

**Maine Board of Dental Practice
Board Meeting Minutes
June 16, 2017**

Meeting Convened at 8:03 am.

Members Present: Drs. Geraldine Schneider; Stephen Morse; and Paul Dunbar; Ms. Nancy Foster, RDH, EFDA; and Rowan Morse, Public Member

Members Absent: Drs. Lisa Howard; and Glen Davis; Ms. Kathryn Young, LD; and Cathryn Kasprak, RDH

Also Present: Carol Eisenberg, Esquire; Tricia Spearin, RDH, EFDA; Heidi Wright, Maine Medical Professionals Health Program; James L. Schmidt, DMD; David Wicks, DDS; Howard Bates, DMD; Susan DellaRipa, DMD; Daniel Steinke, DDS; Will Sedlack; Samantha Morgan; Rebecca Farnum, Esq.; Brendan O'Rourke, Esq.; Rebekah Smith, Esq.; Lauren LaRochelle, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Minutes:

- **April 14, 2017** – Following their review of the draft minutes, Dr. Morse made a motion to accept the minutes as amended. Ms. Foster seconded the motion and it passed unanimously.

- **May 12, 2017** – Although the Board approved the May 12, 2017 minutes at its meeting on June 9, 2017, Board staff made an amendment to the minutes which the Board reviewed. Ms. Foster made a motion to accept the May 12, 2017 minutes as amended. Dr. Morse seconded the motion and it passed unanimously.

Application for Resident Dental License – Satyam Patel, DDS: Following review of the application materials, Dr. Morse made a motion to grant a resident dental license to Dr. Patel, and require that he submit “official” documentation showing successful completion of the regional examination with thirty days. Ms. Foster seconded the motion and it passed unanimously.

Complaint 15-18: A patient complaint was filed against a dentist reporting that upon arriving early to a dental appointment the licensee was shaking while on the phone. Patient reported that the behavior was unusual, but thought the licensee would be ok. Patient reports that the licensee agreed to have the appointment early, and that the licensee went into another room for about 15 minutes. The licensee then called the patient into the room and proceeding with the appointment. The patient reports that the licensee was shaking so bad that the drill slipped and caused bleeding on the side of her

Complaint 15-18 (Cont'd): tongue. The patient asked the licensee if he was alright and the reply was “yes.” Patient reports that there were bits of filling under her tongue and that it was the worst experience. The patient also reports that the licensee’s face was “red, forehead perspiring, and the air condition was on.”

The licensee provided a response indicating that the air conditioning was not working that day, and denies the drill slipping and attributes the tongue injury to the patient tonguing the drill. The licensee also attributed the physical appearance that day, and shaking to long-standing medical conditions. The licensee’s response included an affidavit from the hygienist who has worked for him since 1993.

After a thorough review and discussion of the issues presented, Ms. Foster made a motion to table complaint 15-18 in order to further investigate. The Board will be requesting that the licensee forward any information regarding a diagnosis for the licensee’s hand tremor, and gag reflex, including any treatment received. If this information is not forthcoming, the Board will order an evaluation. Dr. Dunbar seconded the motion and it passed with Dr. Morse recused, and Dr. Schneider recused as the Complaint Officer.

Informal Complaint 17-45: – The Board recently received information from the Maine Medical Professionals Health Program (MPHP) regarding this licensee. The licensee entered into a contract as a voluntary participant with the MPHP based on his moderate alcohol use. Following the signing of a contract with the MPHP, they asked him to refrain from direct patient care until he completed an intensive outpatient meeting. The signed contract required him to attend regular therapy sessions, self-help sessions, a worksite monitor, and random screenings. The Board became informed of this voluntary participant as the licensee was out of compliance with the contract, and per the written protocols with the Board; the MPHP is required to notify the Board of any licensee who is non-compliant with their contract. Ms. Foster made a motion to initiate a complaint against the licensee for potential violation of Board statute 32 M.R.S. §18325 (B). Dr. Dunbar seconded the motion; and the original motion was amended to include a reminder to the licensee that he not provide any direct patient care and to be aware of what can be delegated to the dental hygienist. Dr. Dunbar seconded the amendment to the motion and both motions passed with Dr. Morse recused.

Rule Making Items:

Chapter 2 – This was placed back on the Board’s agenda for their review of additional suggested changes made by Board Counsel. Dr. Dunbar made a motion to accept the changes suggested. Dr. Morse seconded the motion and it passed unanimously.

The regular board meeting recessed in order to commence the following:

Adjudicatory Hearing – Complaint 16-117: The hearing convened at approximately 9:30 a.m. Hearing Officer Rebekah Smith was present for the hearing which was continued from May 12, 2017; 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 purpose of the hearing was 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 (All of whom testified on May 12th), and Penny Vaillancourt. Witnesses for the licensee included Dr. Catherine Bunin-Stevenson (who testified on May 12th), Dr. Daniel Steinke, and Dr. Susan DellaRipa.

Participating members of the Board were Dr. Geraldine Schneider, Dr. Paul Dunbar, Ms. Nancy Foster, RDH, EFDA, and Ms. Rowan Morse, Public Member. For purposes of a quorum, Dr. Stephen Morse was present, but recused as the assigned Complaint Officer for Complaint 16-117.

The Board recessed for lunch and reconvened at 1:02 p.m.

Following all testimony, closing arguments, and deliberations, Dr. Schneider made a motion stating that the State has proven by the preponderance of the evidence that the licensee had violated Board Rule, Chapter 9, Section II (R), by violating a standard of care as it relates to inadequate documentation of care. Ms. Foster seconded the motion and it passed with Dr. Morse recused as the Complaint Officer.

Ms. Foster made a motion that as a penalty for the violation, the Board shall impose a Censure, and impose a license probation by which the licensee must complete six hours of continuing education that has been pre-approved by the Complaint Officer. The continuing education must be completed within one year of the effective date of the Decision and Order and the topics must include “Ethics” and “Record Keeping”. Dr. Dunbar seconded the motion and it passed with Morse recused as the Complaint Officer.

Adjudicatory Hearing – Complaint 16-117 (Cont’d):

At the first day of hearing, the Board reviewed the Licensee’s motion to Strike or Vacate the Immediate Suspension dated April 24, 2017. At that time, the Board voted to accept the Hearing Officer’s recommendation to deny the Licensee’s Motion. The Licensee again requested that the Board Strike and/or Vacate the Immediate License Suspension based on the repercussions beyond the Board’s jurisdiction. The Board unanimously voted to deny the Licensee’s motion, and accepted the Hearing Officer’s recommended decision.

Complaint 17-45 (Revisit Agenda Item): The Board received additional information regarding this complaint since it was initially presented earlier in the day. Board staff is not sure of official status of the licensee’s dental practice, but the licensee has not been at his practice.

Ms. Foster made a motion that the licensee be offered an interim consent agreement which would prevent him from practicing until he has a mental and substance abuse evaluation, including an MMPI, and compliance with his MPHP contract. The licensee has seven (7) days of receipt of the agreement to accept the terms; otherwise the Board will order the evaluation and set the matter for an adjudicatory hearing. The agreement will stipulate that he identify a dentist licensed in good standing who will provide emergency care for his patients. Dr. Dunbar seconded the motion and it passed with Dr. Morse recused.

The Board meeting adjourned at approximately 8:00 p.m.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary