

**Maine Board of Dental Practice  
Board Meeting Minutes  
April 14, 2017**

The meeting convened at 9:40 a.m.

**Board Members Present:** Drs. Geraldine Schneider; Lisa Howard; Stephen Morse; and Paul Dunbar; Ms. Nancy Foster, RDH, EFDA; Ms. Catherine Kasprak, RDH; Ms. Kathryn Young, LD; and Ms. Rowan Morse, Public Member

**Board Member Absent:** Dr. Glen Davis

**Also Present:** Lorraine Klug, RDH, Maine Dental Hygiene Association; Bonnie Vaughan, RDH, Maine Dental Hygiene Association; Joyce LaRou, RN; Susanne Kuehl, RDH; Mark Franco, Esquire; Ted Hugger; Steve Collins, Sun Journal; Adam R. Lee; David Wicks, DDS; Lauren LaRochelle, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

**Dental Hygiene Subcommittee Report:** Ms. Spearin provided the following report to the Board members from the Subcommittee on Dental Hygienists meeting:

- The Subcommittee approved its minutes for March; reviewed the continuing education approval list, and the preliminary agenda for upcoming meetings.
- Complaint 16-90 - This is a Board generated complaint against the licensee in order to investigate whether they complied with Board Rule, Chapter 2 regarding the notification process for Public Health Supervision (PHS) status. The Subcommittee recommendation is that the complaint be dismissed and a letter of guidance issued to the licensee and would remain on file for six (6) months, and would include a reminder of the notification requirements, as well as the distinction between public health supervision status and independent practice dental hygiene licensure/authority. Dr. Dunbar made a motion to accept the Subcommittee recommendation. Dr. Howard seconded the motion and it passed unanimously.

*Cathy Kasprak provided additional background information on the matter of IPDH and PHS. When IPDH first came into effect, they were not able to be reimbursed for the services provided and therefore the IPDH would obtain public health supervision status.*

- Complaint 16-104 - This is a Board generated complaint in order to investigate whether the licensee complied with Board Rule, Chapter 2 regarding the notification process for Public Health Supervision (PHS) status. The Subcommittee recommendation is that the complaint be dismissed and a letter of

Complaint 16-104 (Cont'd): guidance issued to the licensee and would remain on file for six (6) months, and would include a reminder of the notification requirements, as well as the distinction between public health supervision status and independent practice dental hygiene licensure/authority. Ms. Kasprak made a motion to accept the Subcommittee recommendation. Ms. Foster seconded the motion and it passed unanimously.

- Application for Dental Hygiene License and Nitrous Oxide permit – Doris Richard, RDH: Following review of the application materials, the Subcommittee voted to recommend that the Board grant a license and permit to Ms. Richard, and remind her of the new law which requires licensees to notify the board within 10 days of any change of name or address, any criminal conviction, any licensure action, or any material change from the original application for licensure, and provide MMPHP information. Dr. Howard made a motion to accept the Subcommittee recommendation. Dr. Morse seconded the motion and it passed unanimously.
- Nicole Lachance, RDH – Hygiene License and Nitrous Oxide Permit Renewal – Following a review of the renewal application materials submitted, the Subcommittee voted to recommend to the Board that they grant the license/permit renewal for Ms. Lachance, and remind her of the new law which requires licensees to notify the board within 10 days of any change of name or address, any criminal conviction, any licensure action, or any material change from the original application for licensure. The letter will also provide her with MMPHP information. Ms. Young made a motion to accept the recommendation of the Subcommittee. Dr. Morse seconded the motion and it passed unanimously.
- Kathleen Clarke, RDH – Hygiene License Renewal – Following review of the information received, the Subcommittee voted to recommend that the Board renew Ms. Clarke's license. Dr. Morse made a motion to accept the Subcommittee's recommendation. Dr. Howard seconded the motion and it passed unanimously.

**Initial Complaint Presentations:**

**Complaint 15-2:** A complaint was filed against a dentist by a former patient alleging substandard care regarding crown work performed. After a thorough review and discussion of the complaint materials, Ms. Foster made a motion that this matter be set for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to follow standard of care in placement of crowns; failure to follow standard of care in documenting in patient records; failure to

**Complaint 15-2 (Cont'd)**: follow standard of care in the taking of dental radiographs; failure to follow standard of care in diagnosing and treating caries; and violation of the 2011 consent agreement. Dr. Morse seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Dr. Morse made a motion to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations; reprimand; and agrees not to reapply for licensure, be employed, work, or volunteer in the dental profession, or in a dental setting regardless of licensure or registration requirements, and regardless of compensation. Ms. Foster seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

**Complaint 15-11**: A complaint was filed against a dentist by a former patient alleging dental work performed by the dentist needed to be redone, and there were caries under fillings. After a thorough review and discussion of the complaint materials, Ms. Morse made a motion that this matter be set for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to follow standard of care in documenting in patient record; failure to follow standard of care in placement of crowns; failure to follow standard of care in diagnosing and treating caries; failure to maintain records as outlined in Chapter 9; and violation of the 2011 consent agreement. Ms. Young seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

A motion was made to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations, reprimand; and agrees not to reapply for licensure, be employed, work, or volunteer in the dental profession, or in a dental setting regardless of licensure or registration requirements, and regardless of compensation. The motion was seconded and it passed with Dr. Dunbar recused as Complaint Officer.

**Complaint 15-23**: A complaint was filed against a dentist by a former patient alleging that they had several fillings, and crown work performed by the dentist that was inadequate. Following a thorough review of the materials, Ms. Young made a motion to set the matter for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to maintain records as outlined in Chapter 9; failure to follow standard of care in performing root canals, including lack of appropriate radiographs; failure to follow standard of care in documenting in patient records; failure to follow standard of care in diagnosing and treating caries; failure to follow standard of care in placement of crowns; and violation of the 2011 consent

**Complaint 15-23 (Cont'd)**: agreement. Ms. Foster seconded the motion and it passed with Dr. Morse recused and Dr. Dunbar recused as Complaint Officer.

A motion was made to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations noted above; reprimand; and the inability to reapply for licensure, or work, be employed, or volunteer in the dental field, or in a dental setting whether it requires licensure or registration, and regardless of compensation. The motion was seconded and it passed with Dr. Morse recused, and Dr. Dunbar recused as Complaint Officer.

**Complaint 15-22**: A complaint was filed against a dentist by a former patient alleging that the dentist had provided substandard care with regards to crown placement, cracks in teeth, and caries remaining following restorations. Ms. Kasprak made a motion to set the matter for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to maintain records; failure to follow standard of care in documenting in patient records; failure to follow standard of care in placement of crowns; failure to follow standard of care in diagnosis and treatment of caries; failure to follow standard of care in diagnosis of periodontal disease; and violation of the 2011 consent agreement. Ms. Young seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

A motion was made to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations noted above; reprimand; and the inability to reapply for licensure, or work, be employed, or volunteer in the dental field, or in a dental setting whether it requires licensure or registration, and regardless of compensation. The motion was seconded and it passed with Dr. Dunbar recused as the Complaint Officer.

**Complaint 15-45**: A complaint was filed against a dentist by a former patient alleging substandard care with regards to placement of crowns and root canal therapy. Dr. Howard made a motion to set the matter for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to maintain records; failure to follow standard of care in documenting in patient records; failure to follow standard of care in diagnosis and treatment of caries; failure to follow standard of care in performing root canals; failure to follow standard of care in placement of crowns; failure to meet the standard of care in diagnosis and treatment of periodontal disease; failure to complete restorations to avoid iatrogenic initiation of periodontal disease; and violation of the 2011 consent agreement. Ms. Young seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

**Complaint 15-45 (Cont'd):** A motion was made to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations noted above; reprimand; and the inability to reapply for licensure, or work, be employed, or volunteer in the dental field, or in a dental setting whether it requires licensure or registration, and regardless of compensation. The motion was seconded and it passed with Dr. Dunbar recused as Complaint Officer.

**Complaint 16-36:** A complaint was filed against a dentist by a former patient alleging that the dentist provided substandard care to himself and his wife as it relates to crown work, and not providing an appropriate referral. Dr. Morse made a motion to set the matter for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to respond to the Board as required by statute/rule; failure to maintain records as outlined in Chapter 9; failure to follow standard of care in performing root canals; failure to follow standard of care in documenting in patient records; failure to refer to another provider when necessary; and violation of the 2011 consent agreement. Dr. Howard seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Dr. Morse made a motion to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations noted above; reprimand; and the inability to reapply for licensure, or work, be employed, or volunteer in the dental field, or in a dental setting whether it requires licensure or registration, and regardless of compensation. Ms. Foster seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

**Complaint 15-50:** A complaint was filed against a dentist by a former patient alleging substandard care as it relates to root canal therapy on tooth #30 and a filling on tooth #13. Ms. Morse made a motion to set the matter for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirements; failure to maintain records; failure to follow standard of care in documenting in patient record; failure to follow standard of care in the diagnosis and treatment of caries; failure to follow standard of care in performing root canal therapy; failure to follow standard of care in the diagnosis and treatment of periodontal disease; and violation of the 2011 consent agreement. Ms. Kasprak seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

Ms. Kasprak made a motion to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations noted above; reprimand; and the inability to reapply for licensure, or work, be employed, or volunteer in the dental field, or in a dental setting whether it requires licensure or registration, and regardless of compensation. Ms. Foster seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

**Complaint 15-53:** A complaint was filed against a dentist by a former patient alleging substandard care to his daughter, wife, and himself as it relates to crowns, root canal treatment, and extractions. Ms. Kasprak made a motion to set the matter for an adjudicatory hearing based on the following potential violations: failure to follow practice closure requirement; failure to maintain records; failure to follow standard of care in documenting in patient record; failure to follow standard of care in the diagnosis and treatment of caries; failure to follow standard of care in performing root canal therapy; failure to follow standard of care in the placement of crowns; failure to follow standard of care in tooth extractions; failure to follow standard of care in the diagnosis and treatment of periodontal disease; and violation of the 2011 consent agreement. Dr. Morse seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

Ms. Kasprak made a motion to offer a consent agreement in lieu of a hearing with the following terms: admission to the violations noted above; reprimand; and the inability to reapply for licensure, or work, be employed, or volunteer in the dental field, or in a dental setting whether it requires licensure or registration, and regardless of compensation. Ms. Foster seconded the motion and it passed with Dr. Dunbar recused as Complaint Officer.

**Complaint 16-105:** This is a board generated complaint based on the unlicensed practice of dental radiography from February 1, 2016 through September 11, 2016. Dr. Howard made a motion to ratify the consent agreement that was offered to the licensee at the same time the notice of complaint was sent. Dr. Morse seconded the motion and it passed unanimously.

A motion was also made to amend the delegation chart with regards to the protocol when receiving an application for licensure when there has been unlicensed practice. The delegation of review and processing of applications for reinstatement of a license when there has been unlicensed practice is board staff will reinstate the license, and initiate a complaint against the individual for unlicensed practice. The complaint will then be presented to the Board.

**Complaint 16-106:** This is a board generated complaint based on the unlicensed practice of dental radiography from June 1, 2016 through September 12, 2016. Based on the delegation chart, the license was reinstated, a complaint was issued against the individual for the unlicensed practice, and a consent agreement was offered to resolve the complaint. The licensee did not respond to the complaint, or the offer of consent agreement. Dr. Howard made a motion to re-offer the consent agreement to the licensee, and if there is no response, set the matter for an adjudicatory hearing. Ms. Foster seconded the motion and it passed unanimously.

**Complaint 16-106 (Cont'd):** Ms. Young made a motion to send a letter to the licensed dentist who was supervising the above individuals to make him aware of the statutes and rules regarding licensure requirements. Ms. Kasprak seconded the motion and it passed unanimously.

**Review of Draft Legislative Report - Phase II Review of the Board Statutes:**

Following their review of the draft report and accompanying materials, Ms. Young made a motion to make amendments to the documentation that will be submitted to the Legislative Committee on Labor, Commerce, Research, and Economic Development as a result of Public Law 2016, c. 429. Dr. Morse seconded the motion and it passed unanimously. Dr. Morse made a motion to accept the draft report as amended. Dr. Dunbar seconded the motion and it passed unanimously.

**Review of Comments Received RE: Chapter 14 "Rules for Use of Sedation and**

**General Anesthesia":** Following review of the comments received on proposed rule chapter 14, the Board agreed to amend the proposed rule under section V (C)(2)(g) as it relates to the dentists responsibilities when providing moderate sedation, and office equipment necessary to safely monitor patients. Dr. Howard made a motion to propose the rule as amended and open it back up for public comment. Dr. Morse seconded the motion and it passed unanimously.

*Dr. Howard left the meeting at 2:30 p.m.*

**Application for Moderate Enteral Sedation - Dr. Aatif Ansari:** Following their review of the application materials, Dr. Morse made a motion to grant a moderate enteral sedation permit to Dr. Ansari. Ms. Foster seconded the motion and it passed unanimously.

**Additional Documentation Received RE: Dr. Madalyn Davidson:** Following review of the additional documentation that was requested from the licensee, Dr. Morse made a motion to accept the information. Ms. Young seconded the motion and it passed unanimously.

**Application for Limited Dentist License - George Quittmeyer, DDS:** Following their review of the application materials, Dr. Dunbar made a motion to grant a limited dentist license to Dr. Quittmeyer. Ms. Kasprak seconded the motion and it passed unanimously.

**Application for Dental Licensure - Paul Gualtieri, DDS:** Following review of the application materials, Ms. Young made a motion to grant a dental license to Dr. Gualtieri. Ms. Morse seconded the motion and it passed unanimously.

**Application for Dental Radiography License - Jennifer Fecteau:** Following their review of the application materials, Ms. Young made a motion to grant a dental radiography license to Ms. Fecteau, and remind her of the new law which requires licensees to notify the board within 10 days of any change of name or address, any criminal conviction, any licensure action, or any material change from the original application for licensure. The letter will also provide her with MMPHP information. Dr. Morse seconded the motion and it passed unanimously.

**Application for Dental Radiography License - Erin Chadbourne:** Following their review of the application materials, Ms. Foster made a motion to grant a dental radiography license to Ms. Chadbourne, and remind her of the new law which requires licensees to notify the board within 10 days of any change of name or address, any criminal conviction, any licensure action, or any material change from the original application for licensure. The letter will also provide her with MMPHP information. Ms. Kasprak seconded the motion and it passed unanimously.

**Application for Dental Radiography License - Breanna Cushman:** Following their review of the application materials, Ms. Morse made a motion to grant a dental radiography license to Ms. Cushman. Ms. Young seconded the motion and it passed unanimously.

**Application for Dental Licensure - Paola Hamel, DDS:** Following their review of the application materials, Ms. Foster made a motion to waive the regional examination requirement, and grant a dental license to Dr. Hamel. Dr. Morse seconded the motion and it passed unanimously.

**Minutes:**

- February 10, 2017 – Dr. Morse made a motion to accept the minutes as amended. Ms. Kasprak seconded the motion, and it passed unanimously.
- February 24, 2017 – Ms. Foster made a motion to accept the minutes for February 24, 2017 as amended. Dr. Morse seconded the motion and it passed with Ms. Young and Ms. Kasprak recused.
- March 10, 2017 – Dr. Morse made a motion to accept the minutes as drafted. Ms. Kasprak seconded the motion and it passed with Ms. Young recused.

**Executive Director's Report:**

- Legislative Update
  - LD 1085 – This bill would amend the requirements for independent practice dental hygiene authority by adding a third pathway for

**Executive Director's Report (Cont'd):**

- applicants to qualify, and remove the timeframe by which the clinical practice hours must be obtained.
- LD 1152 – This bill would require licensing boards to establish a process to allow work-authorized immigrants who possess a professional license in another country to practice in Maine while participating in an educational program designed to meet the requirements for full licensure in Maine.
  - Various opioid prescribing legislation - Ms. Vaillancourt informed the Board members that there are a variety of legislative initiatives regarding opioid prescribing that either directly or indirectly impact the Board's statute.
- Rulemaking Update – Chapter 14 will be re-opened for public comment based on the Board's discussion earlier in the meeting; Chapter 13 is going through the rule making process; the Rules Committee members met on March 31<sup>st</sup> and reviewed Chapters 2 and 11 regarding hygiene licensure to fully implement the provisions of the new Dental Practice Act.
  - Adjudicatory hearing schedule – There will be hearings scheduled over the course of the next few months.
  - Financial Report – An overview of the State's Budget processes will be provided to the Board at a future meeting.
  - Other: Ms. Vaillancourt reported that the Maine Medical Professionals Health Program will present its annual report to the Board at the June 9<sup>th</sup> meeting and will request both the Dental Hygiene and Denturist Subcommittee members to be present for the presentation.
  - National Practitioner Data Bank (NPDB) Compliance Review – Ms. Vaillancourt reported that there was a recent compliance review performed by the NPDB to determine whether the Board was compliant with its federal mandated reporting requirements and received a 100%.
  - Ms. Vaillancourt informed the Members that she recently presented at the Maine Dental Hygiene Association meeting to provide an overview of the various changes with the Board of Dental Practice. There was good discussion and dialogue with the attendees.

**Executive Director's Report (Cont'd):**

- Investigator/Inspector Position – HR will evaluate the candidates and interviews will be held.
- Statute review – When time permits, Ms. Vaillancourt will provide an overview of the Board's statute.

**Complaint 06-126 – Compliance Documentation and Letter from Licensee dated February 21, 2017:** Pursuant to 1 M.R.S. Section 405 6 (E & F) the Board entered executive session to discuss confidential medical information. The Board came out of executive session at 3:19 p.m. Ms. Foster made a motion to send a letter to acknowledge receipt of the letter dated February 21, 2017 from the licensee and agreed to modify the language of the consent agreement with the licensee to remove the nitrous oxide testing. Dr. Morse seconded the motion and it passed unanimously.

**Letter from Nathan Goff, DMD RE: Dental Office Incident:** Following their review of the letter received from Dr. Goff, Ms. Kasprak made a motion to send a letter to acknowledge receipt of the notification and thanking him for the information. Ms. Young seconded the motion and it passed unanimously.

**Notification of Licensee Employment Termination for Reasons Related to Clinical Competence:** The Board voted to enter executive session pursuant to 1 M.R.S. section 405 6 (E & F) to discuss confidential material. Once of executive session, Dr. Morse made a motion to send a communication to the licensee outlining the requirements of that license limitation for the particular license type. Ms. Young seconded the motion and it passed unanimously.

**Letter from Dr. Jeff Sloan RE: Request to Reactivate Maine Dental License:** Following their review of the letter from Dr. Sloan, Dr. Morse made a motion to approve his request to reactivate his Maine dental license upon receipt of proof of a current CPR certification. Dr. Dunbar seconded the motion and it passed unanimously.

**Letter from Dr. Robert Beebe RE: Sale of Practice:** Following their review of the letter, Ms. Young made a motion to send a letter to Dr. Beebe thanking him for his years of service to Maine people. Ms. Foster seconded the motion and it passed unanimously.

The following agenda items were accepted as FYI's:

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

Dr. Morse made a motion to adjourn at 2:51 p.m. Ms. Kasprak seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson  
Executive Secretary