

**Maine Board of Dental Practice
Board Meeting Minutes
February 9,2018**

The Board meeting convened at 12:06 p.m.

Board Members Present: Drs. Lisa Howard; Stephen Morse; Glen Davis; Paul Dunbar; and Mark Zajkowski; Ms. Nancy Foster, RDH, EFDA; Ms. Tracey Jowett, RDH; and Ms. M. Lourdes Wellington, Public Member

Board Members Absent: Kathryn Young, LD

Minutes – January 19, 2018: Following the Board’s review of the draft minutes, Dr. Morse made a motion to accept the minutes as amended. Dr. Zajkowski seconded the motion and it passed with Ms. Wellington abstained.

Board Chair Report:

- *Journal of the American College of Dentists* article – “What Dentists Do When They Recognize Faulty Treatment – To Tattle or Build a Moral Community?” written by David W. Chamber, EDM, MBA, PhD, FACD: The members briefly discussed the article.

Executive Director’s Report:

- Legislative Update:
 - LD 1825 “And Act to Implement the Recommendations of the Board of Dental Practice” This bill is a result of the Board’s report submitted to the Legislative Committee which outlined recommended changes to the Board’s existing statute. A public hearing for the bill is scheduled for the following week.
 - LD1566 “An Act to Enact the Maine Fair Chance Employment Act” An amendment was offered on this to remove the requirement of licensing boards being restricted on the use of criminal history information obtained through the licensing process.
- Rulemaking Update:
 - A Rules Committee meeting is scheduled for February 16 and will be determining which rules will be looked at over the coming year, in addition to chapters 14 and 21. The Committee will also look at the practice standards that are in current rule, along with any board policies in place.

- Ms. Vaillancourt reported no update regarding the Board's proposed rules.
- Financial Report: The financial reports were reviewed and accepted as an FYI.
- Statute Review: This is a standing agenda item to go over the Board's authorizing statute at a future meeting.
- License Application Questions: Board staff will work with legal counsel to draft amendments to the initial/renewal questions for the Board to review at a future meeting.
- Maine State Background Check: Following a discussion, Dr. Davis made a motion to require a Maine background check for all applicants for initial licensure, and to eliminate out of state background checks effective March 1, 2018. Dr. Zajkowski seconded the motion and it passed unanimously. Dr. Zajkowski made a motion that the Board forgo any outstanding out of state background checks which remain pending as of March 1, 2018. Ms. Foster seconded the motion and it passed unanimously.
- ADEX Member Appointment: Dr. Davis made a motion to appoint Dr. Morse as the Board's ADEX representative for 2018. Dr. Dunbar seconded the motion and it passed with Dr. Morse abstained.
- Medical Professionals Health Program (MPHP) – New Director: The MPHP has hired a new director, Mr. Guy Cousins, LCSW, LADC, CCS. The Board asked that Ms. Vaillancourt invite Mr. Cousins to either the March or April meeting.

Application for Dental Licensure – Dr. Jennifer L'Heureux: Following their review of the application materials and a request to waive the regional examination, Dr. Zajkowski made a motion to grant Dr. L'Heureux a dental license. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Radiography Licensure – Teneitra Grenier: The Board had tabled their review of this application at its September 2017 meeting in order to request further information from the applicant. Ms. Jowett made a motion to enter executive session 12:54 p.m. pursuant to 1 M.R.S. Section 405(6)(F) so that the Board could discuss information related to Ms. Grenier's application for dental radiography licensure, which is confidential pursuant to 22 M.R.S. § 1711-C(2). Dr. Dunbar seconded the motion and it passed unanimously. Dr. Dunbar made a motion to come out of executive session at 1:23 p.m. Dr. Morse seconded the motion and it passed unanimously. Based on the information reviewed which included consideration of dishonesty and

substance abuse convictions, Ms. Foster made a motion to preliminarily deny Ms. Grenier's application, and offer a consent agreement in lieu of the denial. The consent agreement would include an admission, a warning, license probation of five years with the following conditions: 1) disclosure of the agreement to any employers, or prospective employers; 2) continue with counseling for a period of three years with quarterly reports submitted to the board by the counselor regarding the licensee's compliance with counseling; 3) notification to the board within 48 hours of any employment, change of employment, or any arrest; 4) written acknowledgement from the licensed practitioner who will be supervising the licensee indicating their awareness of the agreement. Once the agreement is fully executed, a license would be issued. The applicant may request a hearing in writing to the Board within 30 days notice of the preliminary denial. If the applicant does not respond then the preliminary denial becomes final. Dr. Zajkowski seconded the motion and it passed with all members in favor.

Application for License Renewal – Dr. Kristin Lawson: Following the Board's review of the license renewal application and accompanying documentation regarding a criminal background disclosure, Dr. Zajkowski made a motion to grant the renewal of Dr. Lawson's dental license. Dr. Davis seconded the motion and it passed unanimously. Board staff will provide the licensee with additional resources, including a reminder of the reporting requirements pursuant to 32 M.R.S. §18352.

Application for Dental Radiography Licensure – Michelle Haluska: Following their review of the application materials and accompanying documentation regarding a criminal background disclosure, Ms. Foster made a motion to grant a dental radiography license to Ms. Haluska. Dr. Davis seconded the motion and it passed unanimously.

Renewal of Deep Sedation/General Anesthesia Permit – Dr. Christopher Maller: Dr. Maller filed additional documentation and a written response related to his deep sedation/general anesthesia permit renewal application. Dr. Zajkowski made a motion to grant Dr. Maller's permit upon receipt of proof that the monitoring equipment is in place, a list of personnel; and proof that he has the required medications. Dr. Morse seconded the motion and it passed unanimously.

Initial Complaint Presentation – Complaint 16-120: Ms. Foster made a motion to enter executive session at 1:56 p.m. pursuant to 1 M.R.S. Section 405(6)(F) so that the Board could discuss information gathered in complaint 16-120, which is confidential pursuant to 10 M.R.S. Section 8003-B. Dr. Morse seconded the motion and it passed unanimously.

Dr. Dunbar made a motion to come out of executive session at 2:12 p.m. Dr. Morse seconded the motion and it passed unanimously. Based on the information reviewed for this complaint, Ms. Foster made a motion to offer the licensee a consent agreement whereby the licensee would admit to failing to report to the Board, action taken against his license in another state which is required pursuant to 32 M.R.S. §18352. The licensee would accept a warning, and require that he submit a self-certification form for each general anesthesia/deep sedation permit location within 60 days of the execution of the agreement. The licensee will also be notified that the Board may conduct an on-site inspection of a permit location pursuant to Board Rule, Chapter 14. Dr. Morse seconded the motion and it passed with Dr. Zajkowski recused as the Complaint Officer.

Application for License Renewal – Dr. Pankaj Thakker: Following the Board’s review of the application for license renewal and accompanying documentation, Dr. Zajkowski made a motion to renew Dr. Thakker’s dental license. Dr. Dunbar seconded the motion and it passed unanimously.

Application for Deep Sedation/General Anesthesia Permit – Dr. Pankaj Thakker: Dr. Thakker submitted an application for a permit to administer deep sedation/general anesthesia to the Board. Before the application was complete, Dr. Thakker submitted a written request to withdraw his application. Dr. Zajkowski made a motion to accept his request to withdraw the application. Dr. Davis seconded the motion and it passed unanimously.

Application for Deep Sedation/General Anesthesia Permit – Dr. Russell Collett: Following the Board’s review of the application, Ms. Jowett made a motion to table the application review. Dr. Morse seconded the motion and it passed unanimously.

Board Correspondence Sent to Dr. Collett dated February 7, 2018: Based on the information reviewed, Ms. Foster made a motion to issue a board-generated complaint alleging unprofessional conduct for providing general anesthesia/deep sedation services in the Rockport practice location without first obtaining a board-approved permit. Dr. Dunbar seconded the motion and it passed unanimously.

Request to Amend Consent Agreement – Dr. Russell Collett – Complaint 14-35: Following the Board’s review of the request, Dr. Dunbar made a motion to amend the consent agreement to remove the counseling requirements and to reduce testing frequency as recommended by the therapists and the Maine Medical Professionals Health Program. Dr. Zajkowski seconded the motion and it passed unanimously.

Review of MMPHP Proposed Protocol and Rider A Document: Following their review of the documents, there was consensus from the Board to move forward with the proposed language. Finalized language will be presented to the Board prior to implementation.

Addition to Agenda: Ms. Vaillancourt requested guidance on a disclosure that was provided by the applicant. The applicant appeared to have misunderstood the question, and following discussion no further action was needed by the Board.

Federation of Associations of Regulatory Boards (FARB) Conference Report: Dr. Morse provided a report to the Board regarding a recent conference he attended with Ms. Vaillancourt. The conference included a comprehensive regulatory training for participants, and various presentations and work group sessions to review and discuss regulatory issues related to NC Dental implications, economic impacts of licensing and regulation, new federal and state legislation, and top regulatory cases.

Thank you letter from Rowan Morse: The letter from Ms. Morse was reviewed and accepted as an FYI.

Continuing Education Approval List: The information was reviewed and accepted as an FYI.

Preliminary Agenda for Upcoming Meeting: The information was reviewed and accepted as an FYI.

Case Management Report: The reports were reviewed and accepted as an FYI.

Dr. Davis made a motion to adjourn at 4:00 p.m. Ms. Wellington seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary