

**Maine Board of Dental Examiners  
Board Meeting Minutes  
December 17, 2010**

**Board convened at 9:10 a.m.**

**Board Members Present:** Drs. Denise Theriault; Jerrold Cohen; Philip Higgins, Jr.; David Moyer; Charles Zois; Ms. Susanne LaVallee, RDH; Ms. Darlene Collins-Harden, RDH; Ms. Diane Denk, Public Member; and Mr. William F. Buxton, LD

**Also Present:** John Bastey, Maine Dental Association; Karen Packard, RDH, Board Investigator; Cheryl Bouchard; Andrew Sparks, Esquire; Carol Eisenberg, Esquire; Bonnie Vaughan, IPDH; Michelle Gallant, RDH; Howard Bates, DMD; Amy Stoddard, RDH; Courtney Vannah, RDH; Stacy DeLaTorre, RDH; Kristin Sanborn, RDH; Kathea Stone; Michelle Roberts, DMD; David Vaughan, DDS; Michael Whipple, Esquire; Matthew Jacobsen, DMD, MD; Dennis Smith, AAG; Lynn Warner, Board Assistant; and Teneale Johnson, Executive Secretary

**Interviews for IPDH Licensure:**

Amy Stoddard, RDH  
Courtney Vannah, RDH  
Stacy De La Torre, RDH  
Kristin Sanborn, RDH

**Complaint 10-48 M. Verrier/L. Willey:** The complainant alleged that the licensee did not obtain appropriate consent or permission prior to extracting a deciduous tooth of her child. The tooth was ultimately removed with a piece of gauze according to the licensee, but the child patient reports that a cleaning instrument was used. Dr. Higgins as the Complaint Officer felt that the Board needs to determine the following: 1) Are these two teeth qualified as extractions; and 2) if so, was appropriate consent obtained. Dr. Zois made a motion to dismiss the complaint, as it does not rise to the level of a violation of the Dental Practice Act, with a strong letter of guidance recommending that there be better communication, regarding treatment, directly with the parent or guardian of minor children. Ms. Collins-Harden seconded the motion, which passed with Ms. Denk opposed, and Dr. Higgins recused as the Complaint Officer.

**Complaint 10-43 P. Anzelc/P. Bleech:** The complainant alleged that the licensee did not adequately treat her dental problems in a timely manner. Dr. Cohen made a motion to dismiss the complaint, as there was no violation of the Dental Practice Act and issue the licensee a letter of concern indicating that the Board was concerned with the extremely conservative treatment approach provided in this case with reference to the patient's periodontal state. Dr. Zois seconded the motion. Dr. Cohen amended the motion to include in the letter that timely and appropriate radiographs should be obtained when periodontal issues are identified. Dr. Zois seconded the amendment to the motion, which passed with Dr. Theriault recused, and Dr. Higgins recused as the Complaint Officer.

**Dental Hygiene Subcommittee Update:** Ms. LaVallee reported that the Subcommittee met with two hygienists. The Subcommittee recommends that the Board issue a dental hygiene license to **Ms. Agata Krawczyk**. Dr. Moyer made a motion to accept the Subcommittee's recommendation. Dr. Zois seconded the motion and it passed unanimously. The Subcommittee also recommended that the Board grant the reinstatement of **Ms. Cathy Hodgdon**'s dental hygiene license. Dr. Higgins made a motion to accept the recommendation. Dr. Moyer seconded the motion and it passed with Dr. Theriault abstained.

The Subcommittee also reviewed a dental hygiene renewal for an individual who responded affirmatively concerning default of student loans and recommended that the Board issue renewal of her license. Dr. Moyer made a motion to renew Ms. A.W.'s dental hygiene license. Dr. Zois seconded the motion and it passed unanimously. The Subcommittee reviewed a dental hygiene renewal with a "yes" response and recommended that they invite the individual in for an interview to discuss the response. Dr. Cohen made a motion to accept the recommendation for Ms. J.M. to meet with the Dental Hygiene Subcommittee concerning the "yes" response. Dr. Moyer seconded the motion and it passed unanimously.

Ms. Jeanette Price submitted a letter to the Subcommittee/Board, asking for an extension of time to obtain her continuing education for renewal of her license. The Subcommittee recommended that Ms. Price be granted a three-month extension of time. Dr. Moyer made a motion to accept the recommendation. Dr. Zois seconded the motion and it passed unanimously.

The Subcommittee reviewed a letter from a dental hygienist, (J.C., RDH) requesting that the change of address fee of \$25.00 be waived. The Subcommittee recommended that the fee not be waived in this case. Dr. Moyer made a motion to accept the recommendation. Ms. Collins-Harden seconded the motion and it passed unanimously.

Ms. Audra Boynton has asked the Subcommittee and Board if she would be allowed to sit for the local anesthesia examination. It has been more than a year since she completed and passed the course. The Subcommittee recommended that the Board allow Ms. Boynton to sit for the local anesthesia exam. Dr. Moyer made a motion to accept the recommendation. Dr. Zois seconded the motion and it passed unanimously.

Ms. Karen Pottle, RDH has asked whether the Board would accept completion of the local anesthesia course provided at Middlesex Community College along with successful completion of the NERB local anesthesia examination as qualification for a Maine local anesthesia permit. In reviewing the course content for Middlesex Community College, students are only required to perform 30 local anesthesia injections, where the Maine rules require 50 injections within an approved course. Ms. Pottle has provided two suggestions for the Board and Subcommittee to consider. One option would be for her current employer, Dr. Wilferd Vachon to supervise the additional 20 injections. The other option would be for her to perform the additional injections at the University of New England. Dr. Cohen made a motion stating that if Ms. Pottle successfully completes both the course and the NERB examination, the Board would allow her to perform the final 20 local anesthesia injections

either of the ways she has suggested. The Board will request Ms. Pottle provide the Board with a signed log verifying that she has completed the additional injections successfully. Upon receipt of successful completion of all items, Ms. Pottle may apply for and receive a local anesthesia permit. Ms. Denk seconded the motion and it passed unanimously.

In addition, Dr. Higgins made a motion to discuss the possibility of reducing the amount of injections needed within a CODA approved local anesthesia course during the next round of rule making. Dr. Moyer seconded the motion and it passed unanimously.

Dr. Theriault made a motion to grant a six-month extension of time for Ms. Denise Knobloch to obtain her additional continuing education credits needed for renewal of her dental hygiene license. Any of the credits earned during 2011 cannot be used towards the next renewal cycle. Dr. Moyer seconded the motion and it passed unanimously.

Ms. LaVallee made a motion to amend the Clinical Practice Certification form included with the IPDH application. Ms. Collins-Harden seconded the motion and it passed unanimously.

**Motions on Interviews for IPDH Licensure:** Dr. Cohen made a motion to grant an IPDH license to **Ms. Amy Stoddard** upon completion of her application file. Dr. Moyer seconded the motion and it passed unanimously. Dr. Cohen made a motion to grant an IPDH license to **Ms. Courtney Vannah**, upon receipt of verification of the clinical dental hygiene hours worked. A letter will be sent to Ms. Vannah, asking that a new CP-1 form be completed and returned by the supervising dentist(s). Dr. Moyer seconded the motion and it passed unanimously. Dr. Higgins made a motion to grant **Ms. Stacy De La Torre** an IPDH license upon completion of her application file. Ms. Denk seconded the motion and it passed unanimously. Dr. Higgins made a motion to grant an IPDH license to **Ms. Kristin Sanborn** upon receipt of verification of the clinical dental hygiene hours worked. Ms. Sanborn will also receive a letter asking that a new CP-1 form be completed and returned by the supervising dentist(s). Ms. Collins-Harden seconded the motion and it passed unanimously.

**Denturist Subcommittee Report:** Mr. Buxton reported that the Denturist Subcommittee reviewed and approved their minutes from the November meeting. They also reviewed a letter from a licensed denturist who indicated that she would be taking a leave of absence from her practice and has taken appropriate steps for office/patient coverage. The Subcommittee also reviewed a request for an extension of time to obtain CPR certification from Mr. Michael Vout, LD. The Subcommittee recommends that the Board grant him an extension to February 15, 2011 to obtain a current CPR certification in order to renew his Maine denturist license. Dr. Higgins made a motion to accept the recommendation. Dr. Cohen seconded the motion and it passed unanimously.

**Interview for Dental Radiography License Reinstatement:** Ms. Kathea Stone – (Ms. Collins-Harden and Dr. Zois were recused from the interview.)

**Interview for Dental Licensure:** Michelle Roberts, DMD

**Informal Conference – Complaint 10-36:** Dr. Zois made a motion to enter executive session at 2:08 p.m. Ms. Denk seconded the motion and it passed unanimously. The licensee was present and represented by legal counsel, Michael Whipple, Esquire. The complainant alleged that the licensee provided an inadequate dental bridge. The Board voted to come out of executive session. Dr. Cohen made a motion to dismiss the complaint, as there was no violation of the Dental Practice Act. Ms. Denk seconded the motion, it passed with Dr. Higgins opposed, and Dr. Moyer recused as the Complaint Officer.

**Interview for Dental Licensure:** Matthew Jacobsen, DMD, MD

Dr. Cohen made a motion to reinstate **Ms. Kathea Stone's** radiography license. Mr. Buxton seconded the motion, it passed with Ms. Collins-Harden, and Dr. Zois recused from the motion and Dr. Moyer recused.

Dr. Cohen made a motion to grant a dental license to **Dr. Michelle Roberts** upon completion of her application file. Ms. Denk seconded the motion and it passed with Dr. Moyer recused.

Dr. Cohen made a motion to grant a dental license to **Dr. Matthew Jacobsen** upon completion of his application file. Ms. LaVallee seconded the motion and it passed with Dr. Moyer recused from the motion.

**Minutes November 19, 2010:** Dr. Higgins made a motion to accept the minutes as amended. Dr. Zois seconded the motion and it passed unanimously.

**Secretary/Treasurer's Report:** Dr. Cohen made a motion to accept the report. Dr. Moyer seconded the motion and it passed unanimously.

**Correspondence:** The Board accepted this information as an FYI.

**President's Desk:** Dr. Theriault requested the Board's permission to generate a "Quarterly News from the Board" publication for the Board's website. In addition, the dental, dental hygiene and denturist societies will be notified of this and invite them to publish the News if they so wish.

**Secretary's Desk:**

- ◆ Board staff questioned whether it was appropriate to speak with members of the Medical Professional's Health Program concerning open complaints that involve participants of their program. Board staff will speak with Board Counsel if a request arises.
  
- ◆ Ms. Diane Blanchette, RDH has requested time on the Board's February 2011 agenda to discuss Chapter 13 (continuing education) and the Policies relating to CE. The Board agreed to allocate thirty minutes for Ms. Blanchette.

- ◆ Board staff reported that the office received a copy of a certification of completion from the University College at Bangor for a “Current Concepts in Dental Hygiene” course that listed approval of 10 category I credits and 5 category II credits. Board staff was under the impression that a semester long course was worth 7.5 credits only. The Board confirmed that a semester long course is worth 7.5 credits. If the individual is in need of additional credits to renew their license, they will be informed that they can ask for an extension of time.
  
- ◆ A licensee has requested how to log the continuing education involved when certifying or re-certifying with a specialty board and how many hours a licensee can report. Dr. Moyer will research and get back to the Board in January 2011.

**Complaint 10-39:** This is a Board generated complaint based on a discharge of a dentist from a practice who allegedly wrote a prescription for an employee who was not a patient of record of the practice. Dr. Higgins made a motion to invite the licensee in for an informal conference to discuss the complaint further. Dr. Zois seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

**Complaint 10-47:** The complainant alleged that the licensee did not provide adequate dental crowns, which resulted in the patient developing decay under the crowns. Dr. Cohen made a motion to invite the licensee in for an informal conference to discuss several issues regarding the complaint. Ms. Denk seconded the motion, it passed with Moyer recused, and Higgins recused as the Complaint Officer.

**Complaint 10-20:** The licensee has signed the proposed consent agreement. Within the agreement, the licensee has been asked to have his nitrous oxide equipment be inspected and calibrated. The agreement did not require that the Board receive a copy of the report, or notification when that has been completed. Dr. Cohen made a motion to make a request that the licensee provide proof of completion of that section as part as demonstrating his compliance. Ms. LaVallee seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

**Letter from Guy Raymond, MD, MPHP Committee Chair Re: Thanks for Annual Contribution:** The Board accepted this letter as an FYI.

**E-mail from Stefan Andren, DDS Re: Guidance Concerning Botox/Dermal Fillers:** Dr. Cohen made a motion to forward a copy of Board Rule, Chapter 9. Dr. Zois seconded the motion and it passed unanimously.

**E-mail from Nancy Kilpatrick, RN, BSN, York Hospital Re: Opportunity to Improve Dental Care Access Through Pediatric Services at York Hospital:** Ms. Kilpatrick is responsible for facilitating access to medical care through services at York Hospital for people in their community. They heard that dental hygienists in Maine could work under the supervision of a pediatrician, and was inquiring as to whether they might be able to help

increase access to dental care for the patients they serve by employing dental hygienists in their pediatric offices. Ms. Kilpatrick's specific questions were as follows:

1. What are the laws concerning this?
2. What services would be allowed?
3. Would the hygienist need to work in the pediatrician's office and have direct supervision by the pediatrician, or could the hygienist work elsewhere, without the pediatrician on site?
4. Would the sponsoring physician need to be a pediatrician, or would a family practitioner also be allowed to be the sponsoring physician?
5. Are there any grants available for funding of a service of this kind to purchase equipment and supplies?

Dr. Cohen made a motion to forward a copy of the Board's statutes and rules, which will answer, questions one through four above. The Board has no knowledge of what grants may be available for funding. The Board will also suggest that there is a new category of licensure available for qualified dental hygienists to practice independently, and they may also refer to the rules relating to Public Health Supervision status for dental hygienists. Dr. Zois seconded the motion and it passed unanimously.

**Review of Radiography Application Christina Grant:** The Board reviewed a dental radiography application for Ms. Christina Grant along with a letter from her supervising dentist. Ms. Grant was unaware that she never received her Maine license, and when she became aware, she filed an application with the Board office. Dr. Higgins made a motion to grant Ms. Grant a dental radiography license and send a letter to her employer, thanking her for the straightforward assessment of the situation and indicating that it is the Board's position that all dental licensees be aware of the status of licensure for their employees. Dr. Cohen seconded the motion and it passed with Dr. Theriault recused from the motion.

**Letter from Dr. Paul S. Zimmerman, MDA President Re: the MBDE Establishing a Pre-Screening Process for Complaints:** The Board accepted the letter as an FYI.

**Follow up report on Licensee under Consent Agreement Robert Turner, DMD:** The Board received a report from the Medical Professionals Health Program indicating that a licensee had informed them that he had consumed alcohol. Dr. Moyer made a motion to follow the recommendations made by Dr. Margaret Palmer of the MPHP by increasing the testing for this individual. Dr. Zois seconded the motion, it passed with Dr. Cohen, and Dr. Higgins opposed to the motion. The Board also reviewed a copy of the licensee's psychological evaluation at this meeting which was required as part of the Consent Agreement, but took no action.

**Request to Amend Consent Agreement Terrie Andersen, Radiographer:** Ms. Andersen requested that her counseling be reduced to once every other month instead of twice per month. She also notified the Board of her upcoming vacation days. Ms. Denk made a motion to amend Ms. Andersen's consent agreement in order to reduce the counseling to once every

other month. In addition, the Board will allow her to be excused from testing on her stated vacation days as requested, as it relates to the Board consent agreement. Dr. Zois seconded the motion and it passed unanimously.

**Review of Radiography Application Yuppayow “Gai” Clements:** Dr. Higgins made a motion to grant Ms. Clements a Maine dental radiography license. Dr. Cohen seconded the motion and it passed unanimously.

**Letter from Colleen Griffin, RDH Re: Fee for Failure to Notify the Board of Change of Address:** Dr. Moyer made a motion to send a new invoice to Ms. Griffin indicating that she does owe the Board \$25 for failure to notify the Board office of her change of address. Ms. Collins-Harden seconded the motion and it passed unanimously.

**Addition to Agenda:** Susan Fraser, IPDH submitted an e-mail to the Board, requesting assistance in getting dental care to elderly/disabled Maine citizens. Ms. Fraser asked the following questions:

Is there a dentist in Maine that would be willing to care for my patients?

Could they do house calls?

Why does Maine Care not cover their preventive care?

Why am I not able to purchase a fluoridated toothpaste to offer to my patients - but can provide a fluoride varnish and other fluoride treatments?

Dr. Theriault offered to assist in responding to Ms. Fraser’s questions. The Board stated that she may wish to request the patient’s physician write a prescription for fluoride toothpaste.

**The following items were accepted as FYI’s:**

Memo from the Executive Committee of NERB Re: Dr. Joseph Rossa and Related Matters

Minutes of the PMP Advisory Group Meeting November 16, 2010

Memo to Anne Head, Commissioner PFR re: Draft Bill Language

E-mail from denturist licensee re: Coverage for Absence from Practice

E-mail from Maine citizen re: Dental Care in Maine

The Board adjourned at approximately 6:00 p.m.

Respectfully Submitted,

Teneale E. Johnson  
Executive Secretary