

**Maine Board of Dental Practice
Board Meeting Minutes
March 10, 2017**

The meeting convened at 9:00 a.m.

Members Present: Drs. Geraldine Schneider; Lisa Howard; Stephen Morse; Paul Dunbar; and Glen Davis; Ms. Nancy Foster, RDH, EFDA; Catherine Kasprak, RDH; and Rowan Morse, Public Member

Member Absent: Kathryn Young, LD

Also Present: Rebekah Smith, Esquire; Steve Collins, Lewiston Sun Journal; Adam Lee; Lorraine Klug, RDH; Bonnie Vaughan, RDH; Ann Marie Grenier, RDH; Amanda Willette, CDA, EFDA; Tricia Spearin, RDH, EFDA; Lauren LaRochelle, AAG; Dr. Howard Bates; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Adjudicatory Hearing Overview with Rebekah Smith, Esquire: Attorney Smith provided an overview of the adjudicatory hearing process for Board members, including roles and responsibilities of the parties involved

Subcommittee on Dental Hygienists Report: Ms. Grenier reported to the following to the Board from its meeting:

- The Subcommittee meeting minutes for January and February were approved;
- The continuing education list was reviewed and Ms. Vaillancourt provided a report to the Subcommittee members on Board issues;
- Public Health Supervision Notification – Kristi Leidemann, RDH – Ms. Leidemann filed a public health supervision notification with the board along with a statement indicating that she did provide public health supervision services prior to filing a notification form. Ms. Grenier reported that the Subcommittee members voted to recommend that the Board initiate a complaint against the licensee in order to investigate a potential violation of Board Rule, Chapter 2, Section III. Dr. Davis made a motion to accept the Subcommittee recommendation. Dr. Morse seconded the motion and it passed unanimously.

Subcommittee on Dental Hygienists Report (Cont'd):

- Dental Hygiene License Renewal Application – Kathleen Clarke, RDH – Ms. Clarke filed a dental hygiene license renewal application which included documentation concerning a medical condition, following the Subcommittee's review of the information received, they voted to recommend that the Board table the renewal application in order to request further documentation from her employer, and from her primary care provider. Dr. Howard made a motion to accept the Subcommittee recommendation. Dr. Davis seconded the motion and it passed unanimously.

- Dental Hygiene License Renewal Application – Meghan Packard – Ms. Packard filed a dental hygiene license renewal application which included documentation concerning an indictment. Ms. Grenier reported that the Subcommittee members voted to recommend that the Board table the renewal application and request documentation from the licensee following the completion of her deferred disposition. Dr. Morse made a motion to accept the Subcommittee recommendation. Ms. Kasprak seconded the motion and it passed unanimously.

Discussion – Draft Basis Statement and Response to Comments – Chapter 14 “Rules for Use of Sedation and General Anesthesia”: The comment period for proposed rule, chapter 14 does not end until March 13, 2017. The Board preliminarily reviewed the comments received to date:

Comments were received regarding the requirement that CO² capnography equipment be utilized during the administration of moderate enteral sedation. These comments indicated that this requirement should not be in place as there is no need for this level of monitoring during the administration of moderate enteral sedation, and no significant health related instances have occurred to warrant this level of monitoring. Another comment received requested that if the monitoring requirement remains in the chapter, that the requirement be phased in over a period of time.

Dr. Morse believes that CO² capnography equipment will eventually become the standard of care when administering all levels of moderate sedation. This technology makes the delivery of anesthesia safer as it provides a significantly faster response, and is more accurate; monitoring is very important during the delivery of anesthesia.

- The Board agreed to not accept this comment.

The proposed rule states that when administering moderate sedation, ECG monitoring be used when a patient has “significant cardiac issues”; Comment was received that this be amended to read when a patient is “classified as an ASA III or higher”.

Discussion – Draft Basis Statement and Response to Comments – Chapter 14 “Rules for Use of Sedation and General Anesthesia” (Cont’d):

- Dr. Dunbar made a motion to accept the comment and change the wording of this section from “significant cardiac issues” to “ASA III or higher”. Dr. Davis seconded the motion and it passed unanimously.

Comments were made as it relates to section V (H) (2) (a) where it states that the dentist must be present for all administration of any sedation. There were concerns with the wording as it does not allow for a dentist to prescribe medications to be taken by the patient prior to arrival at the office for the procedure.

- The Board agreed to accept the comment in part, and to amend the wording to make it clear that this section is not applicable to pre-procedure dosing, and is only meant for personnel in an emergent situation.

The proposed rule currently requires that an individual who provides minimal sedation must display an ACLS algorithm card; A comment was made that an individual who is administering minimal sedation is not required to hold an ACLS certification therefore this requirement should be removed.

- The Board agreed to accept this comment.

Section XIII of the proposed rule speaks to notification requirements when utilizing the services of a sedation provider, or when providing sedation and/or general anesthesia services with a sedation permit. A comment was received stating that the wording may need clarification as to whether the notification is required each time sedation or anesthesia is administered, or only when those services are going to be rendered.

- The Board will not accept this comment as this section is to require an individual to report to the Board within 14 days of a new relationship between an anesthesia provider and a dentist who are looking to provide this service.

The comments and revisions to the draft basis statement and response to comments document will be presented to the Board at its April meeting. If there are any substantive changes made to the proposed rule, it will be re-opened for public comment.

Phase II Statutory Review – Ad Hoc Committee Report: Pursuant to Public Law 2016, c. 429, the Board of Dental Practice is required to report back to the Legislative Committee on Labor, Commerce, Research, and Economic Development, any suggestions or ideas regarding the scope of practice for dental professionals, or practice issues that may have been raised during the 127th Legislative session. Some of the highlights from the Ad Hoc Committee meetings were as follows:

- Elimination of Extern Permits, as students are in an educational setting;
- Development of a Trainee license type for denturist graduates;
- Development of a locum tenens license instead of the multiple types of permits that currently exist;
- Remove the notification/reporting requirements for public health supervision;
- Independent Practice Dental Hygiene Authority – remove the different requirements for authority based on a dental hygiene degree, and further define the number of hours and years of practice;

Other issues discussed include the following:

- Denturists requested that they be allowed to use the designation “DD”. The Board feels that there would be no statutory or rule change needed for this to occur. In the past, denturists were told not to use this designation as it may cause confusion to the public.
- Teeth whitening – Currently, this scope is listed only under the practice of denturism. Discussions occurred as to whether the procedure should be regulated or not. The report can include positions that other State Dental Boards have taken on this matter.
- Faculty licensure – Comments were raised that faculty license applicants should not have to hold a current license in another state or Canadian province. This produces a barrier for recruiting dentists for faculty positions. The report can include positions that other State Dental Boards have taken on this matter.

Minutes – January 6, 2017: Dr. Davis made a motion to approve the minutes as drafted. Ms. Kasprak seconded the motion and it passed unanimously.

Minutes – January 20, 2017: Following review of the draft minutes, and an amendment, Dr. Davis made a motion to accept the minutes as amended. Dr. Dunbar seconded the motion and it passed with Ms. Foster, Ms. Kasprak, and Dr. Howard recused.

Phase II Statutory Review – Ad Hoc Committee Report (Cont’d): Additional items that will be included in the report to the Legislature are as follows:

- Allow an individual who holds an IPDH authority to supervise dental radiographers;
- Expand the scope of practice for an RDH to do sealants without the dentist first examining the patient;
- Development of a “principles of practice” chapter which would include infection control; dental x-ray selection; record keeping requirements; and patient records;
- Allow denturists and hygienists to delegate to unlicensed persons in an independent settings;
- Include local anesthesia and nitrous oxide into the scope of practice for an RDH so that a separate authority/permit is not needed;
- Update the Owner Identification needed for removable prosthetics to reflect current technologies;
- Expand denturists’ scope to include all dental radiographs, and be able to perform abutments on implants.
- Expand the scope of practice for an unlicensed person (i.e. dental assistant) to perform supragingival polishing;
- Licensure for dental assistants; this expansion would require sunrise review.

Executive Director’s Report: Ms. Vaillancourt provided the following updates:

- Legislative Update –A letter has been sent to the Labor, Commerce, Research and Economic Development Legislative Committee requesting that the Phase II Ad Hoc Committee report be submitted no later than April 28, 2017.

Executive Director's Report (Cont'd):

- Rule Making Update - The comments received regarding proposed rule chapter 14 will be presented to the Board at its April 14, 2017 meeting; The Rules Committee members will meet again on March 31st to review the licensing chapters; and Chapter 13 is moving through the rule making process.
- Adjudicatory Hearing Schedule: Ms. Vaillancourt stated that the Board members may need to select additional dates for meetings and/or adjudicatory hearings.
- Statute Review: When there is sufficient time, Ms. Vaillancourt will provide a detailed overview of the Board's new statute.
- Financial Report - Ms. Vaillancourt will arrange for an individual to provide an overview of the State Budget process to the Board members at a future meeting.
- Update on New Investigator/Inspector Position - Ms. Vaillancourt reported that interviews were conducted earlier this week.

Request to Amend Consent Agreement - Complaint Nos. 15-37, 16-46, and 16-70: Dr. Steuer is requesting that his consent agreement be amended to allow him to practice at his Biddeford location, as nitrous oxide is no longer being utilized at that practice. His consent agreement prohibits him from practicing at this particular location, due to nitrous oxide being present. Dr. Davis made a motion to amend the consent agreement to allow him to practice a location where nitrous oxide is not present. Dr. Morse seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

The following items were reviewed and accepted as FYI's:

Continuing Education Approval List
Preliminary Agenda for Upcoming Meetings
Old Business - Maine Medical Professionals Health Program, Draft Protocols
Case Management Reports

Dr. Dunbar made a motion to adjourn at 2:48 p.m. Ms. Kasprak seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary