

**Board of Dental Examiners  
Board Meeting Minutes  
January 9, 2009**

The Board convened at 9:11 a.m.

**Board Members Present:** Drs. Philip Higgins, Jr.; Jerrold Cohen; Jeffrey Fister; and David Moyer; Ms. Kristine Blaisdell, RDH; Ms. Susanne LaVallee, RDH; Ms. Diane Denk, Public Member; and Mr. William Buxton, LD

**Board Member Absent:** Dr. Denise Theriault

**Also Present:** Pam Cahill, Maine Dental Association; Ms. Mary Garrepy, RDH; Ms. Bonnie Vaughan, RDH; AAG Dennis Smith; and Teneale Johnson, Executive Secretary

The Adjudicatory Hearing scheduled for this day was continued due to an illness.

**Dental Hygiene Subcommittee Update:** Ms. Garrepy reported that the Subcommittee interviewed Rebecca Roy and Kathryn Seelye and recommends the Board issue dental hygiene licenses to them upon completion of their paperwork. Dr. Fister made a motion to accept the Subcommittee's recommendation. Ms. LaVallee seconded the motion and it passed unanimously. Dr. Fister made a motion to grant a 60-day extension of time for the following individuals to obtain their requirements for continuing education:

Dianne Doyle; Judith Flagg; Roxanne Horne; Patricia Larsen; Elaine Palese; Kelle Ann Remick; Angela Bambi Shorey; Janet Trowbridge; Carol J. Wilson; Cynthia Allen; Jane DiMillo; Andrea Fogg; Charles Schwep; Lana Webb; Jennifer York; Lorena Dexter; Linda Havumaki; Janet Larochelle; Stephanie Mains; Donna Marcinuk; and Kathy Sundin

Ms. Blaisdell seconded the motion and it passed unanimously.

Dr. Cohen made a motion to table Ms. Nicole Landry's license renewal and her request to waive the renewal fee until the Board has completed its rule-making process. Ms. Denk seconded the motion and it passed unanimously.

Dr. Fister made a motion to grant a 60-day extension of time to obtain the remaining credits, and impose a late fee to Ms. Ellen Esty. Dr. Moyer seconded the motion and it passed unanimously.

**Denturist Subcommittee Update:** Dr. Fister reported that the Subcommittee approved its December meeting minutes. It also reviewed a request for an extension of time from Mr. Dan Hollis in order to obtain his CPR re-certification. The Subcommittee recommended that Mr. Hollis receive a 30-day extension. Dr. Fister made a motion to accept the Subcommittee's recommendation. Dr. Moyer seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the Subcommittee's recommendation to renew K.Y.'s denturist license. Dr. Moyer seconded the motion and it passed with Mr. Buxton recused.

**Meeting with Cheryl Skilling, RDH Regarding Request to Form an LLC to perform Services under Public Health Supervision:** Ms. Skilling reported that she has been offered the use of a dental office to perform services to Maine Care recipients under Public Health Supervision Status. These would not be patients of record of any dentist. The Board agreed that there appears to be no reason why she cannot perform PHS under these circumstances. They also asked that she keep in mind the possibility of applying for an IPDH license in the future.

The Board asked staff to invite a Maine Care representative to speak about the status of the process of reimbursing for services performed by Independent Practice Dental Hygienists. (LD233)

**Secretary/Treasurer's Report:** Dr. Cohen made a motion to open Chapter 7 of the Board's rules in order to raise the fee for dentist registration and radiographer registration to \$550 and \$125 respectively. The Board also requested that staff work with the Department of Professional and Financial Regulation to put together statutory language in order to increase the caps on all license types. The Board would request that the draft language for rules be presented for review at the February meeting. Mr. Buxton seconded the motion and it passed unanimously.

Dr. Fister made a motion to accept the report. Dr. Moyer seconded the motion and it passed unanimously.

**Secretary's Desk:**

Information Received: The Staff office received a telephone call asking whether a hygienist can use a laser to treat cold sores and whether the dentist could do the same. The person that telephoned the office was told that the hygienist working in this particular office was in fact performing this procedure. Dr. Cohen made a motion to send a letter to the licensed dentist (J.C.) indicating that it has come to the Board's attention that one of his hygienists may possibly be treating oral lesions with a laser. A licensed dental hygienist is not allowed to treat oral lesions under their scope of practice. Dr. Moyer seconded the motion and it passed with Dr. Fister abstained.

**Informal Conference Complaint 08-24:** Dr. Fister made a motion to enter executive session at 10:22 a.m. Dr. Moyer seconded the motion and it passed unanimously. The complainant alleged that the dentist did not produce a denture that she could wear and acted unprofessionally when she complained about her denture. The Board was also concerned with the record keeping of the licensee, which lacked important documentation. Dr. Moyer made a motion to come out of executive session at 11:00 a.m. Ms. Blaisdell seconded the motion and it passed unanimously. Dr. Moyer made a motion to offer licensee a CA whereby he would agree to a five-year probation, which would include successful completion of pre-approved courses in risk management; treatment planning and presentation; specific course on denture construction, materials, techniques and methods; anger management; patient management; and a record keeping course. Ms. LaVallee seconded the motion and it passed with Dr. Cohen recused as the Complaint Officer.

**Informal Conference – Complaint 07-55:** Dr. Fister made a motion to enter executive session at 11:26 a.m. Ms. LaVallee seconded the motion and it passed with Dr. Higgins and Mr. Buxton recused. This is a Board generated complaint based upon a report of a patient death after dental treatment was provided by this licensee. Dr. Fister made a motion to come out of executive session at 12:22 p.m. Ms. Blaisdell seconded the motion and it passed with Dr. Higgins and Mr. Buxton recused. Dr. Fister made a motion to offer the licensee a Consent Agreement whereby he would agree to a five-year probation to include taking pre-approved continuing education courses in the areas of treating the medically compromised patient to include pharmacology in terms of management of that patient both pre and post operatively; dental ethics course involving employees and boundaries; prescribing practices within a six-month period. Ms. Denk seconded the motion and the motions were withdrawn. Dr. Fister made a motion to offer a Consent Agreement to include the above continuing education courses but exclude the probationary period. Ms. Denk seconded the motion and it passed with Dr. Higgins and Mr. Buxton recused and Dr. Moyer recused as the Complaint Officer.

**Old Business:**

The Board asked staff to follow up with the request previously made to the Board of Pharmacy concerning pre-printed prescription pads.

**Interviews for Licensure:**

Jean Ashmore, RDH (IPDH applicant)  
Mary Cattadoris, RDH (IPDH applicant)  
Katti Webb, RDH (IPDH applicant)  
A.R., Radiography Applicant

The Board addressed the rules and adopted them as follows:

**Chapter 1:** Dr. Moyer made a motion to accept the final format of this rule. Ms. Denk seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document for Chapter 1. Ms. Blaisdell seconded the motion and it passed unanimously.

**Chapter 2:** Dr. Cohen made a motion to accept the final format of the rule. Mr. Buxton seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comment documents. Ms. LaVallee seconded the motion and it passed unanimously.

**Chapter 3:** Dr. Cohen made a motion to accept the final format of Chapter 3. Mr. Buxton seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document. Dr. Fister seconded the motion and it passed unanimously.

**Chapter 5:** Dr. Fister made a motion to accept the final format of Chapter 5. Dr. Cohen seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis

statement and response to comments document. Dr. Fister seconded the motion and it passed unanimously.

**Chapter 6:** Dr. Cohen made a motion to accept the final format of Chapter 6. Dr. Fister seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document. Ms. LaVallee seconded the motion and it passed unanimously.

**Chapter 7:** Dr. Cohen made a motion to accept the final format of Chapter 7. Ms. Denk seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments. Dr. Fister seconded the motion and it passed unanimously.

**Chapter 9:** Dr. Cohen made a motion to accept the final format of Chapter 9. Ms. Denk seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments. Ms. Denk seconded the motion and it passed unanimously.

**Chapter 10:** Dr. Cohen made a motion to accept final format of Chapter 10. Dr. Fister seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments documents. Ms. LaVallee seconded the motion and it passed unanimously.

**Chapter 11:** Dr. Fister made a motion to accept the final format of Chapter 11. Dr. Cohen seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document. Ms. Denk seconded the motion and it passed unanimously.

**Chapter 12:** Dr. Cohen made a motion to accept the final format of Chapter 12. Ms. Blaisdell seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document. Dr. Fister seconded the motion and it passed unanimously.

**Chapter 13:** Dr. Cohen made a motion to accept the final format of Chapter 13. Ms. LaVallee seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document. Ms. LaVallee seconded the motion and it passed unanimously.

**Chapter 14:** Dr. Fister made a motion to accept the final format of Chapter 14. Dr. Cohen seconded the motion and it passed unanimously. Dr. Cohen made a motion to accept the basis statement and response to comments document. Ms. Blaisdell seconded the motion and it passed unanimously.

The Board agreed to add to the list for the next round of rule making that they look into adding a built in exemption within Chapter 14, concerning equipment and inspections for a CODA approved dental school.

Ms. Blaisdell made a motion to send a letter to the Maine Dental Association and the Maine Academy of General Dentistry, which would repeat, and clarifying the portion of Chapter 14 concerning the waiver of education, which limits the applicant to request a waiver within 12 months of the effective date of the rule. Dr. Cohen seconded the motion and it passed unanimously.

**E-mail from Sarah Nelson Re: Facials in a Dental Practice:** Ms. Nelson questioned whether there are any Board Statutes and/or Rules that the dental office in which she works, should be aware of if they were to bring in an aesthetician to offer facials to new and existing patients, or rent a space (an unused room) to them. Dr. Cohen made a motion to write a letter stating that it would not be permissible for a dentist to employ an aesthetician or bill out for aesthetician services as part of the dental practice. There is nothing in the Statutes or Rules that would prohibit them from renting space to a private entity. Dr. Fister seconded the motion for purposes of discussion. The motion passed with Dr. Fister and Mr. Buxton opposed.

**Letter from Dr. Keith Milton Re: Request to Recognize the Vancouver Community College Denturist Program in the State of Maine:** The Vancouver Community College is already on the Board's list of approved denturist programs. The Board will send them a letter indicating that and that any individual who will be applying for a denturist license in Maine, must show proof of successful completion of the George Brown College Denturist Examination. Mr. Buxton and Dr. Higgins will sign the letter.

**E-mail from Doris A. Poirier, SA Re: Human Tissue Products:** Ms. Poirier requested whether there were any state licensing/permitting requirements that would apply to an out-of-state company that ships human tissue products directly to licensed dental practitioners in the state, which would be used for treating patients. Dr. Fister made a motion to send an e-mail indicating that this Board is not involved in human tissue products in the State of Maine. Dr. Cohen seconded the motion and it passed unanimously.

**E-mail from Nathan Grant Re: Question on Maine Dental Regulations:** Mr. Grant asked whether dentists in Maine have to answer to patient inquiries regarding issues such as if there is lead in the bridges they receive? Is it only if the patient asks that the dentists must answer? What are the State of Maine's rules and regulations regarding patient inquiries? The Board voted to send Mr. Grant the link to the Statutes and Rules.

**E-mail from Cindy Durley, MEd, MBA, DANB Re: DANB's State Fact Booklet and DANB's State Career Ladder Templates on Sedation:** Ms. Durley requested that the State Board review the Sedation Table provided and verify that the information listed for Maine is accurate. The Board voted to forward the link to the Board's rules concerning the scope of practice for a dental assistant.

**E-mail from Cindy Durley, Med, MBA, DANB Re: Infection Control Requirements:** The Board voted to forward the same link as above.

**Letter from Dr. Peter F. Meyer Re: Copying of Dental X-rays:** Dr. Meyer indicated that his office is being asked to forward copies of patient x-rays that are dated from 1994 through 2006 to other dentists. Dr. Meyer is questioning how far back they are required to copy. Dr. Meyer also questions the fees that a practitioner can charge for copying dental records, and whether the Board has had any discussions on revising the figure to meet today's expenses for producing. Dr. Cohen made a motion to send a letter to Dr. Meyer indicated that the Board requires its licensees to maintain records of all current patients indefinitely and all inactive patients for a period of seven years. It would be in the licensee's best interest to make appropriate copies of the records upon request. Ms. LaVallee seconded the motion and it passed unanimously. Dr. Meyer will also be referred to Title 22 section 1711A concerning the fees for duplicating patient records, which are not under the Board's Statutes and/or Rules.

**Letter from Peter Davis Re: Advertising:** Dr. Davis sent a letter informing the Board that there have been two associates who have left his practice over the last few months, and wanted the Board to be aware that he has been updating his signage and advertising as required by the Board's rules. The Board will respond stating that as he has presented his changes in advertising/signage, the Board sees no problem.

**E-mail from Nancy Henshaw, R.N. Re: Dentists and Controlled Substances:** Ms. Henshaw posed the following questions to the Board:

1. Are dentists permitted to prescribe controlled substances?
2. If so, from which schedules are they allowed to prescribe?
3. Is there any registration or certification required, beyond the initial license to practice dentistry?
4. Are dentists permitted to request, receive, and distribute samples of controlled substances?
5. If so, from which schedules are they permitted to sample?

The Board will respond stating that a duly licensed Maine dentist with the appropriate Federal DEA license is subject to the Federal DEA regulations.

**E-mail from Linda Saulter, IPDH Re: An Independent Hygienist Being Able to Purchase Fluoride and Topical Anesthetic:** Ms. Saulter sent an e-mail asking the Board how she can purchase fluoride and topical anesthetic without a license to purchase prescription drugs.

**Update:** Ms. Saulter sent an additional letter prior to the meeting indicating that she had located a company that is set up to sell to hygienists in other states that are working independently. The Board will send a note thanking her for the update.

**Letter from Dr. John F. Kossowan Asking the Process for Reinstating his Dental License:** Dr. Kossowan's dental license lapsed in December of 1987. He has not practiced dentistry since 1985, due to an illness which is now healed. Dr. Cohen made a motion to send a letter indicating that he would have to attend a CODA approved dental program, which can be tailored to his specific needs and has been pre-approved by the Board. He would also need to take and successfully complete the National Board exam, Part 1 and Part 2, and the North East Regional

Board Examination as well as provide proof of physical fitness to practice dentistry by his primary care physician. Mr. Buxton seconded the motion and it passed unanimously.

**E-mail from Cathy Kasprak, IPDH Re: the MDHA and Board Working Together on IPDH**

**Issues:** Dr. Cohen made a motion to direct staff to communicate with Commissioner Anne Head, that the Board supports the legislation in order for IPDH's to own and operate x-ray equipment. Ms. LaVallee seconded the motion and it passed unanimously.

**E-mail from Dr. Tanya Glidden Re: Request to Grant a Temporary Permit to Dr. Danielle Ross to Cover her Maternity Leave in February and March 2009:**

Ms. Ross had begun the process of applying for a full license in order to assist Dr. Glidden, and was due to come in for an interview on this date, but was unable to make it. Based on Title 32, Chapter 16, Subsection 1086, Dr. Fister made a motion to issue a temporary special permit to Dr. Danielle Ross for a period of six months. Staff will verify the status of Dr. Ross's licenses in New Hampshire and Massachusetts. Ms. LaVallee seconded the motion and it passed unanimously.

**Jean Ashmore, RDH** – Dr. Fister made a motion to grant Ms. Ashmore an IPDH license. Ms. LaVallee seconded the motion and it passed unanimously.

**Mary Cattadoris, RDH** – Ms. LaVallee made a motion to grant an IPDH license to Ms. Cattadoris. Ms. Blaisdell seconded the motion and it passed unanimously.

**Katti Webb, RDH** – Ms. Blaisdell made a motion to grant an IPDH license to Ms. Webb. Ms. LaVallee seconded the motion and it passed unanimously.

**Amber Roye, RDH** – Dr. Moyer made a motion to grant a dental radiography license to Ms. Roye. Ms. Denk seconded the motion and it passed unanimously.

**E-mail Memo from Dr. Scott Houfek, President, ADEX Re: Response to Recent**

**Communications from CRDTS:** The Board will take Dr. Houfek up on his offer and make a request for a representative from ADEX to come to the Board to discuss the examinations.

**Payment Report on Former Licensee:** The Board requested that the letter of final denial be sent out on this individual.

**Complaint 06-21 Follow-Up:** Dr. Cohen made a motion to suggest to Dr. Theriault that she and the Board Investigator to do an office inspection for purposes of looking at records, looking at any surgical procedures; ask Dr. T and Karen make their inspection based on the original complaint focus on original problems. Ms. LaVallee seconded the motion, it passed with Dr. Moyer, and Ms. Blaisdell recused.

**Complaint 08-41 – M. Reynolds/K. Sullivan:** LOG dental x-rays should be used for dental purposes. Outside the scope does not rise to the level . J Cohen made a motion to dismiss the complaint but issue a strong letter of guidance stating that using dental equipment to take an x-ray of a wrist could be considered beyond the scope of practice and to refrain from doing so in the future. Ms. LaVallee seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

Dr. Higgins mentioned that this would be Dr. Fister's last meeting stating that it has been a privilege to work with him over the past years, his tenure has made us all better, and more importantly has been good for the citizens of Maine.

Dr. Moyer made a motion to adjourn at 4:19 p.m. Dr. Cohen seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson  
Executive Secretary