

**Maine Board of Dental Practice
Board Meeting Minutes
September 15, 2017**

The meeting convened at 9:10 a.m.

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

Also Present: Lauren LaRochelle, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Minutes – August 11, 2017: Dr. Morse made a motion to approve the minutes as drafted. Ms. Foster seconded the motion and it passed unanimously.

Board Chair Report: Dr. Howard provided an article entitled “Role of a Person on the Governing Body of a Regulatory Entity” written by Barbara Smith. regarding an overview of participation on a regulatory board. The article included excerpts taken from board member manuals from other state regulatory boards.

Minutes – August 11, 2017 (Revisited): Board staff requested that the Board revisit the minutes, in particular, complaint 15-47 and the votes taken. The Board agreed with the minutes as written; no further vote was needed.

Subcommittee on Dental Hygienists Report:

- The Subcommittee approved their meeting minutes from their August 11, 2017 meeting;
- The Subcommittee reviewed the continuing education approval list and the preliminary agenda for upcoming meetings and accepted the information as an FYI;
- The Subcommittee members voted to recommend to the Board to delegate to Board staff the review and approval of student loan default disclosures, which include an explanation and/or a repayment plan;
- PHS notification – Belinda Poor, RDH – The Subcommittee and Board had requested further information concerning the public health supervision notification form submitted by Ms. Poor. Following the Subcommittee’s review of the information, they recommended that the Board send a letter to Ms. Poor reminding her of the public health supervision notification process.

- Nitrous oxide permit application: Maria Comeau, RDH submitted an application for a nitrous oxide permit. Board staff brought forward the course and course content for review to determine whether it met the requirements outlined in Board Rule, Chapter 2. The Subcommittee recommends that the Board approve the course, and that Ms. Comeau be issued a nitrous oxide permit.
- RDH licensure, local anesthesia permit, nitrous oxide permit applications: Ms. Jessie Robinson filed an application and provided disclosures on the application requiring further review. Ms. Young made a motion, which was seconded by Ms. Foster, to go into executive session pursuant to 1 M.R.S. Section 405(6)(F) to discuss information related to Ms. Robinson's application, which is confidential pursuant to 22 M.R.S. § 1711-C(2). Dr. Howard made a motion, which was seconded by Dr. Morse, to come out of executive session. Following their review and discussion of the application materials, the Subcommittee voted to recommend that the Board approve all applications.
- RDH licensure application: Ms. Kelly Lyon filed an application and answered "yes" to the criminal background disclosure question. After a review and discussion of the information submitted by the applicant, the Subcommittee voted to recommend that the Board grant a license to Ms. Lyon upon completion of her application file.
- The Subcommittee members reviewed the revised application questions and recommended that the board accept the questions as presented, and to make the questions applicable to all license types.

Ms. Foster made a motion to accept the Subcommittee recommendation to the delegate to Board staff the review and approval of student loan disclosures that provide an explanation and/or a repayment plan. Dr. Morse seconded the motion and it passed unanimously.

Dr. Dunbar made a motion to accept the Subcommittee recommendation to grant Ms. Robinson a dental hygiene license, nitrous oxide permit, and local anesthesia permit. Ms. Kasprak seconded the motion and it passed unanimously.

Ms. Kasprak made a motion to approve the nitrous oxide course taken by Ms. Comeau and grant a permit upon receipt of a signed letter from the course administrator/official. Ms. Foster seconded the motion and it passed unanimously.

Dr. Davis made a motion to accept the recommendation to grant Ms. Lyon a dental hygiene license upon completion of her application file. Dr. Dunbar seconded the motion and it passed unanimously.

Ms. Foster made a motion to accept the Subcommittee recommendation to send a letter to Belinda Poor, outlining the public health supervision notification process. Ms. Kasprak seconded the motion and it passed unanimously.

Dr. Morse made a motion to accept the Subcommittee's recommendation to use the new application questions as presented and make them applicable to all license types. The motion was seconded and it passed unanimously.

Application for Dental Licensure – Bernard W. Ang, DMD: Dr. Dunbar made a motion, which was seconded by Ms. Young, to go into executive session pursuant to 1 M.R.S. Section 405(6)(F) to discuss information related to Dr. Ang's application, which is confidential pursuant to 22 M.R.S. § 1711-C(2). Dr. Davis made a motion to come out of executive session at 10:18 a.m. Dr. Morse seconded the motion and it passed unanimously.

Following review of the application materials, including a discussion of the applicant's non-disclosure on the application, Dr. Dunbar made a motion to grant a dental license to Dr. Ang and to send him a letter of guidance pursuant to 10 M.R.S., Chapter 901 §8003 (5) (E). The Board will be issuing Dr. Ang a letter of guidance which includes information regarding 32 M.R.S., Chapter 143 §18325 (1) (A) that all applications are to be answered fully/truthfully, as this is what the Board relies upon when considering whether a license should or should not be granted. The letter of guidance will remain on file for ten years. Dr. Ang will also be sent a letter reminding him of the reporting requirements pursuant to 32 M.R.S., Chapter 143 §18352. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Jessica Maher: Ms. Maher answered "yes" to the criminal conviction disclosure question. Ms. Maher's background check report included additional arrests/convictions to which she did not disclose. Following a review of all application materials, Ms. Foster made a motion to approve her application for licensure and provide a letter reminding her of her reporting responsibilities pursuant to 32 M.R.S., Chapter 143 §18352. Dr. Dunbar seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Crystal DaCosta: Ms. DaCosta filed a dental radiography application with the Board. The applicant included a statement that she had practiced dental radiography in Maine from

December 19, 2015 through July 19, 2017 without first obtaining a license. Dr. Dunbar made a motion to preliminarily deny the application and offer a consent agreement to address the unlicensed practice. Dr. Morse seconded the motion. The consent agreement would include an admission to the unlicensed practice, a warning, and a \$50.00 monetary penalty to be paid within 90 days from final signing of the agreement. Ms. DaCosta's license would not be issued until the agreement has been fully executed. The motion passed unanimously. Additionally, Ms. Foster made a motion to send a letter to the two licensed dentist whom Ms. DaCosta indicated provided direct supervision to her during the timeframe listed above. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Teneitra Grenier:

Following the Board's review of the application for Ms. Grenier, Ms. Foster made a motion to table the application in order to request further information from her health care providers, including a copy of any evaluations completed. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Ann Fotino: Ms. Fotino filed an application and answered "yes" to the criminal background disclosure question. Following the Board's review of the application and additional documents regarding the criminal conviction from 2008, Ms. Morse made a motion to grant a dental radiography license upon receipt and review of any missing application materials. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Ashley Stinson: Ms. Stinson filed an application for a dental radiography license and provided a "yes" response to the student loan default question. Ms. Stinson did not obtain licensure within 5 years of taking the dental radiography examination as she was practicing lawfully in another state since 2007. Following the Board's review of the application materials, Ms. Young made a motion to grant Ms. Stinson a license. Dr. Davis seconded the motion and it passed unanimously.

Executive Director's Report:

- Ms. Vaillancourt provided an overview of the recently adopted Board Rule Chapter 14;
- Legislative Update: An informational letter will be sent to licensees information them of any new legislation that directly impacts the board statute, and/or the practice;
- Rulemaking Update: An information letter was sent out to licensees concerning Board Rule, Chapter 14. Board Rule, Chapter 13 is back in

the Governor's Office for review based on the Board's acceptance of substantive public comment. The various draft proposals for the licensing chapters are currently in Executive review. Ms. Vaillancourt also informed the Board that there is flexibility under the APA provisions such that only three board members are required to be present for a state agency rule-making hearing;

- **Adjudicatory Hearing Schedule:** The Board has set two dates in September and two dates in November for hearing;
- **Financial Report:** The Board accepted the reports as an FYI;
- **Application Questions:** Following their review, Dr. Davis made a motion to accept the application questions as presented. Ms. Kasprak seconded the motion and it passed unanimously;
- **Delegation Chart:** Ms. Young made a motion to delegate to Board staff, the review and approval of applications whereby the applicant has disclosed a student loan default, so long as an explanation and repayment plan has been identified by the applicant/licensee. Dr. Davis seconded the motion and it passed unanimously;
- **Statute Review:** Ms. Vaillancourt will provide the Board with an overview of the Board's new statute at a future meeting;
- **Dr. Davis made a motion to authorize staff to collect a prorated fee of \$200 for sedation/anesthesia permits due to the new rule change. Dr. Dunbar seconded the motion and it passed unanimously.**

Complaint 15-5 – Consideration to Amend Consent Agreement: The Board, in an earlier vote, offered the Licensee a consent agreement with certain conditions, in order to resolve complaint number 15-5. The Licensee's attorney requested amendments to the proposed agreement which were accepted, in part. Following the Board's review of the request, Ms. Foster made a motion to accept the proposed changes as recommended by the complaint officer to covenant 12 (b) as presented. Dr. Morse seconded the motion and it passed with Dr. Davis recused as Complaint Officer.

Discussion of Pending Matters Filed by Parties (Complaint Nos. 16-5, 16-6, 16-19 through 16-22, 16-37 through 16-40, 16-42, 16-43, 16-45, 16-47, 16-69, 16-71, and 16-103) – F. Mark Terison, Hearing Officer: Hearing Officer F. Mark Terison, Esq. requested a meeting with the members of the Board for purposes of discussing pending matters filed by the parties.

Dr. Davis made a motion, which was seconded by Ms. Young to go into executive session pursuant to 1 M.R.S. Section 405(6)(E) so that the Board can consult with its attorney concerning the legal rights and duties of the Board with respect to pending matters filed by the parties, which is confidential pursuant to 22 M.R.S. § 1711-C(2). Dr. Davis made a motion to come out of executive session at 1:45 p.m. Dr. Morse seconded the motion and it passed unanimously.

The following information was accepted as an FYI:

- MPHP Policies – The Maine Medical Professionals Health Program (MPHP) recently adopted several policies which were shared with the Board.
- Insert date Letter from AAOMS Re: Anesthesia Safety
- Insert date E-mail from Leah Diane Howell RE: Regional Testing Agency Response to Talking Points for the ADA DLOSCE
- 2017 ADEX Highlights

Continuing Education Approval List: The Board reviewed the list and accepted the information as an FYI.

Preliminary Agenda for Upcoming Meetings: Ms. Morse informed the members that she would not be available at the December 8, 2017 meeting.

Old Business:

- Medical Professionals Health Program (MPHP) Draft Protocols – accepted as an FYI.

Case Management Report: The Board accepted the report as an FYI

The meeting adjourned 2:02 p.m.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary