

**Maine Board of Dental Practice
Board Meeting Minutes
October 13, 2017**

The Board meeting convened at 9:04 a.m.

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

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

Board Chair Report: Dr. Howard provided a 2017 article entitled “Supreme Court Clarifies Role of State Dental Boards in North Carolina Case” which was published in the Journal of the American College of Dentists to members for discussion. The information was accepted as an FYI.

Subcommittee on Dental Hygienists Report:

- Practice closure notification: Mr. Eric McMaster sent a letter notifying the Board of his practice closure. Mr. McMaster also indicated in his letter that he was not able to fulfill of the practice closure requirements as outlined in Board Rule, Chapter 9, section II (W). After a review and discussion of the issues involved, the Board accepted the Subcommittee’s recommendation to waive the practice closure requirement of Chapter 9, section II (W) due to financial hardships. Dr. Davis made a motion to accept the Subcommittee recommendation. Dr. Dunbar seconded the motion and it passed unanimously.

(Dr. Dunbar would like the Board to discuss the practice closure requirement relating to the newspaper notification when it reviews Board Rule, Chapter 9.)

- LAN/NOX applications: The Subcommittee reviewed applications for local anesthesia and nitrous oxide permits for Ms. Crystal Rose Dubois. After a review and discussion of the content of the qualifying courses and examinations, the Board accepted the Subcommittee’s recommendation to approve Ms. Rose Dubois’ applications and grant her permits. Dr. Davis made a motion to accept the Subcommittee recommendation. Ms. Young seconded the motion and it passed unanimously.
- RDH licensure/NOX applications: The Subcommittee reviewed an application for dental hygiene licensure, and a nitrous oxide permit for Ms. Ashlie Page. Ms. Page answered “yes” on her applications regarding criminal background disclosure question, and provided the additional documentation regarding the disclosure. After a review and discussion of

the information, the Board accepted the Subcommittee's recommendation to approve Ms. Page's applications for licensure/permit, and provide her with information regarding the Maine's Medical Professional Health Program, and remind her of the reporting requirements pursuant to 32 M.R.S., Chapter 143 §18352. Dr. Davis made a motion to accept the Subcommittee recommendation. Ms. Young seconded the motion and it passed unanimously.

CBCT Presentation: Dr. Morse provided a PowerPoint presentation for members of the Board regarding Cone Beam Computed Tomography (CBCT), how the images are taken, and how to interpret the images.

Application for Dental Licensure – Oliver Keefer, DDS: Following the Board's review and discussion of the application materials, including information regarding the applicant's disclosure of a malpractice settlement, Dr. Dunbar made a motion to grant dental licensure to Dr. Keefer. Dr. Davis seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Anna Finkelstein: Following the Board's review and discussion of Ms. Finkelstein's application materials, including the applicant's explanation for not disclosing criminal conviction information, Dr. Dunbar made a motion to preliminarily deny her application, and offer her a consent agreement to resolve the matter. The consent agreement offer would include an admission to the non-disclosure on her original application, a warning, and payment of a \$50.00 monetary penalty to be paid within 90 days of receiving the fully executed agreement. Ms. Foster seconded the motion and it passed unanimously. Ms. Finkelstein will also be sent a letter reminding her of the reporting requirements pursuant to 32 M.R.S., Chapter 143 §18352.

Application for Dental Radiography Licensure – Megan Small: Following the Board's review and discussion of Ms. Small's application materials, including the applicant's explanation for not disclosing criminal conviction information, Dr. Dunbar made a motion to preliminarily deny her application, and offer her a consent agreement to resolve the matter. The consent agreement offer would include an admission to the non-disclosure on her original application, a warning, and payment of a \$50.00 monetary penalty to be paid within 90 days of receiving the fully executed agreement. Dr. Davis seconded the motion and it passed unanimously. Ms. Small will also be sent a letter reminding her the reporting requirements pursuant to 32 M.R.S., Chapter 143 §18352.

(The Board requested that a question regarding the 10 day reporting requirement be added to the jurisprudence examination.)

Application for Dental Radiography Licensure – Rachel Clark: Following its review and discussion of the application materials, including a “yes” response and related materials to the criminal conduct disclosure question, Dr. Dunbar made a motion to grant her a dental radiography license and send a letter reminding her of the reporting requirements pursuant to 32 M.R.S., Chapter 143 §18352, as well as information related to the Maine’s Medical Professional Health Program. Ms. Young seconded the motion and it passed unanimously.

Review of Dental License Application Documentation – Byung M. Hur, DMD: Dr. Hur applied and was granted a dentist license in June 2017. A subsequent criminal background check from the state of California was received by the Board, which included criminal conduct information. Following the Board’s review and discussion of the information, along with an explanation of the events from Dr. Hur, Ms. Foster made a motion to send a letter thanking him for the explanation and reminding him of the 10-day reporting requirement pursuant to 32 M.R.S., Chapter 143 §18352. Dr. Dunbar seconded the motion and it passed unanimously.

Executive Director’s Report:

- Legislative Update – Ms. Vaillancourt reported that the lists of legislative bill titles are starting to arrive, along with the list of any department bills. She will be forwarding legislative update e-mails to Board members in the coming months.
- Rulemaking Update – The Board is awaiting approval from the Office of the Governor to move forward on pending rulemaking activities. In addition, the Rules Committee will begin meeting again January 2018.
- Adjudicatory Hearing schedule – The next hearing dates scheduled for the board are November 17th and November 18th, 2017.
- Financial Report – Ms. Vaillancourt reported receiving a communication from Office of the Attorney General regarding the consequences of the stop payment the Board had voted on in February 2017. She is requesting that the Board grant authority for the Executive Director to pay invoices pending the outcome of a future meeting with the AG’s Office regarding the future assignment of legal counsel for the Board. Dr. Morse made a motion to grant this request. Dr. Dunbar seconded the motion and it passed unanimously.
- Federation of Associations of Regulatory Board (FARB) Conference Report: Ms. Vaillancourt recently attended a conference and provided a report to the Board on the topics covered.

Review of Decision and Order Compliance Documentation RE: Complaint

16-117: Following review of the information, Ms. Foster made a motion to approve the compliance reporting documentation. Dr. Davis seconded the motion and it passed with Ms. Young recused and Dr. Morse recused as the Complaint Officer.

Letter from Drs. Hillary Caruso and Daniel Steinke dated September 22, 2017 RE: Request for Waiver/Extension of P.A.L.S. Certification (TALS):

Newly adopted Board Rule, Chapter 14 subsection V(H)(1) identifies dentist responsibilities regarding life support certifications. Specifically, Section V(H)(1)(b) requires moderate permit holders to obtain ACLS or PALS training and to maintain continuous certification, as appropriate to the practice. Section V(H)(1)(c) requires dentists to obtain PALS training and maintain continuous certification when provide pediatric sedation.

In the letter, both Dr. Caruso and Dr. Steinke stated that they were unaware of the new certification requirements, and were requesting an extension of time to obtain the required training. Following the Board's review and discussion of the issue, Dr. Davis made a motion to grant an extension to complete the required certifications no later than July 1, 2018. Dr. Morse seconded the motion and it passed unanimously.

Correspondence dated October 8, 2017 RE: Board Rule Chapter 14:

Lorraine Klug, RDH submitted a request for clarification regarding the use of the term "continuous monitoring with pulse oximeter", as it relates to minimal sedation. A motion was made that the Board intends to enter into rulemaking to eliminate the use of the word "continuous" from both sections of the rule relating to equipment for minimal sedation.

Plan A is for the Board to attempt to enter into the emergency rule making process in order to amend the term currently referred to in Chapter 14 as it relates to continuous monitoring with pulse oximeter for minimal sedation.

Plan B is for the Board to enter into the regular rulemaking process to amend the term used. All members voted in favor of the above. Ms. Vaillancourt will inform Ms. Klug of the Board's vote.

After review and discussion of the Life Support Certification requirements outlined in Section V(H)(1), the Board concluded that a transition period should be granted to dentists who are required to meet the new requirements. Dr. Davis made a motion to send an informational letter to dentists informing them of the transition such that the requirements must be met no later than July 1, 2018. Dr. Morse seconded the motion and it passed unanimously.

Statute Review: Ms. Vaillancourt provided an overview of the Board's authorizing statute for the Board members.

Old Business:

- MPHP Protocols – The various Board Executives met recently with Andrew Black, AAG regarding the draft protocols. The draft protocols, once finalized, will be placed on the Board's agenda at a future date for review and approval.

Dr. Davis made a motion to adjourn at 1:45 p.m. Dr. Morse seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary