474)**

Case ID: 06-021 **Open Date:** 04/20/2006 **Closed Date:** 10/10/2008 **Type:** FRM

On October 12, 2007, Dr. Henry entered into a First Amended Consent Agreement which amended an original Consent Agreement dated January 12, 2007. In the First Amendment, Dr. Henry agreed to the following amendments to his original Agreement: (1) Item 10(a)(ii) is deleted, which relates to Dr. Henry obtaining a person/or entity within 30 days, to perform an in-office review and evaluation of his dental practice and provide a report to the Board; (2) Paragraph 10(b) is amended by adding sub-paragraphs which include the following: (A) Dr. Henry agrees to have a person or persons or an entity pre-approved by the Board, perform an in-office review and evaluation of his dental practice skills within six months, with a copy of the report sent to the Board within 10 business days; (B) Dr. Henry shall follow and implement any and all recommendations of the reviewing entity's evaluation report as directed by the Board following its review of the report. (C) Dr. Henry agrees that the Board may determine whether or not further grounds exist to limit, restrict, or otherwise discipline his dental license; and (D) Until such time as Dr. Henry has met the requirements above, he shall refrain from performing oral surgery procedures (including extractions and periodontal surgery).

10/12/2007 PETER FREDERICK MEYER, DDS (DEN2585)

Case ID: 07-50 **Open Date:** 09/26/2007 **Closed Date:** 12/11/2009 **Type:** IFRM

In lieu of holding an adjudicatory hearing, Dr. Meyer entered into a Consent Agreement with the Board of Dental Examiners whereby he agreed to immediately and voluntarily surrender his Maine dental license. This Agreement became effective October 12, 2007. Dr. Meyer is eligible to petition the Board for reinstatement of his dental license. Upon petitioning the Board for reinstatement, Dr. Meyer bears the burden of demonstrating that: (a) his Maine dental license should be reinstated; (b) that the resumption of his practice of dentistry would not pose a threat to himself or the public; and (c) that no grounds exist for the Board to deny his application for reinstatement.

10/12/2007 RICHARD E. SHARP, DEN (DEN4010)

Case ID: 07-61 **Open Date:** 11/06/2007 **Closed Date:** 11/06/2007 **Type:** IFRM

On November 3, 2006, the Board of Dental Examiners interviewed Dr. Sharp for a Maine dental license. After reviewing all materials, the Board voted to preliminarily deny Dr. Sharp's application for licensure based upon his alleged lack of forthrightness in response to questions posed by the Board, specifically relating to action(s) taken by the Massachusetts Board of Registration in Dentistry and the malpractice settlement made on his behalf. Dr. Sharp appealed the Board's decision and requested an adjudicatory hearing. A Hearing was set for April 13, 2007, which was continued at Dr. Sharp's request. The Board re-scheduled the requested hearing for September 14, 2007. Just prior to hearing, Dr. Sharp requested a continuance. The Board did not grant the second request for continuance and held the hearing as scheduled. Dr. Sharp's application for dental licensure in Maine was denied effective October 12, 2007 based upon his lack of forthrightness and his license disciplinary history in the State of Massachusetts.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****10/12/2007 STEPHEN CRAIG PAUL, DDS (DEN3322)**

Case ID: 06-120 **Open Date:** 11/17/2006 **Closed Date:** 10/12/2007 **Type:** FRM

By Consent Agreement dated October 12, 2007, Dr. Paul agrees to the following in order to resolve complaint numbers 06-15 and 06-120: (1) A license probation of two years which includes the following conditions: (a) Within six months, Dr. Paul shall successfully complete a Board-approved course in dental record keeping and infection control; (b) Dr. Paul shall submit his dental practice to both announced and unannounced inspections; (c) He shall provide the Board with copies of patient records when requested by the Board's Complaint Officer; (d) Within six months, Dr. Paul shall undergo a psychological evaluation by a Board-approved individual who will provide the Board with the results of that examination; (e) Within twelve months, Dr. Paul shall reimburse the Board \$3,721.19 as the actual costs of the investigation of the above two complaints; and (f) Dr. Paul shall be responsible for all costs incurred with complying with the above requirements.

09/28/2007 NELSON DAVID HENRY, DMD (DEN3474)

Case ID: 06-021 **Open Date:** 04/20/2006 **Closed Date:** 10/10/2008 **Type:** FRM

On September 28, 2007, the Board of Dental Examiners voted to immediately and summarily suspend Dr. Henry's license to practice dentistry in Maine for thirty days based upon a report of an inspection of his dental practice. The matter was set for an adjudicatory hearing for October 13, 2007.

09/21/2007 PETER FREDERICK MEYER, DDS (DEN2585)

Case ID: 07-58 **Open Date:** 11/05/2007 **Closed Date:** 11/05/2007 **Type:** IFRM

On September 21, 2007, the Board voted to immediately suspend Dr. Meyer's license to practice dentistry based upon a report that it received from the Physician's Health Program that Dr. Meyer was no longer a participant of said program and had relapsed to the use of Hydrocodone. The matter was set for an adjudicatory hearing on October 13, 2007.

07/13/2007 CHRISTOPHER WNEK, DMD (DEN3787)

Case ID: 07-7 **Open Date:** 02/13/2007 **Closed Date:** 07/13/2007 **Type:** FRM

By consent agreement executed on July 13, 2007, Dr. Wnek admitted a violation of the Maine Dental Practice Act by failing to renew his Maine dental license in a timely fashion. As discipline, Dr. Wnek agreed to pay a monetary fine of \$500 within 60 days following execution of the consent agreement.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**07/13/2007 DENISE A WARDEN NADEAU, DDS (DEN3697)**

Case ID: 06-020 **Open Date:** 04/14/2006 **Closed Date:** 07/13/2007 **Type:** FRM

Following a three-day adjudicatory hearing, the Board issued a Decision dated July 13, 2007, stating that Dr. Nadeau had violated the following Board Statutes and Rules: a.) Incompetence in the practice of dentistry; b.) Unprofessional conduct by violating a standard of professional behavior that has been established in the practice of dentistry; c.) Violation of Board rule, Chapter 8 section B, Sexual Misconduct; d.) Board rule, Chapter 8, section E, the use of controlled substances or prescription drugs in any way other than for dental therapeutic purposes; e.) Board rule, Chapter 8 section F, the inappropriate prescribing or administering of drugs; and, f.) Board rule, Chapter 8, section K(7), failing to utilize current CDC guidelines for infection control in dentistry. As discipline, the Board imposed the following sanctions: 1.) a license suspension for a period of six months, commencing March 16, 2007, with re-licensure or extensions granted depending on whether Dr. Nadeau complies with the relevant terms of probation regarding the psychological or psychiatric evaluation; 2.) a licensure probation for a period of five years; 3.) successful completion of a psychological or psychiatric evaluation before September 16, 2007, with a provider pre-approved by the Board. Evaluation shall include an MMPI and address whether Dr. Nadeau is competent to practice general dentistry and whether as a dentist her practice would pose a threat of harm to the public; 4.) successful completion of a hands-on course in endodontic therapy before returning to practice any form of endodontics; 5.) attendance and successful completion by July 13, 2008, of a Board pre-approved OSHA/CDC course in order to deal with the prevention and control of infectious diseases and proper sterilization procedures in the dental practice; 6.) attendance and successful completion by July 13, 2008, of a Board pre-approved course which includes identification, prevention, and education regarding sexual misconduct, harassment and boundaries in the workplace; 7.) attendance and successful completion by October 13, 2007, of a Board pre-approved course in risk management which includes components of treatment planning, diagnosis, documentation, and record keeping; 8.) submission of quarterly reports to the Board listing the names and contact information of current staff; 9.) payment of a monetary fine of \$1,500, which shall be held in abeyance until July 13, 2008; and, 10.) payment of costs of the hearing in the amount of \$18,447.43, to include any additional payment for the transcription of these proceedings if requested by her. The payment of these costs shall be held in abeyance until July 13, 2008.

07/13/2007 RONALD G. SAWYER, DMD (DEN2563)

Case ID: 06-113 **Open Date:** 10/19/2006 **Closed Date:** 07/13/2007 **Type:** FRM

By consent agreement executed on July 13, 2007, Dr. Sawyer admitted that he failed to adhere to the Centers for Disease Control "Guidelines for Infection Control in Dental Health-Care Settings 2003" which is in violation of Board rules. As discipline, Dr. Sawyer agreed to a license probation for two years with the following conditions:

1.) comply with all Board statutes and/or rules; 2.) within 30 days of the execution of the consent agreement, reimburse the Board in the amount of \$385.00 as actual costs incurred by the Board; 3.) provide the Board within 7 days of his receipt thereof with any and all inspection reports prepared by "Dynamic Dental Safety" concerning his dental office; and, 4.) submit his dental practice to both announced and unannounced inspections.

06/27/2007 TAMMY JEAN MCLAUGHLIN, RAD (RAD1222)

Case ID: 07-8 **Open Date:** 02/13/2007 **Closed Date:** 06/27/2007 **Type:** FRM

By consent agreement executed on June 27, 2007, Ms. McLaughlin admitted a violation of the Maine Dental Practice Act by failing to renew her Maine dental radiography license in a timely fashion. As discipline, Ms. McLaughlin agreed to pay a monetary fine of \$100 within 60 day following execution of this Consent Agreement.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**05/31/2007 KERRY P. BRYANT, DMD (DEN2723)**

Case ID: 06-048 **Open Date:** 08/17/2006 **Closed Date:** 05/31/2007 **Type:** FRM

By consent agreement executed on May 31, 2007, Dr. Bryant admitted that he engaged in unprofessional conduct by administering nitrous oxide to an adult female patient/employee after working hours and that while the patient/employee was under the influence of the nitrous oxide he engaged in consensual sexual contact with her. In addition, he admitted to previously administering nitrous oxide to his wife for non-therapeutic purposes. As discipline, Dr. Bryant agreed to: a.) accept a permanent restriction upon his Maine dental license prohibiting his use of deep sedation techniques and moderate sedation techniques, including but not limited to all inhalation agents; b.) a license suspension of ten (10) consecutive days commencing June 29, 2007 through July 12, 2007; c.) a monetary penalty of \$3000 within 30 days following execution of the consent agreement; d.) reimburse the Board for actual costs incurred in the amount of \$1,088.50; e.) within one year complete an ethics course approved by the Board Complaint Officer; f.) a license probation of five years; and g.) submit his dental practice to announced and unannounced inspections.

05/17/2007 ALEXSEY MAZURENKO, DMD (DEN3595)

Case ID: 06-110 **Open Date:** 10/06/2006 **Closed Date:** 05/17/2007 **Type:** FRM

By consent agreement executed on May 17, 2007, Dr. Mazurenko admitted that he provided substandard post-operative care following the placement of a dental implant. As discipline, Dr. Mazurenko agreed to comply with the following within 30 days of the execution of the consent agreement: a.) fully reimburse "Capital One" and/or "Account Solutions Group" for actual costs paid to him for the complainant's dental treatment; b.) fully reimburse the complainant any monies paid by her to "Capital One" and/or "Account Solutions Group" as either principle or interest; and c.) reimburse the Board for all costs associated with this complaint which total \$107.50.

05/15/2007 DAVID STEPHAN GRODY, DMD (DEN3379)

Case ID: 06-106 **Open Date:** 10/03/2006 **Closed Date:** 05/15/2007 **Type:** FRM

By consent agreement executed on May 15, 2007, Dr. Grody admitted that he engaged in unprofessional conduct by failing to maintain safe and sanitary office conditions by bringing a dog back into the dental office after it had bitten an employee in the face. As discipline, Dr. Grody agreed to: a.) pay a monetary penalty of \$1500.00 within 30 days of the execution of the consent agreement; b.) a license probation of three years; c.) successfully complete a Board-approved Ethics course within 1 year; and d.) reimburse the Board for all costs associated with this complaint which total \$955.47.

05/11/2007 DINO G. STAVROS, DMD (DEN2066)

Case ID: 06-119 **Open Date:** 11/14/2006 **Closed Date:** 05/11/2007 **Type:** FRM

By consent agreement executed on May 11, 2007, Dr. Stavros admitted that he provided substandard care with regards to his fabrication of a patient's crown which amounted to incompetence. As discipline, Dr. Stavros agreed to the permanent modification of his Maine dental license to inactive status. Dr. Stavros also agrees that he will not apply or attempt to convert his dental license to active status and is therefore, not eligible to practice dentistry in the State of Maine.

04/13/2007 TERENCE M. SOKOLOFF, DDS (DEN3273)

Case ID: 06-032 **Open Date:** 06/15/2006 **Closed Date:** 04/13/2007 **Type:** FRM

By Consent Agreement executed on April 13, 2007, Dr. Sokoloff admitted that he failed to document in the patient record that he had obtained appropriate informed consent from the patient prior to performing an invasive surgical procedure, and did not obtain patient vital signs prior to performing such procedure. Dr. Sokoloff further admitted that good dental practice requires appropriate documentation and obtaining patient vital signs, and that failure to do so constitutes unprofessional conduct and grounds for disciplinary action.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****03/09/2007 GARY ELMER WITHAM, DMD (DEN2068)**

Case ID: 06-016 **Open Date:** 04/04/2006 **Closed Date:** 03/09/2007 **Type:** FRM

By Consent Agreement executed on March 9, 2007, Dr. Witham agreed to the following: 1.) a license suspension of ten (10) consecutive business days commencing on February 26, 2007. During suspension, Dr. Witham agreed to make arrangements with another dentist to provide emergency dental care and coverage for his patients; 2) a license probation for five (5) years with the following conditions: a.) completion of a Board-approved course in infection control; b.) compliance with all CDC guidelines for infection control in dentistry; c.) not keep or permit a dog in his dental practice; d.) completion of a Board-approved course in prosthetic dentistry; e.) restriction of the prosthetic area of his dental practice to no more than six units crown and bridge per dental arch until the course in prosthetic dentistry has been completed; f.) consultation with specialists prior to performing extensive prosthodontic procedures, and include such consultations in the patients' records; g.) completion of a Board-approved course in TMD disorders (to include diagnosis and treatment modalities; h.) reimbursement to the patient within ninety days the actual costs paid for the periodontal and prosthetic treatment (excluding the costs of endodontics, dental hygiene, or extractions); i.) reimbursement to the Board within thirty days in the amount of \$435 as the actual costs incurred in the investigation of this matter; and j.) payment of a fine in the amount of \$1,000.

01/31/2007 JAMES DAVID POUND, DDS (DEN3186)

Case ID: 06-107 **Open Date:** 10/03/2006 **Closed Date:** 01/31/2007 **Type:** FRM

By Consent Agreement executed on 1/31/07, Dr. Pound admitted that he engaged in unprofessional conduct by self-prescribing narcotic medications. As discipline, Dr. Pound agreed to: a.) accept a reprimand; b.) obtain narcotic prescription medication(s) only from one primary care physician, who is responsible for treating his chronic pain; and c.) obtain his narcotic prescription medication(s) from a single pharmacy designated by his primary care physician.

01/12/2007 NELSON DAVID HENRY, DMD (DEN3474)

Case ID: 06-021 **Open Date:** 04/20/2006 **Closed Date:** 10/10/2008 **Type:** FRM

By Consent Agreement executed on 1/12/07, Dr. Henry admitted that, with regard to a complaint, he provided substandard dental care to the complaining patient in the following areas: oral medicine, oral surgery, pharmacology, recordkeeping, and patient management. As discipline, Dr. Henry agreed to: a.) accept a license suspension of 30 consecutive days beginning 1/20/07 during which he will make arrangements with another dentist to provide emergency dental care and coverage for his patients, and have a person/entity pre-approved by the Board perform an in-office review and evaluation of his dental practice, and provide the Board with a copy of the report within ten days of his receipt of it. The office examination will include a review of oral medicine, oral surgery, pharmacology, recordkeeping, patient management, office procedures, and infection control; b.) a license probation for five years with the following conditions: 1.) Dr. Henry will comply with all Board statutes and/or rules; 2.) Dr. Henry will comply with all terms and conditions of the Consent Agreement; 3.) Dr. Henry will, within 12 months, complete Board approved courses in risk management, ethics, and oral medicine; 4.) Dr. Henry will, within 30 days, reimburse the Board \$289.25 as the actual costs incurred for the investigation of this matter; 5.) Dr. Henry will submit his dental practice to inspections, both announced and/or unannounced, as directed by the Board Complaint Officer, including permitting the Board complete access to all patient records, operatories, and dental equipment, and will provide the Board with copies of patient records when requested by the Board Complaint Officer or the Board's agent(s); and 6.) Dr. Henry will pay all costs associated with the terms and conditions of probation, including the cost of any and all office inspections by the Board or its agent(s).

CASES WITH RESOLUTION NOTES
STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**12/20/2006 GARY T. BARKER, DMD (DEN3088)**

Case ID: 06-047 **Open Date:** 08/04/2006 **Closed Date:** 12/20/2006 **Type:** FRM

By Consent Agreement executed on December 20, 2006, Dr. Barker admitted that he (a) failed to maintain proper storage and control of patient records, which could have resulted in the loss of patient confidentiality; and (b) failed to maintain the proper storage and control over prescription pads imprinted with his DEA number. Dr. Barker further admitted that such conduct falls below the standard of care and amounts to unprofessional conduct. As discipline, Dr. Barker paid a fine of \$500 and reimbursed the Board for its investigative costs in the amount of \$958.34. Dr. Barker also agreed to recover and take possession and control of the patient records, prescription pads, and any other contents of the storage unit currently maintained by the Board within thirty (30) days following execution of the Consent Agreement. In fulfilling this requirement, Dr. Barker agreed to coordinate with the Board's Investigator.

12/08/2006 KERRY FRANCIS CROCKEN, DDS (DEN3669)

Case ID: 06-125 **Open Date:** 12/08/2006 **Closed Date:** 12/08/2006 **Type:** IFRM

On March 10, 2006, the Board voted to preliminarily deny Dr. Crocken's application to renew his Maine license to practice dentistry based upon disciplinary action taken by the Maryland State Board of Dental Examiners. Dr. Crocken appealed this action and an adjudicatory hearing was held on November 3, 2006. After being duly noticed, Dr. Crocken did not appear for the hearing, nor was he represented at the hearing by counsel. At hearing, the Board concluded that Dr. Crocken minimized his true involvement with and culpability for the actions of the unlicensed and untrained dental assistants working under his supervision. The Board was also troubled by the fact that Dr. Crocken minimized the sanctions imposed by the Maryland Board for his conduct. Therefore, by Board Decision dated December 8, 2006, the Board voted to support its initial Board decision denying Dr. Crocken's application for renewal of his license to practice dentistry in the State of Maine and the appeal was denied.

11/03/2006 CHRISTOPHER MICHAEL BOUGOPOULOS, DMD (DEN3758)

Case ID: 05-033 **Open Date:** 08/30/2005 **Closed Date:** 11/03/2006 **Type:** FRM

On February 10-11, 2006, the Board held a public adjudicatory hearing, and found that Dr. Bougopoulos committed numerous violations of Board statutes and rules, including unprofessional conduct; permitting the unlicensed practice of dentistry by dental assistants; allowing the unlicensed practice of dental radiography; and failure to utilize current CDC guidelines for infection control. The Board ordered the following sanctions: a license suspension of 15 days, with the suspension held in abeyance pending his compliance with conditions of a five year license probation with the following conditions: treatment of 30 additional Maine Care patients by March 10, 2007; successful completion of two continuing education courses relating to infection control and ethics; and an OSHA/CDC audit conducted of his practice. In addition, Dr. Bougopoulos was ordered to reimburse the Board for partial costs of the hearing in the amount of \$6,000. However, in later discussions with Dr. Bougopoulos when he came before the Board concerning another matter, the Board learned that Dr. Bougopoulos was no longer practicing dentistry in the State of Maine, had sold his dental practice, and had no intention of ever returning to the State of Maine. As a result, it was apparent that complying with certain provisions in the Board's earlier Decision and Order would not be practicable and the Board agreed to enter into a Consent Agreement that would modify that Decision and Order. Thus, by Consent Agreement executed on November 3, 2006, Dr. Bougopoulos agreed to attend and successfully complete Board pre-approved courses on infection control and ethics; pay the Board \$6,000 in costs, and \$843.75 in court reporter costs. In addition, Dr. Bougopoulos agreed to voluntarily and permanently surrender his Maine Dental license upon completion of all of the courses and payment of all of the costs mentioned above. This Consent Agreement represents the final disposition of this matter.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****11/03/2006 CHRISTOPHER MICHAEL BOUGOPOULOS, DMD (DEN3758)**

Case ID: 06-010 **Open Date:** 03/08/2006 **Closed Date:** 11/03/2006 **Type:** FRM

By Consent Agreement executed on November 3, 2006, Dr. Bougopoulos agreed to : 1) accept a reprimand and not to engage in such conduct in the future; 2) a license probation for five years following the execution of the Consent Agreement with the following conditions: a.) Dr. Bougopoulos shall comply with all Board statutes and/or rules; b.) within six months complete a Board-approved course in risk management; and c.) with thirty days reimburse the Board in the amount of \$348.98 as the actual costs for the investigation of this matter.

11/03/2006 JOAN ELLEN MILES, RDH (RDH2157)

Case ID: 06-105 **Open Date:** 10/03/2006 **Closed Date:** 11/03/2006 **Type:** FRM

On September 15, 2006, the Board voted to immediately suspend Ms. Miles' license to practice dental hygiene based upon a report that it received from the Physician's Health Program that Ms. Miles was no longer in compliance with her contract and, therefore, in violation of an earlier Board Decision and Order. At the same meeting, the Board voted to issue this complaint against Ms. Miles on its own motion due to her alleged relapse to alcohol use. An adjudicatory hearing was held on October 13, 2006. After being duly noticed, Ms. Miles chose not to attend the hearing, nor was she represented by counsel. At hearing, the Board found that Ms. Miles failed to comply with the Board's conditions of probation imposed in its earlier Decision and Order, to wit: failure to refrain from the use of alcohol and failure to participate in a random drug/alcohol testing program on a weekly basis; and by engaging in habitual substance abuse that may be foreseeably likely to result in Ms. Miles performing dental hygiene in a manner that endangers the health or safety of patients. The Board ordered that Ms. Miles' dental hygiene license be revoked. The revocation was not intended to be permanent, but rather Ms. Miles may apply for reinstatement after it has been certified that she has successfully participated in the Physicians Health Program and would not pose a danger to the public. In addition, the Board ordered that Ms. Miles pay the costs of the hearing by February 3, 2007, which amount to \$353.50.

10/13/2006 ROBERT LOUIS MASSUCCO, DDS (DEN2334)

Case ID: 06-023 **Open Date:** 04/07/2006 **Closed Date:** 10/13/2006 **Type:** FRM

By Consent Agreement dated October 13, 2006, Dr. Massucco admitted that the Board could conclude that he committed fraud or deceit in obtaining a license and engaged in unprofessional conduct as a result of: 1.) his failure to disclose on his 2002-2003 biennial license renewal application that he had been convicted of Reckless Conduct; and 2.) his contact and interactions with the professional staff of one of the Board members. As discipline, Dr. Massucco agreed to a license probation for five years with numerous conditions.

Effective February 11, 2011, the Maine Board of Dental Examiners and the Office of the Attorney General, agreed to terminate the Consent Agreement dated October 13, 2006 for Robert L. Massucco, DDS. This decision was based upon his prior compliance with its terms and conditions, his commitment to recovery and his successful practice of dentistry.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**09/15/2006 EDWARD A. LAGA, JR, DDS (DEN4002)**

Case ID: 06-126 **Open Date:** 08/04/2006 **Closed Date:** 09/15/2006 **Type:** FRM

Dr. Laga filed an application with the Board for a dental license on March 30, 2006. Dr. Laga indicated on his application that he had been addicted to narcotics and had been hospitalized for drug dependency. On August 4, 2006, the Board reviewed Dr. Laga's application and voted to offer him a Consent Agreement to grant him a conditional license. By Consent Agreement executed on September 15, 2006, Dr. Laga was granted a license to practice dentistry with numerous conditions, including but not limited to, drug testing and monitoring, and storage and monitoring of controlled substances in his practice.

On November 30, 2009, Edward A. Laga, Jr., DDS entered into a First Amendment to Consent Agreement with the Maine Board of Dental Examiners. At Dr. Laga's request, the Board agreed and voted to modify his previous Consent Agreement by reducing the frequency of the drug inventory performed by the pharmacist to once per work week, instead of daily.

08/12/2006 FARID HAKIMZADEH, DDS (DEN4013)

Case ID: 06-127 **Open Date:** 08/12/2006 **Closed Date:** 08/12/2006 **Type:** FRM

Dr. Hakimzadeh filed an application for a dental license on or about October 20, 2005. On his application form he reported a malpractice settlement while practicing in New York. During its interview with Dr. Hakimzadeh on December 9, 2005, the Board requested that he provide it with a redacted copy of the patient record that was the subject of the settlement. The Board reviewed that information at its meeting on January 13, 2006 and voted to preliminarily deny Dr. Hakimzadeh's application. Dr. Hakimzadeh filed an appeal of the Board's decision, but later agreed to enter into a Consent Agreement in lieu of holding an adjudicatory hearing. By Consent Agreement executed on August 12, 2006, Dr. Hakimzadeh neither admitted nor denied that the Board had grounds to deny his application for licensure. However, in lieu of a license denial hearing, Dr. Hakimzadeh agreed to accept a conditional license with a two-year probation with the following conditions: a.) he will submit his dental practice to inspections, both announced and/or unannounced; b.) provide the Board with copies of patient records when requested by the Complaint Officer; c.) every three months provide the Board with eight patient records (four patient records involving periodontal diagnosis and treatment; and four patient records involving dental diagnosis and treatment planning other than periodontal treatment; d.) within twelve months provide the Board with proof of successful completion of courses in i.) diagnosis and treatment planning; and ii.) diagnosis and treatment of periodontal disease.

08/04/2006 MIA MICHELLE COLLINS (RAD2079)

Case ID: ##-120 **Open Date:** 08/04/2006 **Closed Date:** 08/04/2006 **Type:** FRM

By Decision and Order dated August 4, 2006, the Board found that Ms. Collins had violated Board statute and/or rule due to a criminal conviction of unlawful possession of scheduled drugs (class D), and had admitted to calling in her own pain medications while working for a dental practice. The Board unanimously voted to revoke Ms. Collins' license to practice dental radiography.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**08/04/2006 ROBERT C. TURNER, DMD (DEN2501)**

Case ID: 06-011 **Open Date:** 02/17/2006 **Closed Date:** 08/04/2006 **Type:** FRM

By letter dated April 7, 2006 the Board notified Dr. Turner that his application to renew his license was preliminarily denied due to his failure to reveal a second OUI conviction on his renewal application. Dr. Turner appealed the Board's decision and an adjudicatory hearing was held on June 23, 2006. By Board Decision and Order dated August 4, 2006, the Board voted to uphold its earlier decision based on the following findings: 1.) The Board found that Dr. Turner committed fraud or deceit in attempting to obtain a license; 2.) The Board found that Dr. Turner engaged in habitual substance abuse that is foreseeably likely to result in his performing dentistry in a manner that endangers the health or safety of patients; and 3.) The Board found that Dr. Turner engaged in unprofessional conduct based upon his two criminal OUI convictions. The application was denied with the understanding that the Board would entertain a reapplication for licensure in the event that Dr. Turner completed the Physicians' Health Program and that he attend AA or Caduceus meetings on a regular basis. The Board also imposed hearing costs in the amount of \$1,917.91.

06/23/2006 RANDALL JAMES WOODS, RDH (RDH2982)

Case ID: ##-121 **Open Date:** 02/25/2005 **Closed Date:** 06/23/2006 **Type:** FRM

By Board Decision executed on June 23, 2006, the Board found the following: 1.) Mr. Woods failed to meet his burden to prove that he has met the qualifications to be licensed as a dental hygienist; 2.) Mr. Woods engaged in unprofessional conduct by failing to remit payment to a medical doctor for services that were ordered by the Board; and 3.) Mr. Woods engaged in habitual substance abuse that is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. The Board ordered that Mr. Woods reimburse the Board for costs of the services provided by the medical doctor in the amount of \$1,000 and that he reimburse the Board for costs of the adjudicatory hearing in the amount of \$1181.50. The Board denied Mr. Woods' application for reinstatement of his dental hygiene license.

06/21/2006 I CARL MAYHEW, DMD (DEN2035)

Case ID: &&-020 **Open Date:** 06/21/2006 **Closed Date:** 06/21/2006 **Type:** FRM

On February 28, 2006, the Board preliminarily denied Dr. Mayhew's application to renew his license to practice dentistry in the State of Maine based upon the following: 1) lack of appropriate diagnostic procedures (i.d. failure to take dental radiographs), lack of appropriate patient histories, and lack of improvement in record keeping skills which rendered him non-compliant with an original consent agreement executed on June 3, 2003; and 2) fraud and/or deceit in obtaining a license by providing an incorrect response to a question on the renewal application form. Dr. Mayhew initially appealed the Board's decision, but ultimately withdrew his appeal and request for an adjudicatory hearing. Thus, the preliminary denial became final effective June 21, 2006.

05/26/2006 PATRICK ANDRE OUIMET, LD (DTR5035)

Case ID: ##-019 **Open Date:** 05/13/2005 **Closed Date:** 05/26/2006 **Type:** FRM

At its meeting held on May 13, 2005, the Board voted to preliminarily deny Mr. Ouimet's application to renew his license to practice denturism based upon his failure to provide the Board with documentation that it had requested pertaining to a disciplinary action taken against his denturist license in Canada. Mr. Ouimet filed a timely appeal and was scheduled for an adjudicatory hearing on August 4, 2006. However, Mr. Ouimet subsequently withdrew his request for an appeal, and the Board's preliminary denial of his application for re-licensure as a Maine denturist became final on May 26, 2006.

STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**05/12/2006 ROBERT VICTOR NELSON, DDS (DEN3261)**

Case ID: 04-046 **Open Date:** 11/15/2004 **Closed Date:** 05/12/2006 **Type:** FRM

By Consent Agreement executed on 5/12/06, Dr. Nelson admitted that he engaged in unprofessional conduct by: a.) charging or billing patients and/or their insurance companies for placing "crowns" on their teeth when, in fact, Dr. Nelson placed "inlays" or "onlays" on the patients' teeth, which restorations are not crowns, are less expensive than crowns, and have separate and distinct billing codes; inadequate, incorrect or false documentation of the patients' records by indicating in the records that the service/treatment performed had been the placement of "crowns" or "empress crowns" when, in fact, the service/treatment had been the placement of "composite inlays"; leading patients to believe that they had been treated by having crowns placed on their teeth when, in fact, they had only inlays or onlays; and failing to write up or initial that he had reviewed patient records/charts. As discipline, Dr. Nelson accepted: a license suspension of ten (10) consecutive business days, during which his office was closed and arrangements made with another dentist to provide emergency dental care and coverage for his patients; and a license probation for five years with numerous conditions.

05/04/2006 DONALD M. AHERN, DDS (DEN3036)

Case ID: 05-044 **Open Date:** 10/07/2005 **Closed Date:** 05/04/2006 **Type:** FRM

By Consent Agreement executed on 5/04/06, Dr. Ahern admitted that he permitted dental assistants to engage in the unlicensed practice of dentistry by allowing them to initiate and administer nitrous oxide to patients. Dr. Ahern further admitted that such conduct violated Board Statute and Rule and constitutes grounds for discipline. As discipline, Dr. Ahern agreed to: accept a license suspension of ten consecutive business days, during which he made arrangements with another dentist to provide emergency dental care and coverage for his patients; and a license probation for five years with several conditions.

05/03/2006 CLIFF C. KAFKA (UR17)

Case ID: 07-21 **Open Date:** 02/27/2006 **Closed Date:** 05/03/2006 **Type:** IFRM

On March 10, 2006, the Board voted to preliminarily deny Mr. Kafka's application for a license to practice denturism in the State of Maine because he did not qualify for a license based on the fact that he is not a graduate of a Board-approved denturism post-secondary institution or have not completed an equivalent denturist educational program approved by the Board. Mr. Kafka was notified of the Board's decision to preliminarily deny his application by letter dated April 3, 2006. Mr. Kafka did not appeal the Board's decision; therefore, it became final on May 3, 2006.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**05/03/2006 DAVID MICHAEL KIMLER, DDS (DEN3476)**

Case ID: 05-029 **Open Date:** 08/18/2005 **Closed Date:** 05/03/2006 **Type:** FRM

By Consent Agreement executed on 5/03/06, Dr. Kimler admitted that, in this case, his treatment of a patient fell below the standard of care and amounted to incompetence and grounds for discipline. As discipline, Dr. Kimler accepted a license probation for five years with conditions attached.

On May 3, 2006, Dr. David Kimler entered into a consent agreement with the Maine Board of Dental Examiners in order to resolve a complaint which involved his failure to meet the standard of care in dentistry. This consent agreement included a five-year probationary period. Effective March 19, 2010, Dr. Kimler entered into an agreement to terminate the consent agreement with the Maine Board of Dental Examiners for the following reasons: (1) Dr. Kimler was now in full compliance with the terms and conditions of the consent agreement; (2) Dr. Kimler's license in Maine is lapsed and he is no longer practicing in Maine; (3) There were no more remaining conditions of probation that needed to be enforced by the Board; (4) Dr. Kimler had no intention of seeking licensure in the State of Maine in the future; (5) Dr. Kimler had not been disciplined since he left Maine in 2007; and (6) Dr. Kimler was considering purchasing a dental practice that provides dental treatment to adults with mental retardation and special needs, but that the license probation in Maine might adversely affect his ability to obtain credentialing with the Tennessee Division of Intellectual Disabilities, due to the mirrored action taken by the Tennessee Dental Board.

04/24/2006 PETER RENEE THEN, DMD (DEN3628)

Case ID: 06-005 **Open Date:** 02/03/2006 **Closed Date:** 04/24/2006 **Type:** FRM

By Consent Agreement, Dr. Then admitted that the Board had sufficient evidence to reasonably conclude that he committed fraud or deceit in obtaining a license (license renewal) for failing to disclose a disciplinary action taken against him by the Florida Board of Dental Examiners, and that such conduct constituted grounds for discipline. As discipline, Dr. Then accepted a license probation for five years with conditions, including the payment of a \$500 fine.

04/07/2006 BENJAMIN D. CALLNAN, LD (DTR5030)

Case ID: 05-045 **Open Date:** 10/13/2005 **Closed Date:** 04/07/2006 **Type:** FRM

Following a public adjudicatory hearing, by Board Decision dated April 7, 2006, the Board found that Mr. Callnan had engaged in unprofessional conduct, that he had abandoned his patient, and that he was incompetent in the practice of denturism by failing to record and retain the required patient medical histories, treatment records and treatment planning records. As discipline the Board imposed the following sanctions: a thirty (30) day license suspension; directed that Mr. Callnan undergo a physical and psychological examination; imposed a five (5) year probation with numerous conditions; and ordered reimbursement to the Board of its ACTUAL investigative and hearing costs in the amount of \$2,493.88.

04/07/2006 HARRY M. PARADY, JR, DMD (DEN2815)

Case ID: 05-053 **Open Date:** 12/27/2005 **Closed Date:** 04/07/2006 **Type:** FRM

The Board voted to preliminarily deny the renewal of Dr. Parady's license based upon: a.) his failure to comply with a Board Decision and Order dated April 12, 2005 and b.) fraud and deceit in obtaining a license by providing an incorrect answer to a question on the renewal application form. Since Dr. Parady did not appeal the Board's decision, the denial became final on April 7, 2006.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****04/07/2006 WILLIAM W. DREYER, DMD (DEN2339)**

Case ID: 05-039 **Open Date:** 09/09/2005 **Closed Date:** 04/07/2006 **Type:** FRM

By Consent Agreement dated 4/07/06, Dr. Dreyer admitted that he permitted a dental assistant to engage in the unlicensed practice of dentistry by allowing the dental assistant to perform a "try in" of a Maryland Bridge and by allowing the dental assistant to perform "final cementation" and "seating" of the Maryland Bridge. As discipline, Dr. Dreyer accepted the following sanctions: a ten (10) day license suspension; and a five (5) year probation with the following conditions: a) he will comply with all Board statutes and rules; b) he will successfully complete a "closed book" jurisprudence examination; c) he will reimburse the patient and the insurance company for the actual costs paid for treatment; and d) he will remit payment of a \$500 fine.

02/13/2006 GARY ELMER WITHAM, DMD (DEN2068)

Case ID: 04-058 **Open Date:** 12/20/2004 **Closed Date:** 02/13/2006 **Type:** FRM

By Consent Agreement executed on 2/13/06, Dr. Witham did not dispute that the Board had sufficient evidence from which it could conclude that he: failed to establish the baseline pulse and blood pressure of a reportedly hypertensive patient prior to performing a dental operative procedure; and failed to record periodontal probing and/or failed to measure the amount of keratinized tissue (attached gingival) before performing periodontal surgery. As discipline Dr. Witham agreed to attend and successfully complete, within twelve months of the execution of the Consent Agreement, Board approved courses in medical history and evaluation, and periodontal disease and appropriate periodontal surgical treatment. In addition, Dr. Witham agreed to reimburse the patient in the amount of \$9,746.00 within ninety days of the execution of the Consent Agreement.

02/10/2006 MITCHEL JONES, LD (DTR5008)

Case ID: 05-043 **Open Date:** 10/11/2005 **Closed Date:** 02/10/2006 **Type:** FRM

By Consent Agreement dated 2/10/2006, Mr. Jones admitted that he engaged in the unlicensed practice of dentistry by fabricating and inserting partial dentures for three patients, which conduct exceeded the scope of his denturist license. As discipline, Mr. Jones accepted: a license suspension of 10 business days; agreed to pay a fine of \$1000; and accepted a five-year license probation with conditions.

12/15/2005 MARC LANCE HOROWITZ, DDS (DEN3679)

Case ID: 05-023 **Open Date:** 07/01/2005 **Closed Date:** 12/15/2005 **Type:** FRM

By Consent Agreement, Dr. Horowitz admitted that, in this case, he: failed to diagnose existing endodontic issues; placed crowns with open margins and with no interproximal contact; and seated a crown on build-up material rather than existing tooth structure. Further, Dr. Horowitz admitted that such conduct fell below the standard of care and amounted to incompetence and grounds for discipline. As discipline, Dr. Horowitz agreed to attend and successfully complete a Board-approved course in diagnosis and treatment planning and a hands-on course in prosthetics. Dr. Horowitz also agreed to submit copies of patient dental records to the Board for review for two years following the execution of the Consent Agreement, and which will meet certain specific criteria as outlined in the Consent Agreement. Finally, Dr. Horowitz agreed to fully reimburse the patient for the cost of his/her dental treatment.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****12/14/2005 ANDREA L. MCCLURE, RAD (RAD1957)**

Case ID: ##-014 **Open Date:** 12/14/2005 **Closed Date:** 12/14/2005 **Type:** FRM

Ms. McClure admitted that a criminal conviction for OUI constituted grounds for denial or modification of licensure. By Consent Agreement Ms. McClure agreed to a five-year conditional license to practice dental radiography subject to the following conditions: a.) during the five years of this conditional license, Ms. McClure shall not be convicted of any crime or adjudicated of any traffic violation that involves alcohol; and b.) if, during the five years of the conditional license, Ms. McClure is convicted or adjudicated of any traffic violation or any criminal offense that involves alcohol, she shall immediately notify the Board and shall immediately surrender her dental radiography license.

12/13/2005 JOAN ELLEN MILES, RDH (RDH2157)

Case ID: 05-037 **Open Date:** 09/13/2005 **Closed Date:** 12/13/2005 **Type:** FRM

As a result of a public adjudicatory hearing held on November 4, 2005, the Board concluded that Ms. Jabar violated the provisions of 32 M.R.S.A. §1077(2)(B) in that her habitual alcohol abuse was foreseeably likely to result in her performing dental hygiene services in a manner that endangered the health or safety of patients. As discipline, the Board ordered a five-year probation with numerous specific conditions.

12/09/2005 JOSEPH W. GRIFFIN, DMD (DEN2071)

Case ID: 04-048 **Open Date:** 11/15/2004 **Closed Date:** 12/09/2005 **Type:** FRM

By Consent Agreement dated 12/9/05, Dr. Griffin admitted that, in this case, he failed to comply with the Centers for Disease Control (CDC) Guidelines for Infection Control in Dentistry as required by Board Rules, Chapter 8, by failing to wear gloves during a patient examination. As discipline, Dr. Griffin agreed to henceforth comply with all Board statutes and rules and all CDC Guidelines for Infection Control in Dentistry. In addition, Dr. Griffin agreed to successfully complete within six (6) months a Board-approved course or an in-office training concerning CDC Guidelines for Infection Control in Dentistry/Bloodborne Pathogens and provide the Board with written verification of his completion of that course or training. In addition, Dr. Griffin agreed to henceforth maintain an office protocol whereby he conducts examinations on all patients only in the presence of a third party. Finally, Dr. Griffin agreed to reimburse the Board within 30 days for actual costs incurred by the Board for the investigation and prosecution of this matter.

10/25/2005 SAMUEL E. WHISENANT, LD (DTR5026)

Case ID: ##-018 **Open Date:** 05/13/2005 **Closed Date:** 10/25/2005 **Type:** FRM

The Board voted on May 13, 2005 to preliminarily deny Mr. Whisenant's application to renew his license to practice denturism in the State of Maine based upon his plea of no contest to a criminal charge of practicing dentistry without a license in the State of Georgia. Board records indicate that Mr. Whisenant received notice of the Board's decision on June 13, 2005. Mr. Whisenant did not file an appeal but did send a letter, which the Board received on June 24, 2005 in which he asked that the Board reconsider its decision. On August 12, 2005, the Board voted not to reconsider its decision and notified Mr. Whisenant of same in a letter dated September 19, 2005, at that time giving him another 30 days in which to file an appeal. The Board did not receive a request for an appeal from Mr. Whisenant, and the denial of his application for re-licensure became final on October 25, 2005. As an update, Mr. Whisenant was placed into a first offender program and placed on probation for three years. According to the records of this Board, Mr. Whisenant completed his probation without incident on September 30, 2007.

STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**10/07/2005 PHILIP F. HAVILAND (UR16)**

Case ID: 05-054 **Open Date:** 09/07/2005 **Closed Date:** 10/07/2005 **Type:** FRM

By letter dated September 7, 2005, Dr. Haviland was notified that the Board voted to preliminarily deny his application for licensure for the following reasons: 1.) the Board could not grant licensure based upon examination because on the date that Dr. Haviland submitted his application he had not successfully completed the NERB examination; and 2.) since he did not hold a license in another state at the time his application was submitted, the Board could not grant licensure by endorsement. Dr. Haviland did not appeal the preliminary denial of his license; thus it became final on October 7, 2005.

09/30/2005 DINO G. STAVROS, DMD (DEN2066)

Case ID: 04-053 **Open Date:** 12/21/2004 **Closed Date:** 09/30/2005 **Type:** FRM

By Consent Agreement executed on 9/30/05, Dr. Stavros admitted that the Board had sufficient evidence to conclude that he: failed to meet his ethical obligation to timely report the potential impairment of George J. O'Donnell, Jr., DMD to the Maine Medical Association's Committee on Physicians' Health; and failed to report to the Board his awareness of Dr. O'Donnell's substandard dental care and alleged sexual harassment of female staff. Dr. Stavros further admitted that such conduct constitutes grounds for discipline. As discipline Dr. Stavros accepted a license probation for three years with the condition that he successfully complete an ethics course approved by the Board Complaint Officer within one year of the execution of the Consent Agreement.

09/30/2005 RICHARD ANDREW LEVIN, DMD (DEN3674)

Case ID: 05-017 **Open Date:** 05/05/2005 **Closed Date:** 09/30/2005 **Type:** FRM

By Consent Agreement dated 9/30/2005, Dr. Levin admitted that the Board had sufficient evidence to conclude that he: committed fraud or deceit in obtaining a license; and had been convicted of crimes that are: (i) directly related to the profession of dentistry; (ii) crimes of dishonesty; and (iii) crimes for which he could be imprisoned for more than one year. Dr. Levin admitted that such conduct constituted unprofessional conduct and grounds for discipline. As discipline, Dr. Levin agreed to voluntarily and permanently surrender his license to practice dentistry.

08/12/2005 RALPH B. DHUY, LD (DTR5025)

Case ID: 04-044 **Open Date:** 10/19/2004 **Closed Date:** 08/12/2005 **Type:** FRM

Following a public adjudicatory hearing held on June 24, 2005, the Board found that Mr. Dhuy repeatedly violated numerous Board statutes including: practicing denturism during license suspension; practicing dentistry without a license, engaging in unprofessional conduct; and failing to comply with conditions of probation. As discipline, and in light of Mr. Dhuy's disciplinary history, the Board ordered that: Mr. Dhuy's license be permanently revoked; that he pay a fine of \$1,500 for each of six violations (for a total of \$10,500); that he reimburse the Board for hearing costs (including both current and previous hearings) totalling \$4,530.21; and that the complaint be forwarded to the Department of Attorney General and/or the District Attorney's Office for potential criminal prosecution.

06/24/2005 NORMA JEAN DAWSON, RAD (RAD2408)

Case ID: ##-016 **Open Date:** 06/24/2005 **Closed Date:** 06/24/2005 **Type:** FRM

Ms. Dawson applied for an initial dental radiography license on 1/27/05. On her application, Ms. Dawson indicated that she had been convicted of a crime. By Consent Agreement, Ms. Dawson admitted that her criminal conviction for theft could constitute grounds for denial of her application for licensure. As a result, Ms. Dawson agreed to a five-year probationary license with restrictions.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****04/26/2005 BRENDA GAGNON, RDH (RDH3096)**

Case ID: ##-015 **Open Date:** 04/26/2005 **Closed Date:** 04/26/2005 **Type:** FRM

By Consent Agreement dated 4/26/05, Ms. Chouinard admitted that her criminal convictions for operating under the influence of alcohol, and her abuse of alcohol could constitute grounds for denial of her application for licensure pursuant to 32 M.R.S.A. §1077(2)(B). As a result, Ms. Chouinard accepted a conditional license pursuant to a Consent Agreement that issued her a probationary license to practice dental hygiene in Maine subject to conditions.

04/12/2005 HARRY M. PARADY, JR, DMD (DEN2815)

Case ID: 04-012 **Open Date:** 02/26/2004 **Closed Date:** 04/12/2005 **Type:** FRM

Following a public adjudicatory hearing on 3/04/05, during which Dr. Parady admitted that treatment provided was below the standard of care, the Board also determined that his record keeping was below the standard of care. That issue was also addressed in a previous Consent Agreement with Dr. Parady in 1996. The Board found him to be in violation of Board statutes relating to incompetence and unprofessional conduct. As discipline, the Board suspended Dr. Parady's license for 30 days and placed his license on probation for five years with the following conditions: Dr. Parady must attend and successfully complete several Board-approved courses, including a hands-on course in fixed prosthetics. Dr. Parady was prohibited from performing any comprehensive fixed prosthetics until the course was completed. Dr. Parady was required to submit complete records of ten active patients on a quarterly basis until further notice and submit complete records of the next 15 cases of fixed prosthetics that he completed. Dr. Parady was ordered to reimburse the Board for costs incurred in the amount of \$1,595.64.

04/08/2005 KEVIN J. WALSH, RAD (RAD1003)

Case ID: ##-013 **Open Date:** 04/08/2005 **Closed Date:** 04/08/2005 **Type:** FRM

Mr. Walsh was granted reinstatement of his radiography license by entering into a Consent Agreement with the Board. Mr. Walsh agreed to a five-year probation during which he will totally abstain from the use or possession of intoxicating liquor/alcohol and illegal drugs. Mr. Walsh admitted that he had been convicted of criminal OUI.

03/24/2005 RALPH SHAROW (UR9)

Case ID: &&-016 **Open Date:** 03/24/2005 **Closed Date:** 03/24/2005 **Type:** FRM

Dr. Sharow was notified by letter dated March 24, 2005 that his application for a license to practice dentistry in the State of Maine was preliminarily denied based upon the fact that his dental license was revoked in the State of New Jersey in 2002. His license revocation in New Jersey was in result of his 2002 criminal convictions for insurance fraud and tax evasion, for which he subsequently served 21 months in a Federal Prison and was on three years of supervised release. Dr. Sharow appealed the Board's decision. An adjudicatory hearing was held on 8/12/05. By Board Decision dated 9/01/05, the Board voted to uphold the preliminary denial of Dr. Sharow's application for licensure.

02/09/2005 CATRINA M. GREEN, RAD (RAD1875)

Case ID: ##-012 **Open Date:** 02/09/2005 **Closed Date:** 02/09/2005 **Type:** FRM

Ms. Green was granted renewal of her radiography license by entering into a Consent Agreement with the Board. Ms. Green agreed to a five-year probation during which she will totally abstain from the use or possession of intoxicating liquor/alcohol and illegal drugs. Ms. Green admitted that she had been convicted of criminal OUI.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**01/25/2005 MAROUN DAGHER (UR8)**

Case ID: &&-015 **Open Date:** 01/25/2005 **Closed Date:** 01/25/2005 **Type:** FRM

Following a preliminary denial of licensure and a subsequent request from Dr. Dagher for an adjudicatory hearing, by Decision of the Board dated January 25, 2005, the Board denied Dr. Dagher's appeal and denied him licensure based on his failure to meet the qualifications for licensure that required that he have a diploma with a D.M.D.or D.D.S. degree from a school or dental college that was accredited by the Committee on Dental Accreditation of the American Dental Association.

01/21/2005 RALPH DHUY (DEN1024)

Case ID: ##-008 **Open Date:** 12/20/2004 **Closed Date:** 01/21/2005 **Type:** FRM

License renewal application preliminarily denied effective December 23, 2004 based upon: 1) Mr. Dhuy's conduct following the suspension of his license, i.e. his statements in "The Community Press" that he intended to practice denturism during his suspension, that he no longer recognized the authority of the Board, and that he actually violated the Board-ordered suspension by seeing and/or treating patients despite the Board's requests that he reconsider his intention to violate its order of suspension; 2) his unlicensed practice of denturism on September 22, 2004 in violation of Board statutes by engaging in the practice of denturism during the Board-ordered suspension; 3) his admitted unlicensed practice of denturism on multiple occasions during the Board-ordered suspension between July 15, 2004 and October 15, 2004 in violation of Board statutes; 4) his violation of the conditions of his license probation and a May 17, 2002 Court Order that prohibited him from referencing his DDM diploma where any patient could observe it; and 5) his failure to comply with a Board Decision and Order dated July 2, 2004, which constitutes grounds for the denial of re-licensure. Mr. Dhuy was advised that he could request an appeal in writing within 30 days. The Board never received a written request to appeal its decision, and the preliminary denial of license renewal became final on January 21, 2005.

11/19/2004 MARY BERUBE LEBLANC, DMD (DEN3316)

Case ID: 04-001 **Open Date:** 01/22/2004 **Closed Date:** 11/19/2004 **Type:** FRM

By Consent Agreement dated 11/19/2004, Dr. LeBlanc admitted that, in this case, she failed to ensure that her dental office furnished the complainant patient with a copy of his dental records within a reasonable time as required by Board Rule, Chapter 8, Paragraph J. Dr. LeBlanc further admitted that such conduct constituted grounds for disciplinary action. As discipline, Dr. Leblanc agreed to a.) henceforth comply with all Board statutes and rules; b.) ensure that she is ultimately responsible for the control of her dental practice office, and that patient records are furnished to patients in accordance with Board Rules; and c.) reimburse the Board \$160.00 as actual expenses for the investigation and prosecution of this matter.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**11/16/2004 GEORGE J. O'DONNELL, JR, DMD (DEN3499)**

Case ID: 04-043 **Open Date:** 10/25/2004 **Closed Date:** 11/16/2004 **Type:** FRM

By Consent Agreement dated 11/16/2004, Dr. O'Donnell admitted that his conduct fell below the standard of care, violated Board statutes and rules and amounted to incompetence and unprofessional conduct. Dr. O'Donnell admitted that he committed the following violations: 1) twice committing fraud or deceit in obtaining a license; 2) habitual substance abuse that has resulted in or was foreseeably likely to result in his performing services in a manner that endangered the health or safety of patients; 3) incompetence in the practice of dentistry by engaging in conduct that evidences a lack of ability or fitness to perform those duties owed by a dentist to patients or the public; 4) unprofessional conduct by violating a standard of professional conduct established in the field of dentistry; and 5) violations of Board statutes and/or rules regarding continuing educational requirements and appropriate CDC infection control procedures. As discipline, Dr. O'Donnell agreed to the continued suspension of his license (which had been summarily suspended by the Board on October 18, 2004) until 12/31/04, and to the revocation of his license effective 1/01/05. He also agreed to reimburse the Board in the amount of \$2,347.95 as actual costs incurred for the investigation and prosecution of this matter.

11/11/2004 DOUGLAS A. BEVINS, DMD (DEN3473)

Case ID: 04-019 **Open Date:** 04/07/2004 **Closed Date:** 11/11/2004 **Type:** FRM

By Consent Agreement dated 11/11/2004, Dr. Bevins admitted that he provided treatment to patients that fell below the standard of care, and violated Board statutes and rules that amounted to incompetence and/or unprofessional conduct because he repeatedly: 1) failed to diagnose carious lesions in patients' teeth that were apparent on dental radiographs; 2) failed to record in the patients' records any diagnosis, treatment options and/or treatment plan; 3) prescribed narcotic pain medications to patients without first examining the patients and diagnosing the condition to be treated; 4) prescribed narcotic drugs to patients after becoming aware of their chronic narcotic drug use; 5) prescribed narcotic drugs to patients without noting the prescription in the patient record and/or providing a written diagnosis supporting the treatment; and 6) engaged in sexual relationships with two female patients. As discipline, Dr. Bevins agreed to the suspension of his license until 12/31/04, and the permanent revocation of his license effective 1/01/05. Dr. Bevins also agreed to reimburse the Board for actual costs incurred for investigation and prosecution in the amount of \$823.39.

10/13/2004 JOHN W. MABEE, DDS (DEN2277)

Case ID: 04-030 **Open Date:** 07/20/2004 **Closed Date:** 10/13/2004 **Type:** FRM

By Consent Agreement dated 10/13/2004, Dr. Mabee admitted that the Board had sufficient evidence to conclude that he: 1) failed to diagnose and treat caries; 2) failed to take full mouth radiograph or panorex radiograph prior to inserting a full upper denture and partial lower denture; 3) failed to diagnose periodontal disease or to perform any periodontal charting for whom he was recommending dental implants; 4) failed to diagnose and treat carious lesions; inserted a partial denture over a carious lesion; failed to administer and/or document the reason for declining to administer a prophylactic antibiotic medication where the patient had a significant heart murmur and/or rheumatic heart disease; 5) failed to comply with the Board's request for certain information; and 6) failed to refrain from the use of any and all illicit substances including alcohol, as required by a previous consent agreement. Dr. Mabee admitted that such conduct would constitute incompetence, unprofessional conduct and grounds for discipline. Dr. Mabee agreed to voluntarily and permanently surrender his license to practice dentistry in the State of Maine.

STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**09/30/2004 GERALD B. LEIBER, DMD (UR11)**

Case ID: &&-019 **Open Date:** 09/30/2004 **Closed Date:** 09/30/2004 **Type:** FRM

Dr. Leiber was notified by letter dated August 31, 2004 of the Board's decision to preliminarily deny his application for a license to practice dentistry in the State of Maine. The denial was based upon the following: 1) alleged failure to disclose pertinent information on his registration application form dated 6/7/04, to wit: Dr. Leiber indicated that he had never had a dental license that had been subjected to discipline when, in fact, he had entered into a Consent Agreement with the Massachusetts Board of Dentistry, whereby his license was placed on probation for three years; 2) inadequate explanations of the issues/allegations involved in the cases related to the above; and 3) evasive statements or responses given during his interview with the Board. Dr. Leiber did not appeal the Board's decision and the preliminary denial became final on September 30, 2004.

09/30/2004 RICHARD H. TOWLE, DDS (DEN2106)

Case ID: 04-017 **Open Date:** 03/31/2004 **Closed Date:** 09/30/2004 **Type:** FRM

By Consent Agreement dated 9/30/2004, Dr. Towle admitted that he failed to comply with CDC Guidelines for Infection Control in Dentistry by failing to wear gloves during a patient examination. As discipline, Dr. Towle agreed to: 1.) comply with all Board statutes or rules; 2.) comply with all CDC guidelines for infection control; 3.) successfully complete an approved course in CDC guidelines for infection control in dentistry; and 4.) reimburse the Board \$117.50 for costs incurred in the investigation.

09/01/2004 STEPHEN HOWARD MOON, DMD (DEN3415)

Case ID: 04-008 **Open Date:** 02/14/2004 **Closed Date:** 09/01/2004 **Type:** FRM

By Consent Agreement dated 9/1/2004, Dr. Moon admitted that, in this case, as a result of his improper diagnosis and examination of the patient, he extracted a permanent tooth instead of a deciduous tooth as was intended. Dr. Moon admitted that such conduct fell below the standard of care and amounted to incompetence. As discipline, Dr. Moon agreed to a license probation for two years and that he would ensure that he employs the standard of care in performing extractions, including conducting a full dental examination, obtaining appropriate dental radiographs, and recording appropriate diagnosis.

08/31/2004 DAVID MICHAEL KIMLER, DDS (DEN3476)

Case ID: 03-044 **Open Date:** 08/18/2003 **Closed Date:** 08/31/2004 **Type:** FRM

By Consent Agreement dated 8/31/2004, Dr. Kimler admitted that he: 1.) failed to devise an adequate treatment plan; 2.) failed to establish the vertical dimension of the patient's occlusion at the start of treatment; and 3.) performed dental restorations that were built to a collapsed vertical dimension. Dr. Kimler admitted that such conduct falls below the standard of care and amounts to incompetence. As discipline, Dr. Kimler agreed to successfully complete Board-approved courses in occlusion and diagnosis and treatment planning. Until the courses were completed, Dr. Kimler agreed to restrict the prosthetic care of his practice to no more than three units of crown and bridge per dental arch. In addition, following completion of the courses, Dr. Kimler was required to submit complete patient records on the next six cases of greater than three units of prosthetics per arch. Dr. Kimler agreed to reimburse the patient \$7,679.00.

07/02/2004 RALPH B. DHUY, LD (DTR5025)

Case ID: 04-016 **Open Date:** 04/16/2004 **Closed Date:** 07/02/2004 **Type:** FRM

Following a public adjudicatory hearing held on June 25, 2004, the Board found that Mr. Dhuy failed to comply with a condition of probation that required him to complete a Board-approved ethics course within one year. As discipline, the Board: suspended Mr. Dhuy's license for 90 days, during which he was required to complete a Board-approved ethics course; ordered him to reimburse the Board \$1,470.75 within 270 days for the costs of the hearing; and ordered him to pay a \$1500 fine. The Board also continued Mr. Dhuy's license probation in accordance with the terms of the January 24, 2003 Board Decision.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**06/25/2004 PAUL BURNHAM KENYON, DDS (DEN3462)**

Case ID: &&-014 **Open Date:** 06/25/2004 **Closed Date:** 06/25/2004 **Type:** FRM

Effective June 25, 2004, the Board voted to accept the voluntary surrender of Dr. Kenyon's Maine dental license due to medical conditions that precluded his ability to continue to practice.

06/21/2004 STEPHEN W. CARSLAKE (UR6)

Case ID: ##-017 **Open Date:** 05/13/2004 **Closed Date:** 06/21/2004 **Type:** FRM

The Board voted to preliminarily deny Mr. Carslake's application for a denturist license in the State of Maine on 5/13/2004. This decision was based on the fact that he was convicted for practicing illegal dentistry in 1995 in the U.K. Mr. Carslake did not file an appeal, and the Board's preliminary denial became final on 6/21/2004.

05/21/2004 RUSSELL JOHN COLLETT, DDS (DEN3009)

Case ID: 03-061 **Open Date:** 11/14/2003 **Closed Date:** 05/21/2004 **Type:** FRM

By Consent Agreement dated 5/21/2004, Dr. Collett admitted that: there was inadequate documentation in a patient's dental record (documentation of intraoral vital signs); and error in patient selection with regard to general anesthesia in light of the patient's existing medical conditions. Dr. Collett admitted that such conduct amounted to unprofessional conduct and constituted grounds for disciplinary action. As discipline, Dr. Collett agreed to successfully complete a Board-approved course in risk management, as well as successfully complete an ASDA (American Dental Society of Anesthesiology) course review which will be evaluated by the Board. Until that was accomplished, Dr. Collett agreed to limit his administration of general anesthesia within his office setting to (i) ASA Class I presentations; and (ii) "Benign" ASA Class II presentations for patients age 25 and under. In addition, Dr. Collett agreed to comply with Board rules regarding the reporting of life-threatening incidents at his dental practice.

05/07/2004 NAUM KITZIS, DMD (DEN3600)

Case ID: 03-014 **Open Date:** 03/03/2003 **Closed Date:** 05/07/2004 **Type:** FRM

Following a public adjudicatory hearing on March 26, 2004, the Board found that Dr. Kitzis violated Board Statutes and rules and engaged in unprofessional conduct by failing to comply with CDC Guidelines for infection control in dentistry, and by failing to advise a patient about her options following her potential exposure to bloodborne pathogens within his dental practice. As discipline, the Board suspended Dr. Kitzis' license for six months and placed his license on probation for five years with the following conditions: 1) completion of the following educational courses, which must be pre-approved by the Board and completed within one year: a) a course in risk management; b) a course in diagnosis and treatment planning; c) a course in patient evaluation and the prevention of medical emergencies in the dental office; d) an OSHA course on universal precautions; and e) a course in ethics and the Code of Professional Conduct. The Board also fined Dr. Kitzis \$12,000 (\$1,500 for each violation - total of 8 violations) and ordered that he reimburse the Board \$1,232.54 as costs for the investigation and prosecution of this matter..

04/26/2004 BRUCE G. STRATTON, DMD (DEN1044)

Case ID: 03-052 **Open Date:** 10/24/2003 **Closed Date:** 04/26/2004 **Type:** FRM

By Consent Agreement dated 4/26/2004, Dr. Stratton admitted that, based upon a letter from the director of the Physician's Health Program of the Maine Medical Association, as well as a criminal complaint and police report, the Board had sufficient evidence to conclude that his conduct amounted to habitual substance abuse that has resulted or was foreseeably likely to result in his performing services in a manner that endangers the health or safety of patients and constituted grounds for disciplinary action. As discipline, Dr. Stratton agreed to a five-year license probation with conditions including : total abstinence from use or possession of intoxicating liquor; enrollment and successful completion of a Board-approved treatment plan; and random inspections of his dental practice.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**04/26/2004 JOHN VLIET NUNGESSER, DMD (DEN3470)**

Case ID: 03-053 **Open Date:** 10/24/2003 **Closed Date:** 04/26/2004 **Type:** FRM

By Consent Agreement dated 4/26/2004, Dr. Nungesser did not admit or deny allegations made against him in a complaint, but did admit that the Board had sufficient evidence from which it could reasonably conclude that he had significant, on-going, and potentially impairing medical issues related to alcohol dependence, and that such conduct, if true, would constitute grounds for disciplinary action. As discipline, Dr. Nungesser agreed to voluntarily and permanently surrender his license to practice dentistry in Maine.

04/03/2004 FRANKLIN C. LACKEE, DDS (UR10)

Case ID: &&-018 **Open Date:** 04/03/2004 **Closed Date:** 04/03/2004 **Type:** FRM

By letter dated March 4, 2004, the Board preliminarily denied Dr. Lackee's application for a license to practice dentistry based upon evidence of habitual substance abuse. By letter dated March 23, 2004, Dr. Lackee notified the Board of his decision to appeal the Board's decision and requested an adjudicatory hearing. However, by letter dated April 7, 2004, Dr. Lackee notified the Board of his decision to rescind his request for an appeal, and the Board's preliminary denial of Dr. Lackee's application for licensure became final on April 3, 2004.

02/27/2004 BRIAN JAMES BISHOP, DDS (DEN3546)

Case ID: 04-002 **Open Date:** 01/26/2004 **Closed Date:** 02/27/2004 **Type:** FRM

By Consent Agreement dated 2/27/2004, Dr. Bishop admitted that he altered his Board-issued 2001-2003 license to practice dentistry by changing the expiration date to December 31, 2005, without the knowledge or consent of the Board, and presented the altered license to the credentials department of Bangor Mental Health Institute with the intent to demonstrate to them that he possessed a current and valid license to practice dentistry in the State of Maine. As discipline, Dr. Bishop agreed to: a 90 day license suspension, with all but 15 working days of the 90 day licensure suspension suspended, as long as he complies with the Consent Agreement; a \$750.00 fine; \$42.50 in costs; and successful completion of Board-approved courses in risk management and ethics.

02/03/2004 JOHN W. MABEE, DDS (DEN2277)

Case ID: 03-033 **Open Date:** 06/09/2003 **Closed Date:** 02/03/2004 **Type:** FRM

By Consent Agreement dated 2/3/2004, Dr. Mabee admitted that the Board had sufficient evidence to conclude that he engaged in unprofessional conduct based upon inadequate recordkeeping (failing to create and maintain adequate dental records by failing to document the type and dosage of anesthesia given to the patient) and improperly discharging the patient. Dr. Mabee accepted a license probation for five years with conditions: 1) payment of all costs associated with complying with the conditions of probation; 2) successful completion of a Board-approved course in risk management; 3) submit to random inspections of patient records and/or practice; submit a total of 30 complete patient records for Board review; 4) reimburse the patient for any adjustments made to the full denture performed by any other dentist; 5) reimburse the Board \$483.93 as actual costs; and 6) reimburse the Board for the expenses incurred for the random inspection of his dental office.

01/16/2004 LEE RICHEIMER, DDS (DEN2805)

Case ID: 03-019 **Open Date:** 03/27/2003 **Closed Date:** 01/16/2004 **Type:** FRM

By Consent Agreement dated 1/16/2004, Dr. Richeimer admitted that the Board had sufficient evidence to reasonably conclude that he engaged in unprofessional conduct based upon inappropriate statements made to his employees. Dr. Richeimer accepted: a 30-day license suspension, all suspended, as long as he complies with the Consent Agreement; a license probation for five years with conditions that included payment of a \$1500 fine, reimbursement to the Board of \$145.00 for costs, and reading a book on ethics and submitting an essay on dental ethics to the Board.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****12/24/2003 ALEXANDER MELNIKOV (UR5)**

Case ID: ##-010 **Open Date:** 12/24/2003 **Closed Date:** 12/24/2003 **Type:** FRM

Following a public adjudicatory hearing on December 12, 2003, the Board denied Mr. Melnikov's application for licensure as a dentist in the State of Maine based on the fact that he violated the provisions of 32 M.R.S.A. Sec. 1077 (2)(A) by practicing fraud or deceit in his attempts to obtain a license by submitting forged documentation to the Board with his application for licensure.

10/22/2003 RANDALL JAMES WOODS, RDH (RDH2982)

Case ID: ##-007 **Open Date:** 10/22/2003 **Closed Date:** 10/22/2003 **Type:** FRM

On September 12, 2003, the Board summarily suspended Mr. Woods' dental hygiene license for 30 days based upon evidence that he violated the terms and conditions of his Consent Agreement by using illegal drugs. Following an adjudicatory hearing on October 22, 2003, the Board found that Mr. Woods had violated the terms and conditions of his Consent Agreement by using illegal drugs. As discipline, the Board revoked Mr. Woods' dental hygiene license and assessed costs of the hearing in the amount of \$941.46.

08/01/2003 CHARLES A. BUNNELL, DMD (DEN1009)

Case ID: 02-067 **Open Date:** 11/15/2002 **Closed Date:** 08/01/2003 **Type:** FRM

By Consent Agreement dated 8/01/2003, Dr. Bunnell admitted that the Board had sufficient evidence to conclude that: 1) he failed to diagnose and treat periodontal disease; and 2) failed to take and review dental radiographs prior to restoring a patient's tooth. Dr. Bunnell admitted that such conduct falls below the standard of care and amounted to unprofessional conduct. As discipline, Dr. Bunnell agreed to voluntarily retire and permanently surrender his Maine Dental License effective September 30, 2003. Dr. Bunnell also agreed to reimburse a patient \$10,000, and paid the Board \$600.00 as actual costs incurred in the investigation and prosecution.

07/24/2003 BENJAMIN D. CALLNAN, LD (DTR5030)

Case ID: ##-005 **Open Date:** 07/24/2003 **Closed Date:** 07/24/2003 **Type:** FRM

By Consent Agreement dated 7/24/2003, Mr. Callnan was issued a conditional license to practice as a dentist. The conditions of licensure included: a two (2) year probation; total abstinence from the use or possession of alcohol or illegal drugs; and monitoring by another licensed dentist approved by the Board.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**06/27/2003 JOHN A. ELLIS, JR., DDS (DEN3609)**

Case ID: 03-015 **Open Date:** 03/03/2003 **Closed Date:** 11/13/2009 **Type:** FRM

By Consent Agreement dated 6/27/2003, Dr. Ellis admitted that he diverted prescription drugs from the dental clinic where he was employed and used those narcotics without a valid prescription; issued a prescription for narcotics in the name of his wife; provided incorrect information by denying any previous abuse of narcotic or other mind altering drugs on his initial application for licensure and on two renewal applications; and, administered general anesthesia to patients without possessing a valid permit issued by the Board. As discipline, Dr. Ellis accepted: a reprimand; a retroactive license suspension for 6 mos. (from 11/30/02 to 5/30/03); and a modification of his license. Dr. Ellis' license was issued with numerous conditions including: drug abstinence; monitoring; and substance abuse counseling. Pursuant to a request from Dr. Ellis, an Amended Consent Agreement was executed on 3/05/04 allowing Dr. Ellis to practice solely at a different location than agreed upon in the original Consent Agreement. Pursuant to a second request from Dr. Ellis for modification of the Original and Amended Consent Agreements, a Second Amended Consent Agreement was executed on 10/30/05 modifying the oversight and monitoring of controlled drugs in Dr. Ellis' practice. A Third Amended Consent Agreement was executed on September 15, 2006. At the request of the pharmacist that is monitoring the daily perpetual inventory of controlled drugs, the Consent Agreement was amended to permit her to : 1) issue Dr. Ellis a controlled drug kit monthly instead of weekly; and 2) inventory and reconcile the controlled drug kit monthly instead of weekly. All other terms and conditions of the Amended Consent Agreement remain in full force and effect. Effective November 13, 2009, the Maine Board of Dental Examiners and the Office of the Attorney General, agreed to terminate the Consent Agreement for Discipline and Modification of Licensure dated June 27, 2003 as amended, for John A. Ellis, Jr., DDS. This decision was based upon his prior compliance with its terms and conditions, his commitment to recovery, his successful practice of dentistry, and to permit him to assist the Maine Medical Professionals Health Program.

06/25/2003 JAMES E. JACKSON, DMD (DEN2456)

Case ID: 02-064 **Open Date:** 11/12/2002 **Closed Date:** 06/25/2003 **Type:** FRM

By Consent Agreement dated 6/25/2003, to resolve two complaints, Dr. Jackson admitted to permitting unlicensed practice of dental radiography; failure to diagnose periodontal disease in a patient; and, failure to create an adequate patient record . Dr. Jackson admitted that such conduct fell below the standard of care and amounted to unprofessional conduct. As discipline, Dr. Jackson accepted a license suspension of 360 days, all but 15 days suspended, and a license probation for 5 years with conditions including: successfully completion of the Board jurisprudence exam; within 6 months successful completion of Board-approved courses in diagnosis and treatment of periodontal disease, medical records and emergencies, and patient medical history and physical examinations; file quarterly reports with the Board; pay a fine of \$2500.00; and fully reimburse the patient in one of the complaints for the cost of another dentist's placement of a permanent crown. By a Second Consent Agreement executed on March 26, 2004, Dr. Jackson was granted additional time to complete the course in the diagnosis and treatment of periodontal disease.

06/03/2003 I CARL MAYHEW, DMD (DEN2035)

Case ID: 02-037 **Open Date:** 08/07/2002 **Closed Date:** 06/03/2003 **Type:** FRM

By Consent Agreement dated 6/03/2003, Dr. Mayhew admitted that he failed to meet the appropriate standard of care by failing to take dental radiographs and failing to acknowledge patient complaint of pain. Dr. Mayhew admitted that such conduct constituted unprofessional conduct. As discipline, Dr. Mayhew agreed to successfully complete Board-approved courses in the following areas within six months: anesthetics, pain management; and risk management. Following completion of the risk management course, he was required to submit to the Board for review ten dental records of ten different patients. He was also required to file a written report with the Board following completion of the courses. This Consent Agreement was followed up with a second and third Consent Agreement regarding the same complaint and issues. The second and third consent agreements were executed on 3/21/04 and 4/26/05 respectively.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**06/02/2003 ROBERT EARL ERICKSON, DMD (DEN3214)**

Case ID: 03-008 **Open Date:** 02/10/2003 **Closed Date:** 06/02/2003 **Type:** FRM

By Consent Agreement dated 6/02/2003, Dr. Erickson admitted that he violated the American Dental Association's Principles of Ethics and Code of Professional Conduct. As discipline, Dr. Erickson agreed to accept a one year license probation during which he was required to complete fifty pro bono hours of dental community service within the probation period and provide written proof of the dental community service to the Board.

04/30/2003 KRISTA ANNE NORDLANDER, DDS (DEN3374)

Case ID: 02-035 **Open Date:** 08/07/2002 **Closed Date:** 04/30/2003 **Type:** FRM

Following a consolidated public adjudicatory hearing (complaint/license denial) on April 18, 2003, the Board found that Dr. Nordlander had abandoned her patients and failed to complete treatment, which constituted unprofessional conduct and grounds to deny her application for re-licensure. The Board denied Dr. Nordlander's application for re-licensure, ordered that she undergo an evaluation, and ordered that she pay the actual costs incurred by the Board.

04/18/2003 JAN BRUCE KIPPAX, DMD (DEN3108)

Case ID: 02-018 **Open Date:** 03/15/2002 **Closed Date:** 04/18/2003 **Type:** FRM

By Consent Agreement dated 4/18/2003, Dr. Kippax admitted that: he repeatedly failed to properly document dental procedures; on three occasions he performed surgical removal of a tooth/teeth that were not designated for removal; he repeatedly discharged patients without proper medical evaluation; he allowed the unlicensed practice of dentistry by dental assistants; and he failed on several occasions to properly reassess patient complaints of pain. To resolve 18 complaints filed with the Board following a prior public adjudicatory hearing, Dr. Kippax agreed to a license suspension of 2 years with all but 3 weeks suspended and 5 years probation with conditions, including: 1.) payment of a \$30,000 fine; 2.) payment of actual Board costs of \$2,874.40; 3.) pay \$14,000 as reimbursement to three patients; 4.) file quarterly reports and patient records with the Board; and 5.) comply with all Board statutes and rules.

02/10/2003 JAMES E. JACKSON, DMD (DEN2456)

Case ID: 02-013 **Open Date:** 03/05/2002 **Closed Date:** 02/10/2003 **Type:** FRM

By Consent Agreement dated 2/10/2003, Dr. Jackson admitted that, in this case, he placed a denture over an unerupted third molar that was close to the surface and showing signs of pathology, and that such conduct fell below the standard of care. As discipline, Dr. Jackson agreed to: 1.) attend and successfully complete courses on denture construction and patient selection, and risk management; 2.) submit to the Board preoperative x-rays and post-denture construction photographs of his next ten cases; 3.) reimburse the patient in the amount of \$5,997.00; and 4.) ensure that he will create and maintain adequate patient dental records.

02/05/2003 CHARLES WESLEY LEONARD, DDS (DEN1056)

Case ID: &&-009 **Open Date:** 02/05/2003 **Closed Date:** 02/05/2003 **Type:** FRM

By Consent Agreement dated 2/05/03, Dr. Leonard was granted a restricted license to practice dentistry. His license is restricted to the fabrication of full dentures only.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****01/24/2003 RALPH B. DHUY, LD (DTR5025)**

Case ID: ##-004 **Open Date:** 01/24/2003 **Closed Date:** 01/24/2003 **Type:** FRM

Following a public adjudicatory hearing on 1/24/2003, the Board granted Mr. Dhuy a dentist license subject to conditions which include the following: 1.) present all proposed advertising to the Board for a period of 5 years for approval at least 30 days prior to its dissemination; 2.) keep duplicate records of all patient contacts at two separate locations that must be available to the Board or its designee(s) for inspection; 3.) never display or reference his DDM diploma or degree where any patient may observe it and never acquiesce to being called "doctor" or calling himself "doctor"; 4.) refer to himself as a dentist and use the abbreviation L.D. to so designate; and 5.) complete an ethics course pre-approved by the Board within one year.

01/24/2003 WAYNE W. WIBBY, DDS (DEN2145)

Case ID: 02-012 **Open Date:** 03/04/2002 **Closed Date:** 01/24/2003 **Type:** FRM

By Consent Agreement dated 1/24/2003, to resolve two complaints, Dr. Wibby admitted to allowing unlicensed practice of dentistry. As discipline, Dr. Wibby agreed to: 1.) accept a license suspension of 15 days; 2.) pay a fine of \$5,000; 3.) reimburse the Board for actual costs in the amount of \$1272.65; 4.) re-take the jurisprudence exam; and 5.) a license probation for three years with two unannounced office inspections during that period.

01/14/2003 RANDALL JAMES WOODS, RDH (RDH2982)

Case ID: ##-003 **Open Date:** 01/14/2003 **Closed Date:** 01/14/2003 **Type:** FRM

By Consent Agreement dated 1/14/2003, Mr. Woods admitted that he failed to disclose criminal convictions for OUI and his abuse of alcohol on his application for licensure. The Board granted Mr. Woods a conditional license to practice dental hygiene subject to a three (3) year probation with numerous conditions including: 1.) total abstinence from use or possession of intoxicating liquor/alcohol and illegal drugs; 2.) contact the Committee on Physician's Health and participate in substance abuse counseling; 3.) ensure that the Committee provides the Board with quarterly reports concerning counseling; 4.) only practice dental hygiene under the supervision of Donald P. Woods, DDS and/or Karl P. Woods, DMD; 5.) voluntarily surrender his dental hygiene license in the event that he loses both Donald Woods and Karl Woods as supervising dentists; and, 6.) ensure that the Board receives a report every six months from his supervising dentist(s) about his progress.

11/27/2002 MARC F. KLENTZMAN, DDS (DEN3349)

Case ID: 02-024 **Open Date:** 04/12/2002 **Closed Date:** 11/27/2002 **Type:** FRM

Following a public adjudicatory hearing on 11/08/2002, the Board found that Dr. Klentzman violated the terms and conditions of a Consent Agreement in which he agreed to maintain total abstinence from alcohol and controlled substances. As discipline, the Board revoked Dr. Klentzman's dental license and ordered him to pay the actual costs incurred by the Board.

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BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS

11/08/2002 **JAN BRUCE KIPPAX, DMD (DEN3108)**

Case ID: 01-048 **Open Date:** 12/03/2001 **Closed Date:** 11/08/2002 **Type:** FRM

Following a seven day public adjudicatory hearing the Board found that Dr. Kippax committed multiple violations of the Dental Practice Act, including: 1) repeated or habitual or routine failure to wash his hands between surgeries upon patients and/or when treating patients; 2) repeated or habitual or routine failure to wash his hands after petting his dogs and prior to surgeries upon patients and/or when treating patients; 3) repeatedly or habitually or routinely entered cabinets containing sterilized dental instruments while wearing gloves contaminated with patient blood and/or saliva; 4) dropped sterilized dental instruments or devises or abutments onto the operatory floor and reused them in patients' mouths without properly sterilizing them; 5) brought blankets covered with puppy feces, urine and blood into the dental clinic, in close proximity to the area used to sterilize instruments, and then into the laundry area (this area was also used by the clinic employees as a changing room), and washed the blankets in the same laundry machine used to wash scrubs worn by the office employees during dental procedures; 6) repeatedly or habitually or routinely allowed certain of his office personnel to practice dentistry without supervision by allowing them to place and/or remove socket packings and/or remove sutures and/or perform patient rechecks while he was not physically present in the dental clinic; 7) repeatedly or habitually or routinely allowed certain of his office personnel to practice dental radiography without a license; 8) commenced to extract the tooth of a female patient without ensuring that the patient was properly anesthetized, and continued to extract the tooth despite her cries of pain and request to stop the procedure (moreover, Dr. Kippax did not offer the patient an alternative treatment such as general anesthesia); 9) repeated or habitual or routine failure to permit, without reason or just cause, certain of his dental employees to leave the operatory prior to activating the dental radiography machine; 10) performed a dental procedure involving a male patient and while that patient was still under general sedation, left the patient in the care of uncertified dental assistants and was unavailable for consultation and care regarding that patient. The patient, while still sedated, experienced respiratory and cardiac difficulties which required the intervention of the dental assistants and caused them much concern for the patient's health and safety; 11) while performing dental surgery on a female patient, extracted the wrong tooth, dropped it on the operatory floor, rinsed the tooth with water and unsuccessfully attempted to reinsert same back into the mouth of the patient; 12) repeated or habitual failure to properly provide patients with reported heart murmurs with prophylactic antibiotics an hour to an hour and one half prior to performing the surgical procedure; 13) extracted the tooth of a male patient who reported on his medical history form that he had a heart murmur, and ordered the administration of prophylactic antibiotics to this patient approximately ten minutes prior to the extraction; and 14) administered local anesthesia to a female patient and subsequently left the patient without treating her due to an alleged emergency at a local hospital. Dr. Kippax failed to advise the patient that he was leaving and would not be treating her on that occasion. As discipline, the Board: suspended Dr. Kippax's license for 15 days; issued a reprimand; imposed five years of license probation with numerous conditions, including ; 1) by March 1, 2003, Dr. Kippax will retain a consultant, who is pre-approved by the Board, to bring his practice standards regarding blood borne pathogens up to Code. The consultant will file a report with the Board by March 31, 2003 documenting that Dr. Kippax's standards are Code compliant. This individual shall also, on dates to be determined by the Board, subsequently perform a

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**09/27/2002 RONALD J. FINE, LD (DTR5006)**

Case ID: 01-035 **Open Date:** 07/10/2001 **Closed Date:** 09/27/2002 **Type:** FRM

Superior Court Order. Mr. Fine had entered into a Consent Agreement with the Board in April 2001 which resolved a complaint that had been brought against him for the use of the initials "Dr." and the content of certain advertisements in which he portrayed himself to the public as a doctor. Following the Consent Agreement, the Board issued a complaint against Mr. Fine for alleged violations of the Consent Agreement. Following a public adjudicatory hearing, the Board found Mr. Fine in violation of his Consent Agreement for: (1) advising patients in a letter that he held a "Doctorate of Medical Denturity" degree from Mills Grae University; and (2) disseminating advertising without prior approval by the Board. The Board ordered that Mr. Fine's denturist license be suspended for 180 days, and that his license be on probation with conditions. The Decision and Order was executed on December 14, 2001. Mr. Fine requested a stay of the suspension or preliminary injunction pending appeal to the Superior Court. The Court granted a temporary stay from 12/21/01 to 1/19/02. On January 16, 2002 the Superior Court granted Mr. Fine's motion to stay final agency action pending judicial review after a 90-day suspension was served. On 9/27/02, the Court upheld the Board's Decision and Order, but reduced the suspension from 180 days to 90 days as it determined that the violations arose largely from the same conduct. By Order as modified by the Superior Court, Mr. Fine served a 90 day license suspension, reimbursed the Board for actual costs, paid a fine of \$716.18 (costs and fine total \$3,000) and was ordered to serve a 4-year probation (total, including the two years outlined in the original Consent Agreement) with conditions including: Mr. Fine will not reference his diploma from Mills Grae University, which is not accredited; Mr. Fine shall not use the designation "Dr." or the term "doctor"; Mr. Fine shall submit all advertising to the Board for review and approval prior to dissemination.

06/28/2002 CARL LLOYD HENSEL, DDS (DEN3634)

Case ID: 02-017 **Open Date:** 03/15/2002 **Closed Date:** 06/28/2002 **Type:** FRM

By Consent Agreement dated 6/28/2002, Dr. Hensel admitted that he entered into an arrangement to practice dentistry with and was employed by a person who was not licensed to practice dentistry in violation of 32 M.R.S.A. § 1081(3). As discipline, Dr. Hensel accepted a warning and agreed to commit no further violations of the Board statutes or rules.

05/24/2002 RICHARD S. MCGUCKIN, SR, DDS (DEN3513)

Case ID: 01-034 **Open Date:** 06/29/2001 **Closed Date:** 05/24/2002 **Type:** FRM

By Consent Agreement dated 5/24/2002, Dr. McGuckin admitted that, in this case, he: 1.) failed to achieve proper seating of the prosthetic device, a fixed permanent upper bridge; 2.) left rough and open margins; 3.) left rough and unpolished porcelain and metal surfaces; and 4.) failed to remedy the problems listed above and failed to notify the patient of the problems listed above. Dr. McGuckin admitted that such failure constitutes unprofessional conduct and grounds for discipline. As discipline, Dr. McGuckin accepted a reprimand and a two year probation with conditions, including: (1) successfully complete a clinical hands-on course approved by the Board in fixed prosthodontics; (2) submit to the Board all x-rays and photos (pre and post procedure) of the next two patients who have severely compromised dentition and upon who the licensee performed fixed prosthodontics; (3) submit to the inspection of his facility at such times as the Board deems appropriate; (4) reimburse the patient \$10,141.00 within thirty (30) days; and (5) reimburse the Board in the amount of \$2230.00 for the actual expenses incurred in the investigation and preparation of this matter for hearing.

STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**05/17/2002 RALPH B. DHUY, LD (DTR5025)**

Case ID: 00-020 **Open Date:** 05/24/2000 **Closed Date:** 05/17/2002 **Type:** FRM

By District Court Decision and Judgment dated 5/17/02, the Court found that Mr. Dhuy had engaged in false or deceptive advertising and practiced denturism without a license. The Court enjoined Mr. Dhuy from engaging in the practice of denturism until licensed by the Board, suspended Mr. Dhuy's right to apply for a license for 90 days, and directed that the Board impose certain conditions in the event that it decided to grant him a dentist license including: submitting all proposed advertising to the Board for approval at least 30 days prior to its dissemination; keeping duplicate records of all patient contacts at two separate locations which are available to the Board for inspection at any time; and never display or reference his "DDM diploma" where any patient may observe it; and not acquiesce to his being called "doctor".

05/17/2002 RALPH B. DHUY, LD (DTR5025)

Case ID: 99-005 **Open Date:** 01/28/1999 **Closed Date:** 05/17/2002 **Type:** FRM

Inappropriate Advertising

02/15/2002 PAUL BURNHAM KENYON, DDS (DEN3462)

Case ID: 01-031 **Open Date:** 06/22/2001 **Closed Date:** 02/15/2002 **Type:** FRM

By Consent Agreement dated 2/15/2002, Dr. Kenyon admitted that he failed to meet the standard of care by: failing to re-diagnose a patient after taking over care from another dentist, and failing to re-diagnose after the patient presented with extractions partially complete and following consultation with an oral surgeon. Dr. Kenyon agreed to the following sanctions: 1.) he will provide the adequate standard of care; 2.) he will submit copies of the next ten cases to the Board, including the full records and treatment plans; and 3.) he will permit inspection of his dental practice by the Board.

11/27/2001 FRANK M. CIVIELLO, DDS (DEN968)

Case ID: 01-028 **Open Date:** 06/14/2001 **Closed Date:** 11/27/2001 **Type:** FRM

By Consent Agreement dated 11/27/2001, Dr. Civiello admitted that he failed to obtain sufficient radiographic or photographic documentation prior to commencing a restoration procedure. Dr. Civiello also admitted that he failed to obtain or use latex gloves during a restoration procedure. Dr. Civiello agreed to obtain and develop sufficient radiographic or photographic documentation prior to commencing restoration procedures. In addition, Dr. Civiello agreed to obtain and use latex or other similar gloves used for the purpose of infection control.

11/09/2001 JOHN JAMES HAYDEN, DDS (DEN1014)

Case ID: 00-003 **Open Date:** 02/01/2000 **Closed Date:** 11/09/2001 **Type:** FRM

By Consent Agreement dated 11/09/2001, Dr. Hayden admitted that his treatment of patients in two separate complaint cases was below the standard of care. As discipline, Dr. Hayden accepted a reprimand and agreed to, no later than December 15, 2001, provide to the Board proof of successful completion of an education program relating to recognition and timely treatment of periodontal disease. Dr. Hayden agreed to have a Board-approved party make an assessment of infection control and OSHA compliance in his office, and certify the adequacy of his protocols and procedures. Dr. Hayden also agreed to give the Board formal written notice of either the OSHA certification or failure to qualify for certification. Any future complaints of the same nature shall result in revocation of licensure.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**10/05/2001 LARISA REZNIK (RAD1919)**

Case ID: ##-002 **Open Date:** 04/24/2001 **Closed Date:** 10/05/2001 **Type:** FRM

Following a public adjudicatory hearing on 10/05/2001, the Board voted to deny Ms. Reznik's application for a license to practice denturism in the State of Maine. The Board found that Ms. Reznik promoted and facilitated her husband's unlicensed practice of denturism and lied to the Board when she answered "no" to the question addressing whether she was aware of anyone working at the clinic that did not have a license.

08/10/2001 ALLEN I. JACOBS, DMD (DEN2446)

Case ID: 00-015 **Open Date:** 04/10/2000 **Closed Date:** 08/10/2001 **Type:** FRM

By Consent Agreement dated 8/10/2001, Dr. Jacobs admitted that he committed unprofessional conduct by failing to take dental radiographs prior to commencing a dental restorative procedure. As discipline, Dr. Jacobs accepted a reprimand and agreed to adequately document procedures with dental x-rays.

06/22/2001 KERRY LYNN RANSELL, DMD (DEN3656)

Case ID: &&-008 **Open Date:** 01/22/2001 **Closed Date:** 01/22/2001 **Type:** FRM

By Consent Agreement dated 6/22/2001, the Board approved Dr. Ransdell's application for licensure. Before the license was issued, Dr. Ransdell agreed to provide the Board with proof that he has either repaid his defaulted dental student loans or made a written agreement with the creditor with regard to repayment. Dr. Ransdell also agreed that, as a condition of licensure, he would provide proof to the Board on the anniversary of said license that he is in compliance with a repayment plan negotiated with the government.

06/22/2001 KERRY LYNN RANSELL, DMD (DEN3656)

Case ID: &&-012 **Open Date:** 06/22/2001 **Closed Date:** 06/22/2001 **Type:** FRM

Dr. Ransdell applied for a dentist's license on 1/9/01, which was preliminarily denied for failure to pay outstanding student loans. Prior to the hearing it was discovered that a question on the application form was answered incorrectly by Dr. Ransdell. Dr. Ransdell had answered "No" to the question concerning whether any state or jurisdiction had ever taken any disciplinary action against his license. He had received a reprimand from the Arizona State Board of Dental Examiners. By Board Decision and Order dated 6/22/01, the Board voted to dismiss this matter as they determined that Dr. Ransdell had made an inadvertent error in completing his application and they allowed him to amend it.

04/24/2001 LARISA REZNIK (RAD1919)

Case ID: ##-006 **Open Date:** 04/24/2001 **Closed Date:** 04/24/2001 **Type:** FRM

On 4/24/01, the Board preliminarily denied a license to Ms. Reznik based on inconsistencies during her interview with the Board concerning the unlicensed practice of her husband, Leon Reznik at the Standish Denture Clinic.

04/13/2001 RONALD J. FINE, LD (DTR5006)

Case ID: 00-057 **Open Date:** 12/11/2000 **Closed Date:** 04/13/2001 **Type:** FRM

In December 2000, the Board issued a complaint against Mr. Fine for allegedly using the initials "Dr" in advertising and other written materials made available to the public. By Consent Agreement, Mr. Fine admitted that he violated Board statutes and that such conduct constitutes grounds for discipline. Mr. Fine accepted a reprimand, a 30-day suspension, a \$2,000 fine, and a 2 year probation with conditions. Mr. Fine agreed to reimburse the Board for costs, refund the patient, submit advertisements for pre-approval and not to use the initials "D.D. or Dr." He also must inform all existing and future clients that he is not a doctor.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS****12/08/2000 CHARLES A. BUNNELL, DMD (DEN1009)**

Case ID: 99-040 **Open Date:** 12/29/1999 **Closed Date:** 12/08/2000 **Type:** FRM

By Consent Agreement, Dr. Bunnell admitted that work provided to patient was below the standard of care. Dr. Bunnell agreed to: refund monies to Medicaid; successfully complete a Board-approved course in denture construction, and to offer to remake the denture.

12/08/2000 JACOB E. GOLDENBERG, DDS (DEN2744)

Case ID: &&-003 **Open Date:** 10/06/2000 **Closed Date:** 12/08/2000 **Type:** FRM

By Consent Agreement Dr. Goldenberg admitted that he failed to disclose prior disciplinary action taken by the State of California and agreed to voluntarily surrender his State of Maine dental license.

12/08/2000 ROGER GROVER RECKIS, DDS (DEN2613)

Case ID: &&-005 **Open Date:** 09/13/2000 **Closed Date:** 12/08/2000 **Type:** FRM

By Consent Agreement Dr. Reckis acknowledged that his 1999 dental renewal application form did not disclose prior disciplinary history in Vermont. Dr. Reckis agreed to voluntarily surrender his Maine dental license.

05/17/2000 MARK P. BOYD, DDS (DEN2062)

Case ID: &&-011 **Open Date:** 05/17/2000 **Closed Date:** 05/17/2000 **Type:** FRM

This is a Second Consent Agreement in follow-up to an earlier Consent Agreement executed on 6/27/97 in regards to complaint 97-01 for endodontic treatment that was below the standard of care. According to the terms of this Second Consent Agreement, Dr. Boyd may resume the practice of endodontics for multi-rooted teeth upon a probationary basis subject to conditions.

04/17/2000 CHERYL M. VERMETTE, DMD (DEN3221)

Case ID: 99-030 **Open Date:** 10/13/1999 **Closed Date:** 04/17/2000 **Type:** FRM

By Consent Agreement, Dr. Vermette admitted that this denture case was complicated and difficult and that the dentures made were not satisfactory. Dr. Vermette agreed to make restitution to the patient upon return of the dentures.

11/19/1999 TERENCE M. SOKOLOFF, DDS (DEN3273)

Case ID: 99-012 **Open Date:** 06/22/1999 **Closed Date:** 11/19/1999 **Type:** FRM

By Consent Agreement, Dr. Sokoloff admitted that work provided to a patient was below the standard of care in regards to adequate recordkeeping, endodontic procedures, and the necessity for x-rays when performing those procedures. Dr. Sokoloff's license was placed on probation for three (3) years, with conditions.

09/09/1999 WILLIAM JAMES WHITNEY, DDS (DEN3435)

Case ID: 99-013 **Open Date:** 06/22/1999 **Closed Date:** 09/09/1999 **Type:** FRM

By Consent Agreement, Dr. Whitney acknowledged that it is wrong to withhold patient records. Dr. Whitney agreed that in the future he will honor such requests within one (1) business day. Dr. Whitney will also successfully complete a course in risk management.

CASES WITH RESOLUTION NOTES
STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**08/23/1999 JOHN CHAPMAN LOOMIS, DDS (DEN2261)**

Case ID: 99-009 **Open Date:** 03/08/1999 **Closed Date:** 08/23/1999 **Type:** FRM

By Consent Agreement, Dr. Loomis acknowledged that: he made an insufficient examination prior to treatment; failed to undertake probing of pocket depths; failed to consider taking a complete set of x-rays; and that his treatment records were inadequate. Dr. Loomis agreed to adopt an office policy distinguishing protocols for usual treatment of patients of record and protocols for emergency situations. Dr. Loomis was also required to successfully complete a program in risk management.

04/09/1999 PAMELA ANZELC, DDS (DEN3226)

Case ID: 98-001 **Open Date:** 01/07/1998 **Closed Date:** 04/09/1999 **Type:** FRM

By Consent Agreement, Dr. Anzelc acknowledged that the Board had evidence suggesting incompetence in her treatment of a patient. Dr. Anzelc was required to complete an educational program including a course in removable prostheses and a course in combination cases. Dr. Anzelc also was required to make restitution to the patient in the amount of \$5,873 and pay a \$2,000 fine.

01/08/1999 DOROTHY MARGARET MAROON, RDH (RDH2546)

Case ID: 98-0181 **Open Date:** 05/01/1998 **Closed Date:** 01/08/1999 **Type:** FRM

By Consent Agreement, Ms. Cumba acknowledged that this complaint presents concerns regarding work apparently done on a person who was not a patient of record. Ms. Cumba shall take all efforts necessary to ensure that she works only on persons who are patients of record of a licensed dentist.

01/08/1999 LINDA ANN EBERHARDT, DMD (DEN3063)

Case ID: 98-018 **Open Date:** 05/01/1998 **Closed Date:** 01/08/1999 **Type:** FRM

By Consent Agreement, Dr. Eberhardt agreed to adopt two (2) new policies. First, examinations, diagnoses, treatment plans and conscious sedation are solely the responsibility of licensed dentists; Second, dental hygienists and other dental auxiliaries are not to treat persons who are not established as a patient of record. Dr. Eberhardt shall make all efforts necessary to ensure that these policies are executed faithfully by all personnel in her office.

12/03/1998 CHARLES SNYDER, DDS (DEN3401)

Case ID: 98-020 **Open Date:** 05/07/1998 **Closed Date:** 12/03/1998 **Type:** FRM

Administrative Court Order dated 12/3/98 permanently revoked the license of Dr. C. William Snyder. 1. Evidence demonstrates that Dr. Snyder abandoned and failed to make restitution to a patient in at least 20 separate instances; 2. No later than January 15, 1999, Dr. Snyder shall provide the Court and the Board of Dental Examiners with a complete and accurate accounting for his professional business since January 1, 1996, which shall show with specificity all monies paid by patients for services not rendered; 3. No later than January 15, 1999, Dr. Snyder shall provide the Court and the Board with any evidence of restitution made by him to patients identified in item 2 above and the Court reserved the right to impose monetary penalties of \$50 to \$1,500 for each violation of law by Dr. Snyder, and the Court will exercise that right after consideration of evidence submitted.

11/13/1998 CHARLES A. BUNNELL, DMD (DEN1009)

Case ID: 98-034 **Open Date:** 06/19/1998 **Closed Date:** 11/13/1998 **Type:** FRM

By Consent Agreement, Dr. Bunnell acknowledged that the Board had sufficient evidence to prove that his practice was below the standard of care for failing to use x-rays to obtain evidence of caries, existence of interproximal decay or the presence of permanent teeth. Dr. Bunnell was required to provide evidence that he is scheduling more time for patients, has updated his use of x-rays to ADA standards, and has completed courses in infection control and pedodontics.

CASES WITH RESOLUTION NOTES**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS****BOARD OF DENTAL EXAMINERS**

11/02/1998	ALLEN I. JACOBS, DMD (DEN2446)			
Case ID:	98-003	Open Date:	01/26/1998	Closed Date: 11/02/1998 Type: FRM
	By Consent Agreement Dr. Jacobs acknowledged that the Board may have sufficient proof that he failed to complete treatment of a patient. Dr. Jacobs made restitution of \$1500 to the patient for expenses incurred.			
10/21/1998	DOUGLAS G. LITTLE, DMD (DEN2479)			
Case ID:	98-013	Open Date:	04/21/1998	Closed Date: 10/21/1998 Type: FRM
	By Consent Agreement, Dr. Little acknowledged failure to try-in a denture, insufficient documentation of treatment, failure to retain relevant records for the required time period, and poor construction of a denture. Dr. Little's license was placed on probation until 9/18/00. He was also required to take a full continuing education course in denture making, a course in risk management, and make restitution to the patient in the amount of \$450.00.			
10/21/1998	KERRY P. BRYANT, DMD (DEN2723)			
Case ID:	97-034	Open Date:	12/17/1997	Closed Date: 10/21/1998 Type: FRM
	By Consent Agreement, Dr. Bryant agreed that dentures he made for a patient were below the standard of care and unwearable. Dr. Bryant agreed to accept a reprimand, make restitution to the patient in the amount of \$650, and to successfully complete a full course in denture-making and a course in risk management.			
09/18/1998	ROBERT BRUCE HAAS, DDS (DEN2216)			
Case ID:	98-002	Open Date:	01/21/1998	Closed Date: 09/18/1998 Type: FRM
	By Consent Agreement, Dr. Haas acknowledged that the Board may have sufficient proof that he failed to document x-ray results showing caries into the patient's chart. Dr. Haas accepted a warning.			
07/09/1998	RONALD C. BROOKS, DDS (DEN2221)			
Case ID:	95-028	Open Date:	10/11/1995	Closed Date: 07/09/1998 Type: FRM
	Consent Judgement by Maine Administrative Court Judge to which Dr. Brooks attested that he admitted to numerous allegations set forth in the Board's complaint. Dr. Brooks surrendered his DEA license, his Maine dental license was suspended for 30 days and he was placed on probation for three years, with conditions. Dr. Brooks also paid a \$5,000 fine and paid \$5,000 to the Board for costs.			
06/10/1998	RALPH B. DHUY, LD (DTR5025)			
Case ID:	97-024	Open Date:	09/19/1997	Closed Date: 06/10/1998 Type: FRM
	By Decision and Order, the Board found that Mr. Dhuy engaged in false or misleading advertising. Mr. Dhuy will pay a \$1,500 fine, serve a 15-day suspension and 1 year probation. Mr. Dhuy also must submit advertisements to the Board for pre-approval, and attend an ethics course.			
05/11/1998	WILLIAM ROBERT GOULD, DDS (DEN2149)			
Case ID:	98-005	Open Date:	02/25/1998	Closed Date: 05/11/1998 Type: FRM
	By Consent Agreement, Dr. Gould admitted that he failed to wear gloves when examining a patient. Dr. Gould accepted a warning and agreed to attend a Board-approved continuing education course to include risk management & infection control.			

STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS

BOARD OF DENTAL EXAMINERS**04/10/1998 DINO G. STAVROS, DMD (DEN2066)**

Case ID: 97-027 **Open Date:** 10/23/1997 **Closed Date:** 04/10/1998 **Type:** FRM

By Consent Agreement, Dr. Stavros acknowledged that the Board has evidence sufficient to prove that his treatment of this patient involved conduct sanctionable with respect to failure to diagnose or document diagnosis of periodontal disease; failure to make timely use of x-rays or document the patient's refusal of x-rays; and presented a treatment plan without the benefit of x-rays, which proved likely to be futile. Dr. Stavros accepted a warning from the Board and within one year, he will file proof with the Board of his attendance at a Board-approved continuing education program including discussion of x-ray use, risk management and recordkeeping issues relevant to this case. Dr. Stavros's license shall be probationary for one year.

12/12/1997 CHARLES SNYDER, DDS (DEN3401)

Case ID: 97-026 **Open Date:** 10/14/1997 **Closed Date:** 12/03/1998 **Type:** FRM

By Consent Agreement executed on 12/12/97, Dr. Snyder agreed, among other things, to undergo a comprehensive psychiatric, psychological and bio-social evaluation. Dr. Snyder's license will also be temporarily suspended effective 11/21/97. Dr. Snyder will appear for an informal conference before his license is reactivated.

11/20/1997 GARY W. FESSLER, DDS (DEN2294)

Case ID: 97-018 **Open Date:** 07/15/1997 **Closed Date:** 11/17/1997 **Type:** FRM

By Consent Agreement, Dr. Fessler accepted a reprimand for: failure to respond to the patient's pain; inadequate regard for a patient reporting pain; failure to employ appropriate methods of diagnosis; failure to treat appropriately patient's infection; and insufficient records relating to the course of treatment. Dr. Fessler must attend a continuing education program relevant to this case, including record keeping. Dr. Fessler also must make restitution of \$1,500 to the patient.

11/20/1997 KITRIDGE G. ANDERSON, DDS (DEN3206)

Case ID: 97-005 **Open Date:** 02/28/1997 **Closed Date:** 11/20/1997 **Type:** FRM

By Consent Agreement, Dr. Anderson accepted a warning from the Board. Dr. Anderson acknowledged that with respect to his treatment of this patient, he failed to document, and possibly failed to adequately communicate, information sufficient for patient informed consent.

11/20/1997 PAMELA ANZELC, DDS (DEN3226)

Case ID: 96-004 **Open Date:** 01/12/1996 **Closed Date:** 11/20/1997 **Type:** FRM

Dr. Anzelc recommended procedures that were ultimately questioned, including diagnosing incipient caries. The patient received an estimate from Dr. Anzelc's office outlining \$985 worth of proposed restorations and sealants. It was ultimately questioned whether that treatment was warranted. By Consent Agreement, Dr. Anzelc agreed to re-evaluate her office procedures in order to more clearly distinguish to her patients between treatment that is necessary and treatment that is elective and preventative. Dr. Anzelc had to pay a fine in the amount of \$985.

11/14/1997 TERENCE M. SOKOLOFF, DDS (DEN3273)

Case ID: 97-008 **Open Date:** 03/26/1997 **Closed Date:** 11/14/1997 **Type:** FRM

Consent Agreement. As a result of a complaint alleging unsatisfactory treatment, Dr. Sokoloff accepts a warning. Dr. Sokoloff must file proof of attendance at a Board approved continuing education course including professional training relevant to this case; and make restitution to the patient in the amount of \$1020.

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS**10/10/1997 JEFFREY WILLIAM GROSSER, DDS (DEN3103)**

Case ID: 96-003 **Open Date:** 01/18/1996 **Closed Date:** 10/10/1997 **Type:** FRM

By Consent Agreement, Dr. Grosser admitted that he took inadequate measures to protect the security of blank prescription forms. Dr. Grosser also admitted that for each such occasion, his conduct was grounds for discipline for incompetence and unprofessional conduct. Dr. Grosser accepts a reprimand, monetary penalty of \$1,250 and a license probation until March 15, 1998. As a condition of his license probation, he shall make periodic filings. Those filings shall include names of persons from whom he has obtained pharmaceuticals in the past three months, and measures taken to ensure security of prescriptions. His practice shall be subject to random inspections.

09/12/1997 MARC F. KLENTZMAN, DDS (DEN3349)

Case ID: 95-035 **Open Date:** 10/01/1995 **Closed Date:** 09/12/1997 **Type:** FRM

Dr. Klentzman failed to comply fully with obligations set forth in an earlier Consent Agreement. By Second Consent Agreement, as a condition of licensure, Dr. Klentzman agreed to abide by all terms and conditions of his treatment plan with the Maine Medical Assoc. Dr. Klentzman agreed to maintain relationships established with substance abuse physicians and counselors, and provide the Board with a written list of those individuals. Dr. Klentzman will provide the Board with quarterly reports of results of random drug screenings. Dr. Klentzman must provide the Board with written notice of his employment practice, duties, address, and telephone number. Dr. Klentzman shall maintain total abstinence from alcohol and controlled substances, except for medication prescribed by treating physician, which shall be reported immediately in writing to the Board.

06/27/1997 JAMES JAY COONEY, DMD (DEN2972)

Case ID: 97-012 **Open Date:** 04/22/1997 **Closed Date:** 06/27/1997 **Type:** FRM

Dr. Cooney allowed use of his DEA number for two unauthorized purchases by an employee of 1 mg. tablets of Lorazepam involving 500 tablets. By Consent Agreement, Dr. Cooney accepted a reprimand, was fined \$2000 and his license was placed on probation for one year.

06/27/1997 MARK P. BOYD, DDS (DEN2062)

Case ID: 97-001 **Open Date:** 01/02/1997 **Closed Date:** 05/17/2000 **Type:** FRM

By Consent Agreement, Dr. Boyd accepted a warning and a probation of two years. The endodontic treatment that was provided in this case was below the standard of care.

05/20/1997 CHARLES WESLEY LEONARD, DDS (DEN1056)

Case ID: 95-026 **Open Date:** 09/11/1995 **Closed Date:** 05/20/1997 **Type:** FRM

Dr. Leonard's license was non-renewed on 1/30/92. Dr. Leonard continued to practice dentistry without a license. By Superior Court Judgment dated 5/20/97, Dr. Leonard was enjoined from practicing dentistry until he is licensed by the Board of Dental Examiners. Allegations are set forth in Plaintiff's (Maine Board of Dental Examiners) complaint to Superior Court dated 4/2/97. Also, by June 1, 1997 Dr. Leonard must pay costs of \$100 to Plaintiffs. Violation of the Consent Judgment shall make Dr. Leonard liable to Plaintiffs for monetary penalty of \$10,000 in addition to sanctions otherwise provided by law.

03/14/1997 MARY BERUBE LEBLANC, DMD (DEN3316)

Case ID: 96-035 **Open Date:** 11/25/1996 **Closed Date:** 03/14/1997 **Type:** FRM

By Consent Agreement, Dr. Berube acknowledged that, considering all the circumstances, it was not appropriate for her to discontinue treatment of this patient. Dr. Berube accepted a warning from the Board and must furnish proof of attendance at a continuing education program including discussion of ethical issues relevant to this case.

CASES WITH RESOLUTION NOTES

**STATE OF MAINE - DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BOARD OF DENTAL EXAMINERS**

BOARD OF DENTAL EXAMINERS

02/07/1997	STANLEY D. ARMSTRONG, DMD (DEN2867)			
Case ID:	96-024	Open Date:	07/26/1996	Closed Date: 02/07/1997 Type: FRM
By Consent Agreement, Dr. Armstrong accepted a warning from the Board for failure to provide patient records in a timely manner.				
12/06/1996	RALPH B. DHUY, LD (DTR5025)			
Case ID:	##-000	Open Date:	12/06/1996	Closed Date: 12/06/1996 Type: FRM
On December 6, 1996, the Board revoked Mr. Dhuy's permit to practice denturism on demand by the Department of Human Services for alleged failure to pay child support. His permit was reinstated two months later after resolving the issue with the DHS.				
11/18/1996	GERALD ALFRED BERUBE, DDS (DEN2918)			
Case ID:	95-023	Open Date:	07/19/1995	Closed Date: 11/18/1996 Type: FRM
By Consent Agreement, Dr. Berube agrees that he or a Maine-licensed co-owner of the practice will be personally in the Auburn clinic at least once monthly. Dr. Berube also agrees that the continuity of care of each patient of this clinic will be his.				
11/08/1996	FRANKLIN A. DENTREMONT, JR, DMD (DEN2834)			
Case ID:	96-021	Open Date:	06/24/1996	Closed Date: 11/08/1996 Type: FRM
Dr. Dentremont left a piece of file in patient's tooth and did not inform the patient. By Consent Agreement, Dr. Dentremont agreed to take a course in risk management dealing specifically but not exclusively with recordkeeping and obligations to keep patients informed. Dr. Dentremont's license was placed on probation for three (3) years.				
10/03/1996	HARRY M. PARADY, JR, DMD (DEN2815)			
Case ID:	95-025	Open Date:	09/06/1995	Closed Date: 10/03/1996 Type: FRM
By Consent Agreement, Dr. Parady agreed to successfully complete courses in endodontics and risk management. He shall perform no endodontic work until proof of completion is received.				
06/26/1996	JOHN W. MABEE, DDS (DEN2277)			
Case ID:	94-018	Open Date:	08/30/1994	Closed Date: 06/26/1996 Type: FRM
The Board found that Dr. Mabee had aided and abetted the practice of a dental profession by an individual, Edward Bates, who is not licensed. By Board Decision & Order, Dr. Mabee's license was suspended for 2 1/2 weeks, a civil penalty of \$1,500 was assessed, and the licensee was placed on probation for 3 1/2 years with conditions.				
04/05/1996	MARC F. KLENTZMAN, DDS (DEN3349)			
Case ID:	95-008	Open Date:	04/12/1995	Closed Date: 04/12/1995 Type: FRM
Dr. Klentzman diverted demerol and percocet from the Eastport clinic for personal use. Dr. Klentzman has history of alcohol abuse. Dr. Klentzman may practice contingent upon compliance with numerous provisions contained in Consent Agreement.				
03/13/1996	RICHARD JUREVIC, DDS (DEN3109)			
Case ID:	95-021	Open Date:	07/24/1995	Closed Date: 03/13/1996 Type: FRM
Dr. Jurevic did not arrange for follow up care of his patients and left the state without making records accessible to his patients. His license was not renewed.				

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01/16/1996	CLEON FLOWERS, DDS (DEN3384)				
Case ID:	95-027	Open Date:	05/04/1995	Closed Date:	01/16/1996
				Type:	FRM
	License renewal denied based on actions taken by the Ohio and Tennessee Boards.				
04/14/1995	BRUCE ALAN ROSS, DMD (DEN3204)				
Case ID:	94-028	Open Date:	11/29/1994	Closed Date:	04/14/1995
				Type:	FRM
	By Consent Agreement, Dr. Ross acknowledged that overfilling the roots of this tooth constituted a violation of the standard of care and treatment under these circumstances. Dr. Ross agreed to complete successfully a course in multiple-rooted endodontics that has been specifically pre-approved by the Board, in addition to other continuing professional education required for renewal. Dr. Ross agreed to refrain from performing any further endodontic dental procedures until he has successfully completed the course required by this Consent Agreement. Dr. Ros further agreed to send to the Board copies of certain x-ray films for the next six endodontic procedures he performs after he resumes the performance of endodontics in compliance with the terms of this Consent Agreement. These wil include for each procedure one treatment film with instruments to length and one final fill film.				
01/13/1995	GEORGE SHEPHERD, III, DDS (DEN3366)				
Case ID:	94-003	Open Date:	01/25/1994	Closed Date:	01/13/1995
				Type:	FRM
	By Consent Agreement, Dr. Shepherd acknowledged that his failure to be available for follow-up care for all of his patients during this time period constitutes unprofessional conduct. Dr. Shepherd accepted a reprimand for his unprofessional conduct in this matter, and was advised to conform his future conduct accordingly. Dr. Shepherd agreed that he will commit no further violations of the Maine Dental Practice Act, and that any future violations of this Consent Agreement will result in license revocation. Dr. Sherpherd must keep the Maine Board of Dental Examiners informed at all times of his current personal mailing address, as well as the address of any dental practice where he may be practicing. Dr. Shepherd agreed that he will not resume the practice of dentistry in Maine without first appearing personally before the Board to discuss this matter. Dr. Shepherd will reimburse the Board for a portion of the costs incurred as a result of this matter.				
08/22/1994	ARI NAIMAN, DMD (DEN3421)				
Case ID:	94-007	Open Date:	02/28/1994	Closed Date:	08/22/1994
				Type:	FRM
	By Consent Agreement Dr. Naiman acknowledged the importance of diagnostic radiographs and further acknowledged that the accepted practice within the profession is to use diagnostic radiographs before treatment. Dr. Naiman agreed to take a refresher course in pharmacology with an emphasis on drugs and allergic reactions.				
10/08/1993	JAMES POWERS, DMD (DEN3142)				
Case ID:	93-023	Open Date:	06/21/1993	Closed Date:	10/08/1993
				Type:	FRM
	Consent Agreement. Complainant alleges substandard orthodontic work. Dentist does not acknowledge any substandard dental treatment but has agreed to perform no more orthodontic work.				
03/12/1993	ROBERT P. GOULD, DDS (DEN2029)				
Case ID:	92-016	Open Date:	09/18/1992	Closed Date:	03/12/1993
				Type:	FRM
	By Consent Agreement, Dr. Gould's license was placed on probation for one (1) year due to numerous extractions performed without the benefit of radiographs.				

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BOARD OF DENTAL EXAMINERS**01/15/1993 JOHN W. MABEE, DDS (DEN2277)**

Case ID: &&-006 **Open Date:** 01/01/1989 **Closed Date:** 01/15/1993 **Type:** FRM

Consent Agreement executed on 2/7/89 with numerous conditions. License automatically suspended on 6/05/90 due to relapse in violation of Consent Agreement. Revised Consent Agreement executed on 9/11/90. Second Amended Consent Agreement executed on 4/28/92. Third Amended Consent Agreement executed on 1/15/93 included multiple conditions relating to substance abuse.

11/23/1992 DANIEL MAUZEROLLE (RAD847)

Case ID: ##-001 **Open Date:** 11/13/1992 **Closed Date:** 11/23/1992 **Type:** FRM

By decision and order, Mr. Mauzerolle was granted a license as a dental radiographer, subject to a two year probationary period with conditions

06/01/1992 ARTHUR JAKOB STAEHLI, DDS (DEN2857)

Case ID: 91-024 **Open Date:** 12/06/1991 **Closed Date:** 06/01/1992 **Type:** FRM

Dr. Staehli accepted a reprimand by the Board for unprofessional conduct with respect to this matter. Dr. Staehli will also follow through on the financial arrangement made with these two complainants on May 1, 1992.

05/01/1992 GERALD E. VERMETTE, DDS (DEN1029)

Case ID: 91-003 **Open Date:** 10/31/1991 **Closed Date:** 05/01/1992 **Type:** FRM

By Consent Agreement, Dr. Vermette acknowledges that the diagnosis and treatment of mercury toxicity is a medical problem for which patients should be referred to a licensed medical or osteopathic physician. Dr. Vermette will no longer diagnose and treat mercury toxicity. Dr. Vermette will no longer perform the procedure known as "repopulation of the gut". Dr. Vermette will no longer administer intravenous vitamin C in the course of his dental practice, and he will no longer administer injections of insulin in the course of his dental practice.

04/10/1992 DAVID FLANDERS, DMD (DEN3098)

Case ID: 88-003 **Open Date:** 12/28/1988 **Closed Date:** 04/10/1992 **Type:** FRM

To resolve complaint, Dr. Flanders entered into consent agreement whereby he was referred to Peer Review of the Maine Dental Association to settle monetary differences with complainant. Dr. Flanders also agreed to successfully complete a Board-approved continuing education course in the construction and delivery of immediate dentures. At the 5/23/90 Board meeting an informal conference was held with Dr. Flanders. He was ordered to have a psychiatric evaluation at that meeting. At the 6/21/90 Board meeting, the Board continued with the informal conference and voted to draft a new consent agreement with Dr. Flanders whereby he would pay half of the restitution to the patient, the amount set by the MDA, which must be paid by 8/15/90, with final payment by 12/1/90. The continuing education requirement in the first agreement must also be completed by 12/1/90. Failure to comply will mean automatic suspension until all conditions are met. At its 12/5/90 Board meeting, the Board voted to suspend Dr. Flanders license for failure to comply with consent agreements. At its 2/7/91 meeting the Board voted to draft another consent agreement to conditionally reinstate Dr. Flanders' license. At its 6/28/91 Board meeting, Dr. Flanders was found not to have complied with most recent amended consent agreement. License was suspended for 90 days and to continue until full compliance is achieved. Suspension was found not valid by AAG. Third amended consent agreement agreed and approved during an informal conference with Dr. Flanders at the Board's 4/10/92 Board meeting. This final consent agreement was executed in April 1992 and will end on March 1, 1993.

CASES WITH RESOLUTION NOTES

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04/10/1992 VICTOR G. ANDREWS, DDS (DEN2941)

Case ID: 91-022 **Open Date:** 10/29/1991 **Closed Date:** 04/10/1992 **Type:** FRM

By Consent Agreement, Dr. Andrews acknowledged that extracting teeth without adequate radiographs falls below the standard of dental care and therefore constitutes unprofessional conduct. Dr. Andrews understands that prescribing medications should be done on an individual basis with respect to a particular patient's needs according to accepted pharmino-therapeutic principles, rather than as a standard regimen. Dr. Andrews knows the importance of maintaining adequate dental records. Dr. Andrews' license will be on probation for a period of one year and until all continuing education requirements are completed.

01/16/1992 CHARLES WESLEY LEONARD, DDS (DEN1056)

Case ID: &&-007 **Open Date:** 12/28/1991 **Closed Date:** 01/16/1992 **Type:** FRM

License was non-renewed on 1/16/92 for failure to file Maine Tax Returns. License expired on 12/31/91.

12/31/1991 LORNOLD MOORE (DEN2942)

Case ID: 91-015 **Open Date:** 07/19/1991 **Closed Date:** 12/31/1991 **Type:** FRM

License Not Renewed

11/14/1991 DOUGLAS SCOTT MOST, DDS (DEN2773)

Case ID: 91-004 **Open Date:** 02/19/1991 **Closed Date:** 11/14/1991 **Type:** FRM

By Consent Agreement, Dr. Most agrees to discuss with the Anesthesia Review Team, at its convenience or upon on-site review, his present and future office policy regarding the use of noxious stimuli upon anesthesia patients and to adopt or continue a method of treatment which is acceptable to the Anesthesia Review Team. Dr. Most will submit to the Board within two weeks after the visit from the Review Team, a detailed report regarding anesthesia recovery procedures and policies to be employed in his dental practice, including the use of noxious stimuli. Dr. Most will provide in-service training to his present and future staff regarding the care and treatment of patients who receive anesthesia.

02/15/1991 DAVID TALLEY (DEN2578)

Case ID: &&-004 **Open Date:** 08/03/1990 **Closed Date:** 02/15/1991 **Type:** FRM

The Board found that Dr. Talley practiced dentistry without a license since January 1, 1988. The Board also found that Dr. Talley aided and abetted the practice of a person not duly licensed. Board decision dated July 10, 1991 upheld their earlier decision not to reinstate Dr. Talley's license. However Dr. Talley would be allowed to reapply for licensure in two years.

01/31/1991 ANITA VIOLETTE, DMD (DEN2092)

Case ID: 90-012 **Open Date:** 08/27/1990 **Closed Date:** 01/31/1991 **Type:** FRM

Following investigation of a complaint which involved substance abuse, Dr. Violette voluntarily surrendered her license on January 31, 1991.

01/29/1991 WILLIAM H. BUKER, DMD (DEN2303)

Case ID: 89-024 **Open Date:** 12/11/1989 **Closed Date:** 01/29/1991 **Type:** FRM

Dr. Buker was placed on probation for a two-year period, beginning July 1, 1990. During probation Dr. Buker must complete 40 hours of Board-approved continuing education in orthodontics. He shall also submit all of his orthodontic cases to a mentor for review.

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BOARD OF DENTAL EXAMINERS**07/05/1990 KENNETH BUNNELL, DMD (DEN927)**

Case ID: 89-022 **Open Date:** 08/23/1989 **Closed Date:** 07/05/1990 **Type:** FRM

By Consent Agreement, Dr. Bunnell's license was placed on probation until March 1, 1992. Dr. Bunnell agreed to certain numerous conditions, some of which were in effect only for the period of probation. During the term of agreement, any violation of the agreement will result in automatic suspension of at least 60 days. License suspended on September 20, 1990 for 60 days. License voluntarily surrendered on November 8, 1990.

11/27/1989 WILLIAM H. BUKER, DMD (DEN2303)

Case ID: &&-001 **Open Date:** 05/31/1989 **Closed Date:** 11/27/1989 **Type:** FRM

By Consent Agreement, Dr. Buker agreed that he will not represent himself as specializing in orthodontics, will not refer to his practice as being "limited to orthodontics", and will not allow any advertising, or representations, to be made which either imply, or expressly state, that he is an orthodontist or that his practice is limited to orthodontics.

11/09/1989 I CARL MAYHEW, DMD (DEN2035)

Case ID: 89-002 **Open Date:** 02/03/1989 **Closed Date:** 11/09/1989 **Type:** FRM

Dr. Mayhew was found incompetent in the application of braces without prior x-rays, and in the improper application and manner of performing an apicoectomy. Dr. Mayhew was ordered to pay a total fine of \$3,000, to pay restitution to the patient in the amount of \$295, and to complete a minimum of 21 hours in orthodontics continuing education in addition to the number required for license renewal. In addition, Dr. Mayhew received a suspension of his license for a total of 180 days. The 21 hours of cont. ed. and restitution to the patient must be completed within six months. If they are completed prior to that the suspension and fines will be suspended.

06/20/1989 RONALD W. HOUSLEY, DDS (DEN2354)

Case ID: &&-002 **Open Date:** 04/22/1988 **Closed Date:** 06/20/1989 **Type:** FRM

By Consent Agreement Dr. Housley agreed to a probation of his license from June 20, 1989 to May 1, 1991. Dr. Housley agreed to completely abstain from any and all illicit substances. A violation of this agreement will result in an automatic 30-day suspension or longer. Numerous other conditions also apply during the term of the Consent Agreement. Probation was lifted on September 19, 1991.