

**Maine Board of Dental Examiners  
Board Meeting Minutes  
October 22, 2010**

The Board convened at 9:00 a.m.

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

**Also Present:** John Bastey, Maine Dental Association; Bonnie Vaughan, IPDH; Michelle Gallant, RDH; Catherine Kasprak, IPDH; Susan Villa; Dr. Gregory Villa; Ms. Jolene Fennessy; Ms. Teresa Crandall; Joan Davis, IPDH; Susan Perron McKusick; Jeffrey Tiner, Catholic Charities of Maine; Daniel Sorneborn, Skelton, Taintor & Abbott; David Wicks, DDS; Howard Bates, DMD; Timothy Oh, DMD; Nelson Henry, DMD; Lynn Warner; Dennis Smith, AAG and Teneale Johnson

**Interviews for IPDH Licensure:**

Jolene Fennessy, RDH and Teresa Crandall, RDH

**Hygiene Subcommittee Report:** Ms. LaVallee reported that the Dental Hygiene Subcommittee interviewed Ms. Christine Walton for a dental hygiene license and recommend that the Board issue her a license. Dr. Cohen made a motion to accept the recommendation. Ms. Denk seconded the motion and it passed with Ms. Collins-Harden recused. Ms. LaVallee also reported that the Subcommittee interviewed Ms. Sherry Donaldson and recommend that the Board grant her a dental hygiene license. Dr. Cohen made a motion to accept the recommendation. Dr. Zois seconded the motion and it passed with Ms. Collins-Harden recused. The Subcommittee also reviewed a letter from a dental hygienist who was questioning what she would need to do to bring her skills up to date, where she has been out of practice for ten years. The Subcommittee agreed to send a letter recommending that she contact the two Maine dental hygiene schools and the dental hygiene school in New Hampshire to see if they have a remedial program available and refer her to the Maine dental hygienist who recently went through a remedial program.

**Motions on IPDH Interviews:**

Dr. Higgins made a motion to grant **Ms. Jolene Fennessy** an independent practice dental hygiene license once her application file is complete. Dr. Zois seconded the motion and it passed unanimously.

Dr. Higgins made a motion to grant **Ms. Teresa Crandall** an independent practice dental hygiene license on January 1, 2011 if her application file is complete. Dr. Zois seconded the motion and it passed unanimously.

**Informal Conference – Complaint 09-38:** Dr. Zois made a motion to enter executive session at 9:41 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. Dr. Zois made a motion to come out of executive session at 10:30 a.m. Ms. Denk seconded the motion and it passed unanimously. Dr. Moyer made a motion to offer the licensee a consent agreement, which would include a license probation of five years and proof of successful completion of continuing education courses pre-approved by the Board President, within six months regarding pain control; fixed prosthetics; and risk management. These courses would need to be attended in person. The licensee would also agree to successfully complete a pre-approved dental ethics course, which may be taken online. Dr. Higgins seconded the motion and it passed with Dr. Cohen recused as the Complaint Officer.

**Complaint 10-34:** This is a Board generated complaint based on the licensee's failure to renew his dental license by December 2009, which resulted in his practicing without a license. Dr. Higgins made a motion to offer the licensee a consent agreement for failure to renew his dental license in a timely manner, which resulted in practicing without a license. The consent agreement would include a fine and would not be reportable to the national data bank. In recognition of the type of work performed by this dentist in this State, the Board agreed to order a reduced fine of \$100. Dr. Theriault seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

Dr. Cohen left the meeting at 10:40 a.m.

**Interview for Radiography License Renewal – Susan Villa:** Dr. Higgins made a motion to renew Ms. Villa's dental radiography license. Dr. Zois seconded the motion and it passed unanimously.

**Meeting with the Maine Medical Professionals Health Program:** Dr. Margaret Palmer and Ms. Mindy Armstrong from the Medical Professionals Health Program presented the Board with a copy of the updated program contracts that they are utilizing. Dr. Palmer and Ms. Armstrong will provide Board staff with a listing of the Caduceus meeting locations throughout the state.

**Complaint 10-33 J. Kippax/K. Smith:** The complainant alleged that he was charged for four dental implants but only three were placed. Dr. Theriault 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. Dr. Higgins made a motion to include in the letter to the patient that the Board concluded that an implant in site number 3 was placed, but ultimately failed and the licensee offered to replace the implant. Ms. Collins-Harden seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

**Meeting with Dr. Timothy Oh:** The Board asked Dr. Oh to provide a report concerning the recent outreach program with New York University and how the event went. Dr. Oh reported

that the event was a success. The preliminary numbers indicate 652 patient visits were performed, and 540 patients were treated. The next proposed visit would be Mid April 2011.

The Board also spoke with Dr. Oh concerning his requests for temporary permits for individuals to practice at his clinic. They wanted to make Dr. Oh aware that they are grateful for what he is doing by trying to encourage dentists to move to Maine, but also want to make him aware that other entities may come in to the State and not be as beneficial as his clinic. Dr. Oh reported that there is an urgent and immediate need for dentists in Maine. Some dental schools and residency programs have recently started issuing temporary permits/licenses where the practitioner would give a one or two month commitment to a certain area. The temporary permit/license gives dentists a chance to come, work, and become familiar with the community.

**Follow up on Request to Amend Consent Agreement – Dr. P.M.:** An additional letter of support was received on behalf of the licensee who was requesting that he no longer be required to submit reports that also are submitted to the Medical Professionals Health Program. The Board chose not to amend its decision from last month, which was not to amend the agreement at this time. The Board will recommend that the licensee put forth an amendment request after August 2011.

**Complaint 10-31:** The complainant alleged that the licensee struck him on the back of the head. Dr. Higgins made a motion to invite the licensee in for an informal conference to discuss the complaint. Dr. Zois seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

**Complaint 10-29 C. Ruff/T. Roy:** The complainant alleged that the licensee provided treatment that was not done as originally presented and that it took more visits to complete the treatment. Dr. Higgins made a motion to dismiss the complaint, as there was no violation of the Dental Practice Act. The letter to the complainant will indicate that the licensee followed appropriate protocols during treatment. Dr. Zois seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

**Meeting with Kneka Smith, Associate Dean, UNE Dental School Re: Statute Changes Needed for Dental School:** A minor correction was made to the drafted language for the proposed legislation. Dr. Higgins made a motion to have staff forward the amended wording of the draft legislation to PFR for the next legislative session and express the Board's support of the legislation. Dr. Zois seconded the motion and it passed unanimously.

Dr. Theriault made a motion that the Board send a letter of support to all major newspapers concerning Question 2, the Dental School Bond Issue. The letter will be sent to Doug Dunbar at PFR for review prior to submitting to the papers. Darlene seconded the motion and it passed unanimously.

**Complaint 10-35 C. Winne/K. Webber:** Complainant alleged that the licensee pulled the incorrect tooth. Dr. Higgins made a motion to dismiss the complaint based on the information provided, as there was no violation of the Dental Practice Act. Ms. LaVallee seconded the motion, it passed with AAG Smith recused from the room, and Dr. Moyer recused as the Complaint Officer.

**Complaint 10-36:** The complainant alleged that the bridge did not last as long as she felt it should have and was prepared negligently. Dr. Zois made a motion to invite the licensee in for an informal conference to discuss fixed prosthetics including basic principles and his communication with patients. Ms. Denk seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

**Complaint 10-41:** The complainant alleged that her root canal treatment failed due to the licensee's incompetence. Dr. Higgins made a motion to invite the licensee in for an informal conference to discuss his endodontic technique and his endodontic retreatment technique. Dr. Zois seconded the motion and it passed with Dr. Moyer recused as the Complaint Officer.

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

**Secretary/Treasurer's Report:** There was nothing to report to the Board.

**Correspondence:** Accepted as an FYI

**President's Desk:**

Dr. Theriault asked whether the Board would be willing to form an Ad Hoc committee to discuss issues that have arisen concerning anesthesia/sedation on-site inspections that have been completed. Dr. Higgins made a motion to form an Ad Hoc Committee to include Dr. Robert Schaedel, Dr. Moyer, Dr. Higgins, Dr. Theriault and Dr. David Pier to look at and make recommendations to the reporting forms for on-site inspections. Dr. Zois seconded the motion and it passed unanimously.

In addition, there have been completed inspection forms sent to the Board office, which have been not received, and there are no backup copies. Board staff will issue another provisional permit to these individuals and wait until after the Ad Hoc Committee has met to resolve the Board's concerns.

**Secretary's Desk:**

**CE Subcommittee Review:** Dr. Moyer made a motion to appoint Ms. Collins-Harden to the continuing education subcommittee in place of Ms. LaVallee. Dr. Higgins seconded the motion and it passed unanimously.

**Board Appointments and/or Reappointments:** Dr. Moyer made a motion to send a letter of support to the Office of the Governor for Ms. LaVallee's reappointment. Dr. Zois seconded the motion and it passed unanimously.

Board staff was asked to obtain a list of the names submitted by the Maine Dental Association for possible appointment to the Board.

**Old Business:** The Board agreed to remove two items.

**Case Milestone Report:** Accepted as an FYI

**Draft Decision on Appeal Re: Fereydoun Haghkerdar, DMD:** Dr. Higgins made a motion to accept the Decision as written and ask Dr. Theriault to sign the document. Ms. Denk seconded the motion and it passed unanimously.

**E-mail from Daniel Steinke, DDS, MAGD Re: Use of Dermal Fillers and Botox:** The Board accepted the letter as an FYI.

**E-mail from Paul S. Zimmerman, DDS, Chief, Dental Services at Togus VA Re: Approval of Basic Life Support Certification:** Dr. Zimmerman reported that the current certification training provided at Togus VA is completed with the didactic portion online and the final training provided in person. Dr. Higgins made a motion stating that completion of the training in this manner is acceptable for our licensees and would not exceed three (3) category I continuing education credits. Dr. Zois seconded the motion and it passed unanimously.

**Request from NYU Re: Advanced Placement for International Dentists in Comprehensive Dentistry and Whether they Qualify for Maine Temporary Permits/Licenses:** Dr. Higgins made a motion stating that at this time, this is not acceptable as qualifying for a temporary license or temporary permit in the State of Maine. All graduates must hold their dental degree from a CODA approved program. Ms. Denk seconded the motion and it passed unanimously.

**Letter from Frances Miliano, Executive Director, MDA Re: Request for Participation on the Dental Board's Ad Hoc Committee on IPDH/PHS:** When there is something concrete to discuss, parties of interest will be invited.

**E-mail from Daniel Eccher, Prescription Monitoring Program Re: Proposed Rule Changes:** The Board had no comments regarding their proposed changes and accepted the information as an FYI.

**E-mail from Jo Craven McGinty Re: New York Times Request for Information:** Her questions had already been answered and this was accepted as an FYI.

**Request for Permission to Provide Free Dentistry Dr. D.N.:** Dr. N made a written request for permission to provide free dentistry at the offices of Dr. Jin Hwang on November 5, 2010. Dr. Higgins made a motion to send a letter indicating the Board's appreciation for informing them of her desire participate in the free dentistry day and approving the request. Ms. LaVallee seconded the motion and it passed with Dr. Theriault recused as the Complaint Officer.

**Request for Office Site Approval for Dental Practice Dr. R.T.:** According to the consent agreement dated September 7, 2010; this dentist's practice location must be pre-approved by the Board. Dr. Higgins made a motion to table this request. The Board would like Ms. Karen Packard to perform an announced office inspection to review infection control and infection control practices in the facility and to report to the Board President at her earliest convenience. If the office is all right, the Board President has the authority to approve the practice site. Dr. Zois seconded the motion and it passed unanimously.

**E-mail from John Bastey Re: Conversations Concerning Public Health Dentistry Forms for School Districts:** The Board briefly discussed this topic and accepted it as an FYI.

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

E-mail from Daniel Eccher, PMP Re: Annual MAPSA Prevention Convention  
E-mail from AG's Office Re: Registration Scoreboard of Prescribers  
Letters from Cynthia Durley, DANB Re: Reporting Fraudulent Certificates/Certificants  
and recently implemented DANB policies and New RHS Review Course  
Memo from Jack Feldesman, NERB RE: 2011 Annual Meeting  
Memo from Anne L. Head, Commissioner PFR Re: Audio/Video Streaming Pilot  
Program  
Various News Articles  
E-mail from Jack Feldesman, NERB Re: New York Bill A. 10638

Dr. Higgins made a motion to adjourn at 4:24 p.m. Dr. Moyer seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson  
Executive Secretary