

**Maine Board of Dental Practice
Board Meeting Minutes
January 19, 2018**

Meeting convened at 9:03 a.m.

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

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

Minutes – December 8, 2017: Dr. Zajkowski made a motion to accept the December 8, 2017 minutes as drafted. Dr. Dunbar seconded the motion and it passed unanimously.

Board Chair Report:

- 2018 Board Officers – Dr. Davis made a motion that Dr. Howard remain as Board Chair, and Dr. Morse remain as Board Vice Chair for 2018. Dr. Zajkowski seconded the motion and it passed with Drs. Howard and Morse recused.
- Year and Review: The members went over a few highlights from 2017 and accepted the report as an FYI.

Subcommittee on Dental Hygienists Report: Ms. Grenier reported the following from the Subcommittee on Dental Hygienists meeting:

- The Subcommittee reviewed their December 8th meeting minutes and accepted them as amended.
- Ms. Grenier reported that Ms. Spearin will continue as the Subcommittee Chair for 2018, and she will remain Subcommittee Secretary.
- The Subcommittee members reviewed the preliminary agenda for upcoming meetings and accepted the information as an FYI.
- The Subcommittee members received an update from the Ms. Vaillancourt regarding legislative information, rulemaking, the investigator position, etc.
- The Subcommittee members also reviewed several applications and made recommendations to the Board as follows:
 - Olivia Marsden – Ms. Marsden made a request to return her dental hygiene and local anesthesia permit to active status. Following the Subcommittee’s review of the material, they voted to recommend that the Board grant Ms. Marsden an active dental hygiene license and active local anesthesia permit. Dr. Dunbar made a motion to accept the Subcommittee recommendation. Ms. Young seconded the motion and it passed unanimously.

- Christine Edgecomb – Ms. Edgecomb is applying for a Maine dental hygiene license. Following the Subcommittee’s review of the application materials, they voted to recommend that the Board grant Ms. Edgecomb a Maine dental hygiene license. Dr. Davis made a motion to accept the recommendation. Dr. Zajkowski seconded the motion and it passed unanimously.

- Kristine Kennedy –The Subcommittee had previously tabled the application and requested additional information from the applicant regarding her disclosure. Following the Subcommittee’s review of the complete application file, they voted to recommend that the Board grant Ms. Kennedy a dental hygiene license and local anesthesia permit, and that a letter be sent reminding her of the reporting requirements pursuant to 32 M.R.S., Chapter 143 §18352, and providing her with information for the Maine Medical Professionals Health Program. Dr. Zajkowski made a motion to accept the Subcommittee recommendation. Ms. Young seconded the motion and it passed unanimously.

Executive Director’s Report:

- Legislative Update: Ms. Vaillancourt reminded the Board members about Phase 1 of the Dental Practice Act, which was a complete repeal and replacement of the Board’s authorizing statute; Phase 2 – convened an Ad Hoc Committee, which resulted in recommended changes, and items needing further review which the Board presented to the Legislative Committee last year. Ms. Vaillancourt provided a summary of the report to the Legislative Committee on January 3, 2018. The Legislative Committee provided comment on the report which is now before the Board for discussion/clarification. The Board provided clarification and feedback to Ms. Vaillancourt who will report back to the Legislative Committee Analyst. An informational letter was also sent to licensees concerning last session legislation and the Board’s decision to defer the life support requirements of chapter 14.

- Rulemaking Update: The Rules Committee is scheduled to meet on February 16 and will begin looking at chapters 14 and 21.

Meeting with Maine Dental Association Representatives: Ms. Angela Westoff, MDA Executive Director and Dr. James Koelbl, current Vice President of the MDA Executive Board provided an overview of the Maine Dental Association’s history and mission. In addition to other initiatives, the MDA would like to have a standing section within their quarterly newsletter for the Board to provide important information to their membership. The MDA’s annual meeting will be held in Portland on June 8-9, 2018.

Meeting with University of New England – College of Dental Medicine

Representative: Dr. James Koelbl provided an overview of the College of Dental Medicine, and an update on its accomplishments, including graduating its first class of dentists in 2017.

Request to Return to “Active” License Status – Dental Radiographer – Kate

Martin: Following their review of Ms. Martin’s request, Dr. Zajkowski made a motion to grant an active license to Ms. Martin retroactively to the date she filed her renewal online, which she inadvertently selected “inactive” status. Dr. Dunbar seconded the motion and it passed unanimously.

Request to Return to “Active” License Status – Dr. James Koelbl:

Dr. Koelbl made a written request that his dental license be converted to “Active” status. Dr. Davis made a motion to grant Dr. Koelbl an active license. Dr. Zajkowski seconded the motion and it passed unanimously.

Request to Withdraw Dental License Application – Timothy Martinez, DDS:

Following the Board’s review of Dr. Martinez’s application materials, and request to withdraw his application, Dr. Dunbar made a motion to grant Dr. Martinez’s request. Dr. Zajkowski seconded the motion and it passed unanimously.

Dental License Renewal Applications for Review: The following dental license renewal applications were before the Board due to “yes” responses provided, and additional documentation needing their review. The Board voted as follows:

- Dr. David Haluska – Dr. Zajkowski made a motion to renew Dr. Haluska’s license. Dr. Davis seconded the motion and it passed unanimously.
- Dr. Shane Bryant – Dr. Dunbar made a motion to renew Dr. Bryant’s license. Dr. Zajkowski seconded the motion and it passed unanimously.
- Dr. Rachel Davis – Dr. Dunbar made a motion to renew Dr. Davis’ license. Dr. Davis seconded the motion and it passed unanimously.
- Dr. Jay Beauchemin – Dr. Davis made a motion to renew Dr. Beauchemin’s dental license. Dr. Morse seconded the motion and it passed unanimously.
- Dr. Leonard Weldon – Dr. Davis made a motion to renew Dr. Weldon’s license. Dr. Dunbar seconded the motion and it passed unanimously.
- Dr. Palwinder Kaur-Panesar – Dr. Zajkowski made a motion to renew Dr. Kaur-Panesar’s license. Dr. Davis seconded the motion and it passed unanimously.
- Dr. Kathryn Horutz – Dr. Zajkowski made a motion to renew Dr. Horutz’s license. Dr. Dunbar seconded the motion and it passed with Dr. Howard recused.
- Dr. Scott Siemen – Dr. Davis made a motion to renew Dr. Siemen’s dental license. Dr. Dunbar seconded the motion and it passed unanimously.

- Dr. Brad Woodford – Dr. Davis made a motion to renew Dr. Woodford’s dental license. Dr. Zajkowski seconded the motion and it passed unanimously.
- Dr. James Waterhouse – Dr. Zajkowski made a motion to renew Dr. Waterhouse’s dental license. Dr. Morse seconded the motion and it passed unanimously.
- Dr. Mark Turner – Dr. Zajkowski made a motion to preliminary deny the license renewal and offer Dr. Turner a consent agreement which would include an admission for failing to disclose open allegations at the time of his application for initial licensure for a Maine dental license; a reprimand; and a fine of \$1,500. To be paid within 90 days of the fully executed agreement. Dr. Davis seconded the motion passed unanimously.
- Dr. Gary Barker – Ms. Foster made a motion to renew Dr. Barker’s dental license. Dr. Davis seconded the motion and it passed unanimously.
- Dr. Jan Kippax – Dr. Davis made a motion to table Dr. Kippax’s license renewal application. Dr. Morse seconded the motion and it passed with Ms. Foster recused.

At approximately 1:15 p.m., Ms. Foster made a motion to enter executive session pursuant to 1 M.R.S. Section 405(6)(F) so that the Board could discuss information related to Ms. Amy Burns’ application for dental radiography licensure; Mr. James Dixon’s application for dental radiography licensure; and Dr. Susan DellaRipa’s application for renewal of her dental license, which is confidential pursuant to 22 M.R.S. § 1711-C(2). Dr. Davis seconded the motion and it passed unanimously. Dr. Zajkowski made a motion to come out of executive session at 1:41 p.m. Dr. Davis seconded the motion and it passed unanimously

Application for Dental Radiography Licensure – Amy Burns: Following the Board’s review of the application materials, Dr. Dunbar made a motion to table the application and request further information from Ms. Burns. Ms. Young seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – James Dixon: Following the Board’s review of the application materials, Dr. Zajkowski made a motion to table Mr. Dixon’s application to request further information. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental License Renewal – Susan DellaRipa, DMD: Following the Board’s review of the renewal application and accompanying materials, Ms. Foster made a motion to table Dr. DellaRipa’s application for renewal and direct her to submit to an evaluation with a board-certified psychiatrist pursuant to 32 M.R.S. § 18323(9). She is to provide a list of three individuals within 14 days of receiving the notice. Board staff is authorized to review the names and select an individual. Dr. DellaRipa will then have sixty days to have an evaluation and submit the report to the Board for review. Dr. Morse seconded the motion and it passed with Ms. Young recused.

Application for Renewal of Moderate Enteral Sedation Permit – Dr. Michael

Dowling: Dr. Dowling recently completed the Certification Form for Sedation and/or General Anesthesia in order to transition into the new Chapter 14 which no longer requires an on-site inspection. He indicated that the office did not have an electrocardiograph machine in place at that time, and that the office did not treat patients that were an ASA III or higher. In addition, Dr. Dowling provided only a PALS certification with his certification form. Dr. Zajkowski made a motion that the certification form be approved and his permit be renewed. Dr. Dowling will be asked to inform the Board once the electrocardiograph machine is in place. Finally, PALS is an appropriate alternative for dentists who strictly treat pediatric patients, but he will be informed that if he should decide to provide sedation services to adults, he would be required to file an ACLS certification with the Board. Dr. Morse seconded the motion and it passed unanimously.

Initial Application for Moderate Enteral Sedation Permit – Dr. John M.

Willis: Dr. Willis recently completed the Certification Form for Sedation and/or General Anesthesia in order to transition into the new Chapter 14 which no longer requires and on-site inspection. He indicated that the office did not have an electrocardiograph machine in place at that time, and that the office did not treat patients that were an ASA III or higher. In addition, Dr. Willis provided only a PALS certification with his certification form. Dr. Zajkowski made a motion that the certification form be approved and his permit be issued. Dr. Willis will be asked to inform the Board once the electrocardiograph machine is in place. Finally, PALS is an appropriate alternative for dentists who strictly treat pediatric patients, but he will be informed that if he should decide to provide sedation services to adults, he would be required to file an ACLS certification with the Board. Dr. Morse seconded the motion and it passed unanimously.

Initial Application for Moderate Parenteral Sedation Permit – Dr. Todd

Mellin: Dr. Mellin recently completed the Certification Form for Sedation and/or General Anesthesia in order to transition into the new Chapter 14 which no longer requires an on-site inspection. Dr. Zajkowski made a motion to approve the certification and application and grant Dr. Mellin a permit. Dr. Morse seconded the motion. Following further discussion both motions were withdrawn. Dr. Zajkowski made a motion to table Dr. Mellin's certification/application and request that he provide proof that he has received the Broselow tape. Dr. Morse seconded the motion and it passed unanimously.

Application for Renewal of Moderate Parenteral Sedation Permit – Dr.

Peter Davis: Following the Board's review of the application and certification form for renewal of Dr. Davis' moderate parenteral sedation permit, the Dr. Zajkowski made a motion to approve the renewal application upon receipt of proof that he has ordered and received a muscle relaxant drug, and a narcotic drug. Dr. Morse seconded the motion and it passed unanimously.

Application for Renewal of Moderate Parenteral Sedation Permit – Dr.

Michelle Verrier: Following the Board’s review of the application and certification form for renewal of Dr. Verrier’s moderate parenteral sedation permit, the Dr. Davis made a motion to approve the renewal application upon receipt of proof that she has ordered and received a muscle relaxant drug, and a narcotic drug. Dr. Zajkowski seconded the motion and it passed unanimously.

While reviewing the two above renewal applications/certifications, the Board was informed that the two individuals had renewed their dental licenses online at a time that neither their BLS or ACLS certifications were current. Dr. Zajkowski made a motion to send both dentists a letter of guidance based on their attestation that they had met the requirements for renewal of their license(s) by meeting the continuing education requirement(s). The letter(s) will remain on file for a period of five years. The licensee’s will also be reminded that they have the option of requesting an extension of time to complete continuing education based on extenuating circumstances. Dr. Davis seconded the motion and it passed unanimously.

Complaint 16-28: A complaint was filed against a dentist alleging unprofessional conduct in the post-care treatment of her daughter’s dental procedure. After a thorough review and discussion of the materials presented, Dr. Dunbar made a motion to dismiss complaint 16-28 as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 16-1: A complaint was filed against a dentist alleging unprofessional conduct in the treatment of her child during a pediatric dental visit. After a thorough review and discussion of the materials, Dr. Zajkowski made a motion to dismiss the complaint as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Complaint 16-48: A complaint was filed against a dentist alleging unprofessional conduct by not returning a phone call as requested. After a thorough review and discussion of the materials, Dr. Davis made a motion to dismiss the complaint as there was no violation of the Dental Practice Act. Ms. Young seconded the motion, and it passed with Dr. Dunbar recused as the Complaint Officer.

Complaint 15-21: A complaint was filed against a dentist alleging unprofessional conduct as it related to denture services and communicating the missed appointment policy.

Complaint 16-5: A complaint was filed against a dentist alleging unprofessional conduct as it related to communications regarding the patient dismissal policy and the missed appointment policy.

After a thorough review and discussion of the materials, Dr. Davis made a motion to dismiss the complaints and issue the licensee a letter of guidance concerning better communication with regards to any policies that the practice may have. The letter of guidance will remain on file for a period of five years. Dr. Dunbar seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 15-29: A complaint was filed against a dentist alleging unprofessional conduct related to allegations that the dentist made inappropriate abusive comments to her child during an appointment. After a thorough review and discussion of the materials, Dr. Morse made a motion to dismiss the complaint as there was no violation of the Dental Practice Act. Dr. Dunbar seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 15-48: A complaint was filed against a dentist alleging unprofessional conduct as a result of communication regarding appropriate treatment of care. After a thorough review and discussion of the materials, Dr. Davis made a motion to dismiss complaint 15-48 as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 16-7: alleged complaint was filed against a dentist alleging unprofessional conduct based on the allegation that the licensee did not remove the correct teeth. After a thorough review and discussion of the materials, Dr. Davis made a motion to dismiss complaint 16-7 as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 16-9: A complaint was filed against a dentist alleging unprofessional conduct as a result of services they alleged were not performed, and that an appointment could not be obtained in a timely manner. After a thorough review and discussion of the materials, Dr. Dunbar made a motion to dismiss complaint 16-9 as there was no violation of the Dental Practice Act. Ms. Foster seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 16-53: A complaint was filed against a dentist alleging unprofessional conduct as a result of post-operative care. After a thorough review and discussion of the materials, Dr. Davis made a motion to dismiss complaint 16-53 as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Complaint 16-64: A complaint was filed against a licensee alleging unprofessional conduct based on the allegation that the licensee refused to make an appointment due to having to provide her with an interpreter. After a

thorough review and discussion of the materials, Dr. Davis made a motion to dismiss complaint 16-64 as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Letter dated December 7, 2017 from Dr. Laura Reidy RE: Rules for the Use of Sedation and General Anesthesia: Following the Board's review of Dr. Reidy's letter, they agreed to send her a letter thanking her, and letting her know that the Board is aware of the issues outlined, and invite her to participate with the Rules Committee when they review Chapter 14.

Board Policy Regarding Application Reviews: Dr. Dunbar made a motion delegate to board staff the review and approval of licensee's who are requesting that their license/authorities be converted from inactive status to active status. Board staff will utilize the current rule, the current statute, and the proposed rule when reviewing these requests.

Dr. Davis made a motion to formally accept the Board Policy regarding Application Reviews. Dr. Morse seconded the motion and it passed unanimously.

134th AADB Annual Meeting Report: Ms. Foster recently attended the American Association of Dental Boards annual meeting and provided an overview of the topics discussed.

The following agenda items were accepted as FYI's:

- Preliminary agenda for upcoming meetings
- Old business – Maine Medical Professionals Health Program Protocols
- Case Management Report

Dr. Davis made a motion to adjourn the meeting at 3:47 p.m. Dr. Zajkowski seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary