

**Maine Board of Dental Examiners
Board Meeting Minutes
June 14, 2010**

Board Meeting convened at 8:40 a.m.

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

Board Member Absent: Ms. Darlene Collins-Harden, RDH

Also Present: Michelle Gallant, RDH; Lynn Warner; John Bastey, Maine Dental Association; Susan Madara, RDH; Sharon Lamontagne, RDH; Ramin Najafi; Mark Franco, Esquire; Denise Nadeau, DDS; Nelson Henry, DMD; Richard Roy, DDS; Kelly Turner; Howard Bates, DMD; Dennis Smith, AAG; Lynn Warner, and Teneale Johnson

Interviews for Independent Practice Dental Hygiene Licensure:

Interview with Susan Madara, RDH

Interview with Sharon Lamontagne, RDH

Dental Hygiene Subcommittee Update:

Complaint 10-18: The Subcommittee reviewed this Board-generated complaint and recommended that it be dismissed as the licensee is now in compliance with the consent agreement. Dr. Cohen made a motion to accept the recommendation. Ms. Denk seconded the motion and it passed with Ms. LaVallee recused and Dr. Higgins recused as the Complaint Officer.

The Subcommittee also reviewed and agreed with the initial presentation of complaints script.

Adjudicatory Hearing: The Board convened an adjudicatory hearing concerning Dr. Denise Nadeau and then returned to its regular agenda items thereafter.

Informal Conference Complaint 09-38: Dr. Zois made a motion to enter executive session at 11:49 a.m. Ms. Denk seconded the motion and it passed unanimously. The complainant alleged that the licensee did not use enough local anesthetic, did not listen to her complaints, and the crown provided was inadequate. The Board voted to come out of executive session prior to completing the conference due to medical issues. Because of the Board's concerns for the licensee's health, the informal conference will be rescheduled for a later date.

Motions on IPDH Interviews:

Dr. Moyer made a motion to issue an IPDH license to Ms. Susan Madara upon completion of her application file. Ms. LaVallee seconded the motion and it passed with Dr. Higgins recused.

Dr. Moyer made a motion to grant an IPDH license to Ms. Sharon Lamontagne upon completion of her application file. Dr. Zois seconded the motion and it passed unanimously.

Basis Statement and Response to Comments: The Board made several changes to the document.

Interview for Dental Licensure: Richard Roy, DDS

Complaints: Initial Complaint Presentation was read to the Board and audience members prior to beginning the review of the following complaints:

Complaint 09-2: The Board previously offered the licensee a consent agreement in order to resolve the complaint. Legal counsel for the licensee submitted a counter proposal, which the Board reviewed. The Board agreed that the counter proposal was not acceptable. In addition, the complainant submitted a letter requesting that restitution be added to the consent agreement. The Board stated that it does not have the authority to order a licensee to provide restitution. Dr. Higgins made a motion to ask Board Counsel to contact the legal counsel for the licensee and ask if the licensee would be willing to accept the original proposal. If not, the Board will address that at the July Board meeting. Dr. Cohen seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

Complaint 10-14 G. To'olo/K. Streck: The complainant alleged that she was not allowed to be present during the child's treatment. According to the patient record, the mother appeared to be informed that parents/guardians are not allowed in the treatment room after the first visit. Dr. Cohen made a motion to dismiss the complaint, as there was no violation of the Dental Practice Act. Dr. Zois seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

Complaint 10-16 J. Kippax/T. Gayne: The complainant alleged that the licensee did not provide adequate pain control. Dr. Higgins made a motion to dismiss the complaint, as there was no violation of the Dental Practice Act. Dr. Zois seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

Motion on Interview for Dental Licensure:

Dr. Cohen made a motion to issue a dental license to Dr. Richard Roy upon completion of his application file. Ms. LaVallee seconded the motion and it passed unanimously.

Minutes May 21, 2010: Not available for review and approval.

Secretary/Treasurer's Report: No motion was needed.

Correspondence: The Board accepted the information as an FYI.

President's Desk:

- IPDH and PHS position statement – Dr. Higgins will be drafting a document for the Board’s review at a future meeting.

Secretary’s Desk:

- Preliminary Agenda for Upcoming Meetings: The Board agreed that the July meeting would need to end by 2:00 p.m.
- Continuing Education Review Update: Dr. Cohen asked that he no longer review continuing education as his term will be expiring at the end of 2010. Ms. LaVallee and Dr. Zois will review all continuing education requests.
- Denturist Subcommittee Members Appointment: Dr. Higgins made a motion to send a letter of support to the Office of the Governor concerning the re-appointment of Austin Carbone, LD, and John Merrill, LD, to the Denturist Subcommittee. Mr. Carbone and Mr. Merrill are both faithful and valuable members of the Subcommittee. Mr. Buxton seconded the motion and it passed unanimously.

Old Business:

- Rule and Statute Changes needed for UNE Dental School: The Board will ask Ms. Kneka Smith of UNE Dental School to meet with them at a future meeting.
- Subcommittee to Develop a Daylong Education Program aimed at clarifying and discussing IPDH, PHS, public health clinics, and Maine Care: This is still ongoing and the Board will revisit the development of this program after a position statement has been drafted and finalized.
- Follow-up on LD 1608: The Board discussed whether it wanted to offer to pilot a new process of an adjudicatory hearing panel and present it to the Stakeholders Group, which has been established as a result of LD 1608, for their review. Dr. Higgins made a motion to direct AAG Smith to represent the Board at the upcoming Stakeholders meeting, and present the idea of a formation of an adjudicatory hearing panel of at least five individuals, but no more than seven, who would preferably be past Board members, who would have previous Board experience. The current Board counsel, who would not have counseled this group in any other manner, would counsel the panel. Dr. Moyer seconded the motion and it passed unanimously.

Request from Timothy Oh, DMD Re: Temporary Dentists to Work in Public Health

Settings: Dr. Cohen made a motion stating that the individuals be allowed to apply for temporary permits for the NYU residency program under the following Board statutes:

1. Issue a special permit for up to a year to faculty and dental graduates holding licenses in NY – to provide free dental care to the public; and

2. Issue a permit to bona fide dental students (non-graduates) – “under the supervision and control of a licensed dentist or a teaching school.” The Board interpreted its statute “licensed dentist” to mean a Maine licensed dentist or a Maine permitted dentist. Thus, the dental students will be able to be supervised by a Maine licensed dentist (Dr. Oh) OR a Maine permitted dentist (NYU faculty with special permits issued by the Board). Under the statute, these permits expire month to month.

The Board also discussed the fact that the President of the Board could make the decision with regard to these permits.

Dr. Higgins seconded the motion and it passed unanimously. The letter to Dr. Oh will also convey the Board’s concerns about the number of these residents that can be supervised at one time and at some point would like to discuss it further with him.

Request from Bayley Milton, AADB Re: Scope of Practice Survey Questions: Now that the Board has adopted its rules, they provided staff with the answers to the questions posed which concerned the scope of practice for dentists.

Clarification Request from Dr. Michael Visser Re: Acceptance of WREB Overall Passing Score to Qualify for Residency Program vs. Passage of all individual components for full licensure: Dr. Higgins made a motion stating that the Board sympathizes with the applicant’s position, but any individual applying for a residency permit or any other type of license/permit, would have to successfully complete each section of the WREB examination. Dr. Zois seconded the motion and it passed unanimously.

2010 Possible Rule Changes: The Board decided not to address the list at this meeting.

Memo from Molly Nadler, AADB Re: AADB Membership 2010-2011 Dues: The Board agreed to pay the agency only membership dues as required by statute.

E-mail from Doug Dunbar Re: Cloture for 1st Regular Session of the 125th Legislature: A short list of possible changes needed within the Board statutes will be put together and submitted to PFR.

Review of Radiography Course Syllabus for Licensure: Dr. Zois made a motion stating that the course information qualifies Ms. Cynthia Ambriz to apply for a Maine dental radiography license. Dr. Moyer seconded the motion and it passed unanimously.

Review of Documentation for Dental Radiography Applicant, F.S.: Ms. Denk made a motion to invite Ms. S. in for an interview concerning the yes response. Ms. LaVallee seconded the motion, it passed with Drs. Higgins and Moyer opposed.

Review of Documentation for Dental Radiography Applicant, C.G.: Dr. Cohen made a motion to invite Ms. G. in for an interview concerning the yes response. Ms. LaVallee seconded the motion and it passed unanimously.

E-mail from William F. Buxton, LD Re: Robert Palermo's George Brown Transcripts and Military Record: A letter was drafted by Mr. Buxton, which indicated that Mr. Palermo's previous education does meet the requirements for the new scope of practice for partial dentures. The letter was approved and will be sent to Mr. Palermo.

Basis Statement and Response to Comments Document: Dr. Cohen made a motion to approve the basis statement and response to comments. Dr. Higgins seconded the motion and it passed unanimously.

Addition – Letter Written by Ms. Diane Denk: The Board reviewed a letter written by Ms. Denk, regarding her experience at the recent Regulatory Fairness Board hearing. Ms. Denk made a motion to send a cover letter along with her report of the hearing, to the Commissioner of PFR, letting her know that it will also be forwarded to the BRED Committee members and the Governor's Office. Dr. Cohen seconded the motion and it passed with Dr. Higgins abstained.

Dr. Moyer made a motion to adjourn at 4:41 p.m. Dr. Zois seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson

Executive Secretary