

**Maine Board of Dental Practice
Board Meeting Minutes
May 12, 2017**

Meeting convened at 8:00 a.m.

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

Also Present: Adam Lee, Esquire; Bonnie Vaughan, RDH; Dr. Howard Bates; Rebecca Farnum, Esquire; Brendan O'Rourke, Esquire; Dr. Paul Best; Dr. James Schmidt; Dr. Davis Wicks; Dr. Susan DellaRipa; Dr. Catherine Bunin-Stevenson; Alexandria Stevenson; Andrew Black, Assistant Attorney General; Rebekah Smith, Esquire; James Bowie, Assistant Attorney General; Lauren LaRochelle, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Minutes – April 14, 2017: Dr. Howard made a motion to table the review of the April minutes. Dr. Morse seconded the motion and it passed with Dr. Davis recused from the motion.

Board Chair Report:

- Dr. Schneider asked whether the Board members would be interested in working with dental schools in the Northeast Region to use as a resource when remediation is needed as a result of disciplinary action taken. The Board would identify the area of remediation and refer the licensee to a choice of schools who could provide assistance to the licensee. The Board agreed to have Staff do additional research and present the information back to the Board at a future meeting.

Executive Director's Report:

- Legislative Update:
 - LD 1085 – This bill creates a 3rd pathway to qualify for independent practice dental hygiene authority. At the LCRED committee work session, the bill passed with an amendment that the applicant document 2,000 clinical hours regardless of degree and timeframe, and included an emergency preamble;
 - LD 1152 – This bill authorizes licensing boards to identify flexible certification and licensing requirements for skilled foreign workers. At the LCRED committee work session, the bill was voted out ought not to pass;

Executive Director's Report (Cont'd):

- LD 1566 – This bill is an initiative to remove the criminal background questions posed on applications for employment and licensure. There was discussion of an amendment to remove provisions mandating licensing boards and private employers from this initiative, but at the work session the LCRED committee voted to carry the bill over into the next legislative session to allow the sponsor of the bill to work with various stakeholders to discuss the proposal and any proposed amendments.;
- Phase II Statute Review Report – The Board's report to the Committee was submitted on April 28, 2017. The LCRED committee may consider proposing changes during the 128th Second Regular Session.

- Rulemaking Update:
 - Chapter 14 – Ms. Vaillancourt reported that this rule has been re-opened for a 30 day public comment period based on the Board's acceptance of a substantive change to the proposed rule. The comment period will end June 3, 2017;
 - Chapter 13 – Ms. Vaillancourt reported that this rule has been forwarded to the Commissioner of the Department of Professional and Financial Regulation for Review/Approval and it is anticipated that the rule making hearing will be set for July 14th.

- Adjudicatory Hearing Schedule:
 - The Board will be holding an adjudicatory hearing later today.

- Statute Review Update:
 - Ms. Vaillancourt will provide the Board with a detailed overview of the Board's new statute at a future meeting.

- Financial Report:
 - Ms. Vaillancourt will invite an individual to a future meeting to go over the State Budget process for the Board Members.

Revised Application for Moderate Parenteral Sedation – Genko Stanilov, DMD: Based on information received from the applicant, Dr. Howard made a motion to table Dr. Stanilov's application for a moderate parenteral sedation permit. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Extern Registration – Ryan Salamon: Following their review the application and accompanying materials, Dr. Dunbar made a motion to grant the dental extern registration to Mr. Salamon, and provide him with information regarding the Maine Medical Professionals Health Program, and remind him of reporting requirements in Board statute 32 M.R.S. §18352. Dr. Davis seconded the motion and it passed unanimously.

Application for Dental Licensure – Helen Nahouraii, DMD: Following their review of the application materials, Dr. Davis made a motion to grant a dental license to Dr. Nahouraii. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Extern Registration – Christopher Castonguay: Following their review the application materials, Dr. Howard made a motion to grant a dental extern registration to Mr. Castonguay and to forward information regarding the Maine Medical Professionals Health Program, and remind him of reporting requirements outlined in Board statute 32 M.R.S. §18352. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Licensure – Shilo Annis: Following the Board’s review of the application materials, along with a copy of an advertisement that was forwarded to the Board, Dr. Dunbar made a motion to send an informational letter to Dr. Leslie Elston who placed an advertisement which referred to Mr. Annis as a doctor, prior to him obtaining his degree or a license from the Board. The letter will inform Dr. Elston that the advertisement could have been deemed false and misleading advertising and providing a copy of the letter to Mr. Annis. Dr. Davis seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Tanya Willis: Ms. Willis filed an application for a dental radiography license and answered no to the criminal conviction question. When Ms. Willis’ criminal background check was returned, there were convictions noted. Dr. Dunbar made a motion to grant a dental radiography license to Ms. Willis and send a letter explaining how answering a question inappropriately could be interpreted as misrepresentation on the application and reminding her of reporting requirements outlined in Board statute 32 M.R.S. §18352. Ms. Young seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Brianna Stoddard: Following their review of the application materials, Ms. Foster made a motion to grant a dental radiography license to Ms. Stoddard, and remind her of the reporting requirements in Board statute 32 M.R.S. §18352. Dr. Morse seconded the motion and it passed unanimously.

Rule Making Timeline – Chapter 14: The Board accepted the information as an FYI.

Review of NYU Lutheran AEGD Residency Program Approval: New York University is partnering with the University of New England, College of Dental Medicine on an AEGD Residency program. Dr. Davis made a motion to accept the residency program as outlined in the materials provided. Dr. Dunbar seconded the motion and it passed unanimously.

E-mail from Paul Andrews Re: Teeth Whitening Services: A motion was made to table this agenda item until the June meeting.

E-mail from Jim Moran Re: In Office Teeth Whitening by Unlicensed Person: Dr. Dunbar made a motion to table this agenda item until the June meeting. Dr. Morse seconded the motion and it passed unanimously.

Informal Complaint 17-35: Following their review of the information received, Dr. Schneider made a motion to initiate a board complaint based on the information presented which indicates problems with the licensee's implant dentistry, including improper implant preparation and placement. Dr. Davis seconded the motion and it passed unanimously.

Ten Day Notification – Report of Criminal Conviction: Following the Board's review of the information received, Ms. Foster made a motion to initiate a formal complaint against the licensee based on 10 day reporting requirement and the alleged underlying conduct regarding the criminal conviction. Dr. Howard seconded the motion and it passed unanimously.

The agenda items not addressed were tabled until the Board's next meeting.

Adjudicatory Hearing – Complaint 16-117 Susan DellaRipa, DMD: Hearing Officer Rebekah Smith was present for the hearing; Dr. Susan DellaRipa was present and represented by Rebecca Farnum, Esquire and Brendan O'Rourke, Esquire; James Bowie, Assistant Attorney General was present and representing the State. The hearing was held in response to a board order of immediate suspension of licensure pursuant to 5 M.R.S. §10004(3).

Witnesses for the State included Dr. Michele Spekhardt, Dr. Stephen Morse, and Dr. Paul Best. Witnesses for the Licensee included Dr. Catherine Bunin-Stevenson, Dr. Susan DellaRipa, and remaining witnesses will be presented at the second day of hearing which is scheduled for June 16, 2017.

Adjudicatory Hearing – Complaint 16-117 Susan DellaRipa, DMD (Cont'd):

As part of the proceedings the Board considered the following motions:

1. Licensee's motion to Strike or Vacate the Immediate Suspension dated April 24, 2017, and accompanying exhibits;
2. State's response to the Licensee's Motion to Strike or Vacate the Immediate Suspension dated May 3, 2017;
3. Licensee's Reply in Support of the Motion to Strike or Vacate the Immediate Suspension dated May 9, 2017; and
4. Recommended Decision on Licensee's Motion To Strike And/Or Vacate Order of Immediate Suspension as drafted by Hearing Officer Rebekah Smith.

After review and discussion of the motions, the Board voted to accept the Hearing Officer's recommendation to deny the Licensee's Motion to Strike and Vacate the Immediate Suspension imposed on her license on January 23, 2017.

Dr. Glen Davis made the motion, and Dr. Paul Dunbar seconded the motion and the motion was passed unanimously.

Participating Board members were Dr. Geraldine Schneider, Dr. Paul Dunbar, Dr. Glen Davis, Ms. Catherine Kasprak, RDH, Ms. Nancy Foster, RDH, EFDA, and Ms. Rowan Morse, Public Member

Recused Board members were Kathryn Young, LD and Dr. Lisa Howard.

The adjudicatory hearing recessed at 4:43 p.m.

Dr. Davis made a motion to adjourn the meeting at 4:45 p.m. Ms. Kasprak seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary