

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

Board convened at 9:02 a.m.

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

Board Member Absent: Dr. Mark Zajkowski

At 9:04 a.m., the Subcommittee on Denturists and Board of Dental Practice convened a Combined Meeting for the following initial complaint presentations:

Complaint 16-41: The Board initiated a complaint against a denturist based on the allegations that the denturist abandoned the patient before the completion of a phase of treatment; and failed to comply with practice closure requirements. *(See disposition of complaint below.)*

Complaint 16-80: A complaint was filed against a denturist alleging unprofessional conduct related to the sudden practice closure, resulting in the patient being unable to complete the phases of immediate denture treatment. *(See disposition of complaint below.)*

Complaint 16-83: A complaint was filed against a denturist alleging unprofessional conduct/incompetent practice based on the improper fitting of a denture, and sudden practice closure. *(See disposition of complaint below.)*

Disposition of Complaints 16-41, 16-80, and 16-83

After a thorough review and discussion of complaint materials involving the same denturist on cases 16-41, 16-80, and 16-83, Dr. Dunbar, as a member of the Subcommittee on Denturists, made a motion to recommend that the Board offer the denturist a consent agreement to include the following: admission to failing to follow practice closure requirements, and agree not to apply or reapply for a license or permit from the Board, and agree not to volunteer any dental services in the State of Maine. The motion was seconded by Mr. Adkins with Ms. Young recused as the Complaint Officer.

Dr. Davis made a motion to accept the Subcommittee on Denturists recommendation on complaints 16-41, 16-80, and 16-83. Dr. Morse seconded the motion and it passed with Ms. Young recused as the Complaint Officer.

Complaint 16-81: A complaint was filed against a dentist claiming unprofessional conduct related to an improper fitting of a denture. After a thorough review and discussion of the complaint materials, Dr. Dunbar, as a member of the Subcommittee on Denturists, made a motion to recommend that the Board dismiss the complaint. Mr. Adkins seconded the motion and it passed with Ms. Young recused as the Complaint Officer.

Ms. Foster made a motion to accept the Subcommittee on Denturists recommendation to dismiss complaint 16-81. Dr. Dunbar seconded the motion and it passed with Ms. Young recused as the Complaint Officer.

Complaint 17-42: A complaint was filed against a dentist alleging unprofessional conduct related to an improper fitting of a denture. After a thorough review and discussion of the complaint materials, Mr. Merrill made a motion to recommend that the Board dismiss complaint 17-42, as there was no violation of the Dental Practice Act. Mr. Adkins seconded the motion and it passed with Ms. Young recused as the Complaint Officer.

Dr. Davis made a motion to accept the Subcommittee on Denturists recommendation. Dr. Morse seconded the motion and it passed with Ms. Foster opposed and Ms. Young recused as the Complaint Officer.

Complaint 17-43: A complaint was filed against a dentist alleging unprofessional conduct related to a practice closure notification, and the details surrounding a refund to the patient. After a thorough review and discussion of the complaint materials, Mr. Merrill made a motion to recommend that the Board dismiss the complaint. Dr. Dunbar seconded the motion and it passed with Dr. Davis opposed and Ms. Young recused as the Complaint Officer.

Dr. Davis made a motion that the Board accept the Subcommittee on Denturists recommendation to dismiss the complaint. Dr. Morse seconded the motion. Following a discussion, the motion failed with all voting members opposed and Ms. Young recused as the Complaint Officer.

Ms. Jowett made a motion to dismiss complaint 17-43 and issue the dentist a letter of guidance to remain on file for five years. The guidance issued will remind the dentist when adopting sales policies to ensure that patients clearly understand the terms, including the return of dentures. In addition, the dentist should first assess the patient's health conditions and health history to ensure that enforcement of the sales policies will not have a negative impact on the patient's overall health. Ms. Foster seconded the motion, and it passed with Ms. Young recused as the Complaint Officer.

The Subcommittee reviewed a request for approval of the American Denturist School Externship Program. Following their review, they voted that the recommendation to the Board be to table the information, and invite officials from the school to be available at a future meeting for any questions that the Subcommittee or Board members may have concerning the denturist program curriculum. Dr. Morse made a motion to accept that recommendation. Ms. Foster seconded the motion and it passed unanimously.

The combined meeting ended and the Board meeting resumed.

Board Meeting Minutes – February 9, 2018: Following their review of the draft minutes, Ms. Foster made a motion to accept the minutes as amended. Dr. Davis seconded the motion and it passed with Ms. Young abstained.

Board Chair Report:

- *Journal of the American College of Dentists* article – “Evidence-Based Overreach” written by David W. Chambers, EDM, MBA, PhD, FACD: The members briefly discussed the article.

Executive Director’s Report:

- Legislative Update: Ms. Vaillancourt provided an update on LD 1825, and is tracking its progress through the legislative chambers.
- Rulemaking Update: Ms. Vaillancourt reported that the Rules Committee will meet on March 16th. Their efforts will consist of moving all practice requirements identified in the current rules and place them into a new chapter, some of which would apply to all license types. She will also be requesting that the rules currently proposed, be brought back for review and editing should LD 1825 pass to reflect any changes.
- Statute Review – This is a standing agenda item to review the Board’s authorizing statute.
- Other – Ms. Vaillancourt reminded the Board members to let her know when a member would like to present an education/training at a future meeting.

Applications for Review:

Dental License Renewal:

- David Steuer, DMD – Dr. Davis made a motion to table the renewal application for Dr. Steuer. Ms. Foster seconded the motion and it passed unanimously.
- Eric Staeben, DDS – Following the Board’s review of the license renewal application and accompanying documentation regarding a criminal background disclosure, Dr. Davis made a motion to grant the license renewal for Dr. Staeben. Dr. Dunbar seconded the motion and it passed unanimously.
- Martha Lawrence, DDS – Following the Board’s review of the license renewal application and accompanying documentation relating to a “yes” response, and the licensee’s request to withdraw her application, Dr. Dunbar made a motion to honor the licensee’s request. Dr. Morse seconded the motion. The motion passed with Ms. Foster opposed and Ms. Jowett abstained. Dr. Dunbar made a motion to reconsider the motion to honor the licensee’s request. Ms. Foster seconded the motion and it passed unanimously. Dr. Dunbar made a motion to table the review of the renewal application until the April meeting when they can review previous renewal applications. Dr. Morse seconded the motion and it passed unanimously.
- Glen Knock, DDS – When filing his renewal for dental licensure, Dr. Knock requested an extension of time to complete the required continuing education. Dr. Knock has since completed the requirements for renewal. Dr. Davis made a motion to grant the license renewal for Dr. Knock, and remind him that the credits used for renewal of his license cannot be re-used for future renewals. Dr. Morse seconded the motion and it passed unanimously.

Application for Charitable Dentist License:

- Robert Glickman, DDS – Charitable Dentist License: Following the Board’s review of the license application and accompanying documentation relating to a “yes” response, Dr. Davis made a motion to grant Dr. Glickman a charitable dentist license. Ms. Young seconded the motion and it passed unanimously.

Applications for Dental Radiography Licensure:

- Amy Burns, Dental Radiography Applicant: Following the Board's review of the application for licensure, including medical records, and accompanying documentation regarding criminal background disclosures, Dr. Davis made a motion to preliminarily deny the application pursuant to 32 M.R.S. §18325 (1)(B). Dr. Morse seconded the motion and it passed unanimously.

- James Dixon, Dental Radiography Applicant: Following the Board's review of the application for licensure, including accompanying documentation regarding criminal background disclosures, Dr. Davis made a motion to preliminarily deny the application pursuant to 32 M.R.S. §18325 (1)(F). Dr. Morse seconded the motion and it passed unanimously.

Pending Renewed Motion of Licensee Dr Jan Kippax to Reconsider Immediate Suspension and to Reconsider Issuance of Notice of Hearing – Complaint Nos. 16-5, 16-6, 16-20, 16-21, 16-22, 16-37, 16-38, 16-39, 16-40, 16-43, 16-45, 16-47, and 16-71:

In consultation with F. Mark Terison, Hearing Officer, the Board considered two motions that were filed in the above referenced cases by the licensee. The Board voted on the motions as follows:

Motion to Reconsider Immediate Suspension: After a thorough discussion which included a conclusion that the matter is subject to another proceeding, Dr. Davis made a motion that the Board lacked jurisdiction to reconsider the immediate suspension. Dr. Morse seconded the motion and it passed with Dr. Dunbar and Ms. Foster recused.

Motion to Reconsider Issuance of Notice of Hearing: After a thorough discussion which included the Board's preference of having an oral surgeon member participate as a voting member on the cases, Dr. Morse made a motion to deny the licensee's motion. Dr. Davis seconded the motion and it passed with Dr. Dunbar and Ms. Foster recused.

Hearing Officer Terison advised the Board regarding its authority to invoke the jurisdiction of the District Court regarding the remaining 13 cases, pursuant to 32 M.R.S. §18325 (1-A). Dr. Davis made a motion to refer the 13 remaining complaints to District Court. Dr. Morse seconded the motion and it passed with Dr. Dunbar and Ms. Foster recused.

Adjudicatory Hearing Presentation – F. Mark Terison, Esquire: Hearing Officer Terison provided the Board members with an overview of the adjudicatory hearing process.

Applications for Dental Radiography Licensure:

- Megan Link, Dental Radiography Application: Following the Board’s review of the application materials and accompanying information, Dr. Dunbar made a motion to grant Ms. Link a dental radiography license. Dr. Davis seconded the motion and it passed unanimously.
- Brooke Quirion, Dental Radiography Application: Following the Board’s review of the application materials and accompanying information a regarding criminal background disclosure, Dr. Davis made a motion to grant Ms. Quirion a dental radiography license and provide her with information for the Medical Professionals Health Program and remind her of the reporting obligations under 32 M.R.S. §18352. Ms. Young seconded the motion and it passed with all members in favor.
- Rachel Martin, Dental Radiography Renewal Application: The licensee filed a renewal application online and answered no to meeting the requirements for license renewal; Ms. Martin then requested that her renewal application be withdrawn, and that she receive a refund of the renewal fee. Following the Board’s review of the application materials, Dr. Davis made a motion to honor Ms. Martin’s request to withdraw her application and remind her that fees are nonrefundable. Dr. Dunbar seconded the motion and it passed unanimously.

Applications for Permits:

- Jacob Kieffer, DDS – Dr. Kieffer filed an application for a permit to administer moderate parental sedation. Following the Board’s review of the application materials, and Board Rule, Chapter 14, Dr. Davis made a motion to grant Dr. Kieffer the permit. Dr. Morse seconded the motion and it passed unanimously.
- Michael Cwiklinski, DMD – Dr. Cwiklinski filed an application for a moderate parenteral sedation permit. Following the Board’s review of the application materials, and Board Rule, Chapter 14, Dr. Davis made a motion to table the application, and provide the applicant with the option to file a registration to obtain clinical experience of managing four (4) pediatric cases (ages 12 and under) by the intravenous route. Ms. Foster seconded the motion and it passed with Dr. Morse recused.

The following licensees had filed with the Board, applications for permits (initial or renewal) under the provisions of the former Board Rule, Chapter 14. They are now requesting that their applications be withdrawn. Board votes were as follows:

- Brendan Hallissey, DMD – Dr. Morse made a motion to accept the licensee’s request to withdraw his application. Dr. Dunbar seconded the motion and it passed unanimously.
- Christopher King, DMD: Dr. Davis made a motion to accept the licensee’s request to withdraw his application. Dr. Morse seconded the motion and it passed unanimously.
- Grace La, DMD: Dr. Dunbar made a motion to honor the licensee’s request to withdraw her application for a permit. Dr. Davis seconded the motion and it passed with all members in favor.
- Marina Mooradian, DMD: Ms. Foster made a motion to accept the licensee’s request to withdraw her application for a permit. Dr. Morse seconded the motion and it passed unanimously.
- Amanda Rockwood, DDS: Ms. Jowett made a motion to accept the licensee’s request to withdraw her application. Ms. Foster seconded the motion and it passed unanimously.
- Lucas Homicz, DDS: Dr. Davis made a motion to grant Dr. Homicz’ s request to withdraw his application for a permit. Ms. Jowett seconded the motion and it passed unanimously.
- Catherine Bunin-Stevenson, DMD: Dr. Davis made a motion to accept the licensee’s request to withdraw her application for a permit. Dr. Morse seconded the motion and it passed unanimously.
- Susan Russett-Collett, DDS: Ms. Foster made a motion to accept the licensee’s request to withdraw her application for a permit. Dr. Morse seconded the motion and it passed unanimously.
- Mark Lucier, DMD: Dr. Dunbar made a motion to honor the licensee’s request to withdraw his application for a permit. Dr. Davis seconded the motion and it passed with all members in favor.

Correspondence RE: Dr. Verrill's Practice Closure dated February 1, 2018:

Following the Board's review of the information presented to them with regards to the transfer of patient records following a practice closure, Ms. Foster made a motion to generate a complaint based on failure to transfer patient records as indicated. Dr. Dunbar seconded the motion and the motion passed with Dr. Morse recused.

Correspondence: Dr. Stephen Mills Proposal dated February 26, 2018:

Dr. Mills is proposing that the University of New England's dental students be involved in taking impressions for athletic mouth guards for UNE athletes, while under his direct supervision. Following the Board's review of the letter, Dr. Howard made a motion to send a letter applauding his efforts regarding the proposal, and to provide guidance regarding the various practice issues raised. Dr. Morse seconded the motion and it passed unanimously.

National Board Dental Examination Information: The Board requested that this information be placed on the April agenda for review and discussion.

Regional Examination Content Review: The Board requested that the information be placed on the May agenda for review and discussion.

Dr. Davis made a motion to adjourn the meeting at 5:42 a.m. Dr. Morse seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary