

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

Meeting convened at 9:02 a.m.

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

Also Present: Lorraine Klug, RDH; Ann Marie Grenier, RDH; Tricia Spearin, RDH, EFDA; David Wicks, DDS; Adam Lee, Esquire; Lauren LaRochelle, Assistant Attorney General; Christopher Taub, Assistant Attorney General; Anne L. Head, Commissioner Department of Professional and Financial Regulation; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Dr. Schneider reported that she will be retiring from the Board effective at the end of today's meeting.

Meeting with Anne L. Head, Commissioner Department of Professional and Financial Regulation: Anne L. Head, Commissioner, Department of Professional and Financial Regulation provided legislative updates, financial updates, and board membership updates. There was discussion with the Board regarding various processes used by the Office of Professional and Occupational Regulation that parallel the Board's processes, i.e. complaint procedures and adjudicatory hearings. Discussion also centered on how best to utilize staff, and reduce expenses to operate more efficiently. There was discussion about the unique practice of dentistry and the role of board members to bring forward practice issues impacting the regulations.

Minutes – June 30, 2017: Ms. Foster made a motion to accept the June 30, 2017 minutes as drafted. Dr. Howard seconded the motion and it passed with Dr. Morse, Dr. Davis, Dr. Dunbar, and Ms. Kasprak recused.

Subcommittee on Dental Hygienists Update: Ms Grenier provided the following information to the Board from the Subcommittee on Dental Hygienists meeting:

- The Subcommittee reviewed information from Belinda Poor, RDH regarding Public Health Supervision (PHS) activities performed without an assigned PHS ID number. The Subcommittee voted to table the agenda item in order to obtain further information from Ms. Poor.

Subcommittee on Dental Hygienists Update (Cont'd):

- The Subcommittee reviewed applications for licensure for Ms. Jennifer Burns, and Ms, Jaime Blumenthal. Their recommendation to the Board is to approve licensure for both applicants. Dr. Morse made a motion to accept the recommendation for Ms. Jennifer Burns. Dr. Davis seconded the motion and it passed unanimously. Dr. Davis made a motion to accept the recommendation for Ms. Jaime Blumenthal. Dr. Morse seconded the motion and it passed unanimously.

- Dr. Davis made a motion to accept the recommendation regarding Ms. Belinda Poor, and that the matter be tabled in order to request further clarification regarding her PHS activities. Dr. Dunbar seconded the motion and it passed unanimously.

Decision and Order – Case #16-117 – Susan DellaRipa, DMD: Dr. Dunbar made a motion to accept the final draft of the Decision and Order. Ms. Foster seconded the motion and it passed with Dr. Morse, Dr. Howard, Dr. Davis, Ms. Kasprak, and Ms. Young recused.

Executive Director's Report:

- Legislative Report:
 - Ms. Vaillancourt reported that the Legislature recently passed the Budget bill;

 - Legislation passed which revised the qualifications for an individual to obtain an independent practice dental hygiene (IPDH) authority. Ms. Vaillancourt informed the members that the IPDH authority application has been revised to show that an applicant must show proof of 2,000 clinical practice hours no matter if they hold an associate's or bachelor's degree in dental hygiene, and the hours need not be obtained within a certain timeframe;

 - Ms. Vaillancourt made the Members aware that there have been numerous inquiries made to the office regarding the new opioid law and the new prescribing requirements as a result of an informational letter that was sent to all dentists;

 - Finally, Board staff will be drafting an informational letter for licensees regarding legislation passed this session.

Executive Director's Report (Cont'd):

- Rulemaking:
 - The Board will be holding a public hearing on Board Rule, Chapter 13 later today;
 - The Office of the Attorney General is performing a legal review of Chapter 14; and
 - The Board will be reviewing proposed changes to Chapter 11.
- Statute review – When time permits, Ms. Vaillancourt will provide an overview of the Board's statute.
- Commission on Dental Competency Assessments (CDCA) participation – Ms. Vaillancourt discussed with the Board the distinction between serving as an examiner for the CDCA in an official state capacity, versus serving as an examiner for the CDCA by virtue of qualifying to examine based on prior or current membership to the Board of Dental Practice. Serving as an examiner for the CDCA is not an official state board function.
- Financial Report: There will be a significant transfer made from dedicated accounts to the State's General fund. Board staff recommended that it reduce the annual contract with the Maine Medical Professionals Health Program from \$25,000 to \$15,000. Dr. Morse made a motion to accept the recommendation. Ms. Foster seconded the motion and it passed unanimously.
- Board staff will present suggested changes to the current questions that are posed on initial license applications and renewal applications.

Briefing on Pending Litigation with Christopher C. Taub, Assistant Attorney General:

Dr. Howard made a motion to enter executive session to obtain legal advice pursuant to 1 M.R.S. § 405(6)(E). Dr. Morse seconded the motion and it passed unanimously. Dr. Davis made a motion to come out of executive session at 11:09 a.m. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Licensure – Kristin Adair, DDS: Following the Board’s review of the application materials, Ms. Foster made a motion to grant dental licensure to Dr. Adair. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Licensure – Brett Morgan, DMD: Following its review of the application materials for Dr. Morgan, Dr. Dunbar made a motion to grant him a dental license and remind him 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 him with Maine Medical Professionals Health Program (MMPHP) information. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Radiography License – Nichole Gallagher: Following the Board’s review of the application materials, Dr. Howard made a motion to grant a dental radiography license to Ms. Gallagher. Ms. Kasprak seconded the motion and it passed unanimously.

Addition: *The Board would like Staff to develop for their review, a decision tree whereby certain convictions reported on applications for licensure/renewal be reviewed and approved by Board Staff.*

Constantine Vlassopoulos, DDS – CPR Certification: Dr. Vlassopoulos provided a current CPR certification which was requested of him when he first obtained his license on May 20, 2016. Dr. Vlassopoulos had a certification from Greece at that time. Once he moved to the States and obtained a CPR certification, Board staff requested that he forward a copy. Ms. Foster made a motion to send a letter to Dr. Vlassopoulos thanking him for the response and reminding him of the Statutes and Rules as it relates to continuing CPR certification. Dr. Morse seconded the motion and it passed unanimously.

Complaint Cases 15-37, 16-46, and 16-70 RE: Practice Monitor Notification/Approval and June Compliance Report from Practice

Monitor: The current Practice Monitor for Dr. David Steuer has submitted a letter to the Board to inform them that he is no longer able to continue as his Monitor past the month of July 2017 due to unforeseen circumstances. Dr. Steuer presented the Board with proposed three additional names for their consideration as a Practice Monitor. Dr. Howard made a motion to approve Dr. Wayne LaRiviere as the Practice Monitor for Dr. David Steuer beginning August 1, 2017. Ms. Kasprak seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Complaint Cases 15-37, 16-46, and 16-70 RE: Practice Monitor Notification/Approval and June Compliance Report from Practice Monitor (Cont'd): Dr. Davis made a motion to approve the June compliance report from the current Practice Monitor. Ms. Kasprak seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer. Ms. Kasprak made a motion to send a letter to Dr. Griffee, thanking him for serving as Dr. Steuer's Practice Monitor. Dr. Davis seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Complaint Case 06-126 – Compliance Review; Consideration to Amend Consent Agreement: This licensee was initially issued a conditional license by consent agreement on September 15, 2006. The licensee is requesting to be released from consent agreement with the board and reported that he is currently under a senior monitoring contract with the Maine Medical Professionals Health Program (MMPHP). Ms. Kasprak made a motion to amend the consent agreement to require the licensee continue with the senior monitoring contract with the MMPHP. Dr. Dunbar seconded the motion and it passed unanimously.

Chapter 11 “Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licenses and Authorities”: The Board's legal counsel made recommended changes to the draft proposed rule. Ms. Young made a motion to accept the recommendation of legal counsel, and voted to propose chapter 11 as amended. Dr. Morse seconded the motion and it passed unanimously.

Chapter 13 Timeline: The information was accepted as an FYI.

Chapter 14 Timeline: The information was accepted as an FYI.

Letter from Dr. Lani Graham, Medical Professionals Health Program: The letter was accepted as an FYI.

Letter from Gordon Smith, Esq., Maine Medical Association: The letter from Attorney Smith was accepted as an FYI.

Rule Making Hearing – Chapter 13 “Continuing Education”:

This public hearing is for purposes of accepting comments to the Board's proposed rule, Chapter 13. The deadline for comments to be submitted on this proposed rule is set for July 26, 2017. The following public comments were presented at the hearing:

Rule Making Hearing – Chapter 13 “Continuing Education” (Cont’d):

Dr. Kyra Chadbourne – Maine Dental Association (MDA)

- The additional content area of completing 3 hours in opioid medication prescribing is recognized by the MDA as important and understands the current social problems. However, the MDA is wondering what the long term plan is as 3 hours is a lot every renewal cycle. For example, will the hours reduce over time if the problem changes.
- They are also requesting clarification of how the Board determined that and additional six hours in sedation and/or anesthesia training is needed each biennium for licensees who hold a moderate sedation of general anesthesia permit with the Board.
- The MDA requests that the Board clarify “repetition of certain activities” and whether it means subject matter, or the exact course.
- The MDA objects to the elimination of computer trainings, practice management, billing trainings as topics qualifying for continuing education towards license renewal.
- The MDA requests that rather than eliminating “reading activities” as acceptable continuing education credit, they reduce the amount that can be used towards license renewal.
- The MDA requested the reasoning for eliminating categories from the proposed rule, and why non-clinical hours are eliminated altogether.

Lorraine Klug, RDH – Immediate Past President of the Maine Dental Hygiene Association (MDHA)

- The MDHA would like to suggest that the Board mandate a course in infection control of possibly one or two credits for all licensees.
- The MDHA suggests that the EFDA licenses be moved from a five-year renewal, to a two-year renewal cycle and require twenty continuing education credits for renewal. The proposed rule is unclear whether the credits for an RDH license renewal can also be used for the EFDA renewal, and the MDHA requests that this be clarified for those that hold both license types.

Rule Making Hearing – Chapter 13 “Continuing Education” (Cont’d):

- The MDHA suggests that the Board amend its rules to require all dental office personnel be certified in CPR. They also suggest that there also be a rule which requires all offices to have an AED.
- The MDHA requests that the Board clarify what “in-service training” is, and what qualifies as an in-service training. They are concerned that there is no limit to the amount of in-service training as the rule currently reads.
- The MDHA requests that the Board consider listing the following as acceptable courses for continuing education: nitrous oxide course, local anesthesia course, EFDA course, and the mandatory child abuse reporting course.
- The MDHA requests that the rule clarify how one determines the hours that can be claimed for clinical supervision, grand rounds, or published articles.
- Clarification is needed regarding the section about repetition of certain activities will not be accepted. The MDHA suggests that it read “the repetition of the same continuing education course” instead of “activity”.
- The proposed rule states that computer training and billing and coding are not eligible for credits. The MDHA believes that these subjects are related to the clinical practice and suggests that they be considered for credit towards license renewal.
- The proposed rule states that alternative therapy is not eligible for credit. The MDHA is concerned that alternative therapy can be things directly related to dental care and suggests that a different term be used.
- The MDHA believes that the Board should only grant continuing education extensions for extenuating circumstances, as this has not been done in past.

The rulemaking hearing closed at 1:26 p.m. The Board will review all written and oral comments at a future meeting.

Dr. Morse made a motion to adjourn the meeting at 1:27 p.m. Dr. Davis seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary