

Maine Board of Dental Practice
Board Meeting Minutes
April 6, 2018

The meeting convened at 9:14 a.m.

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 Ms. M. Lourdes Wellington, Public Member

Member Absent: Dr. Mark Zajkowski

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

Maine Medical Professionals Health Program (MMPHP)- Introductions with Guy Cousins, Director: Mr. Cousins, the new Director of the MPHP, provided an overview of the Program for the Board and Subcommittee members.

Minutes - March 9, 2018: Following their review, Dr. Morse made a motion to accept the minutes as drafted. Dr. Dunbar seconded the motion and it passed unanimously.

Board Chair Report:

- Article - "The prescription monitoring program data - What it can tell you" written by David A. Keith, BDS, FDSRCS, DMD; Thomas A. Shannon; Ronald Kulich, PhD, *Journal of the American Dental Association*, April 2018. The Board discussed the article and accepted it as an FYI.

Board Vice Chair Report:

- Discussion on the taking and recording of Board votes:
 - Ms. Jowett made a motion to accept Dr. Morse's suggestion of capturing the vote of each member. Dr. Dunbar seconded the motion and it passed with all members in favor.

Subcommittee on Dental Hygienists Report: Ms. Spearin provided the following report:

- The Subcommittee reviewed and approved their January minutes.
- The Subcommittee members reviewed the preliminary agenda for upcoming meetings and accepted the information as an FYI.

- The Subcommittee also reviewed the continuing education approval list and requested that Board staff provide more detailed information regarding the courses.
- The Subcommittee members received an update from Ms. Vaillancourt regarding legislative information, rulemaking and the upcoming Board member training.
- The Subcommittee members reviewed three complaints and made recommendations to the Board as follows:
 - Complaint 17-37: The Board generated a complaint against the licensee on the alleged failure to notify the Board in advance of providing services under Public Health Supervision. The Subcommittee recommended the Board dismiss the complaint and issue a letter of guidance which will remain on file for five years. The letter of guidance will remind the licensee of the requirements outlined in Board Rule, Chapter 2, Section III (D). The licensee will also be informed that the Board will be proposing that the notification requirement be removed during future rule making. Dr. Davis made a motion to accept the recommendation of the Subcommittee. Dr. Dunbar seconded the motion. Vote: 8-0 in favor.
 - Complaint 17-38: The Board generated a complaint against the licensee on the alleged failure to notify the Board in advance of providing services under Public Health Supervision. The Subcommittee recommended the Board dismiss the complaint and issue a letter of guidance which will remain on file for five years. The letter of guidance will remind the licensee of the requirements outlined in Board Rule, Chapter 2, Section III (D). The licensee will also be informed that the Board will be proposing that the notification requirement be removed during future rule making. Dr. Davis made a motion to accept the Subcommittee recommendation. Ms. Foster seconded the motion. Vote: 7-0 in favor.
 - Complaint 17-39: The Board generated a complaint against the licensee on the alleged failure to notify the Board in advance of providing services under Public Health Supervision. The Subcommittee recommended the Board dismiss the complaint. Dr. Davis made a motion to accept the recommendation of the Subcommittee. Dr. Dunbar seconded the motion. Vote: 8-0 in favor.
- The Subcommittee reviewed several applications and made recommendations to the Board as follows:

- Colleen Jolley, RDH - Local Anesthesia Permit application. Following the Subcommittee's review of the application and course information, they voted to recommend that the Board grant Ms. Jolley a local anesthesia permit. Dr. Dunbar made a motion to accept the recommendation. Dr. Davis seconded the motion. Vote: 8-0 in favor.

- Amy DeMott, RDH - Local Anesthesia Permit and Nitrous Oxide Permit applications. Following the Subcommittee's review of the application and course information, they voted to recommend that the Board grant Ms. DeMott a local anesthesia permit, and a nitrous oxide permit. Dr. Davis made a motion to accept the Subcommittee recommendation. Ms. Foster seconded the motion. Vote: 8-0 in favor.

- Meghan Packard, RDH - The Subcommittee and Board had previously tabled Ms. Packard's renewal application and requested that she forward documentation following the conclusion of her deferred disposition. Board staff reached out to the licensee when the information was not forthcoming and learned that the deferred disposition had been extended until July 2018. Following the Subcommittee's review and discussion, they voted to recommend that the Board preliminarily deny the license renewal based on unprofessional conduct conviction of a crime involving dishonesty or false statement. Dr. Davis made a motion to accept the Subcommittee recommendation. Dr. Dunbar seconded the motion. Vote: 8-0 in favor.

Applications for Review:

Heather Dakin, Dental Radiographer - Reinstatement application. Following the Board's review and discussion of the application materials, Dr. Dunbar made a motion to table Ms. Dakin's application for licensure and request that she obtain an assessment from the Maine Medical Professionals Health Program. Dr. Morse seconded the motion. Vote: 6-0 in favor; 2 recusals (Ms. Young and Dr. Davis).

At 11:07 a.m., the Subcommittee on Denturists and Board of Dental Practice convened a combined meeting for the following presentations:

Review and Discussion of American Denturist School Curriculum including Externship with Todd Young: Via telephone conference, Mr. Young provided an overview of the denturist program to the Board and members of the Subcommittee. The purpose of the conference call was to obtain additional information regarding the

training program, the externship program, and placement of students in Maine to complete the externship program. *(See disposition of recommendation below.)*

Complaint 15-40 – a complaint was filed against a dentist by a former patient alleging incompetent practice based on the improper fitting of a denture. *(See disposition of complaint below.)*

The Subcommittee meeting adjourned at 1:30 p.m.

Subcommittee on Denturists Report: Dr. Davis provided the following report to the Board:

- Complaint 15-40 – Following a thorough discussion, Dr. Davis, as a member of the Subcommittee made a motion to recommend that the Board dismiss the complaint as there was no violation of the Dental Practice Act. Dr. Dunbar seconded the motion and it passed with Mr. Merrill opposed and Ms. Young recused as the Complaint Officer.

Ms. Foster made a motion to accept the Subcommittee recommendation for complaint 15-40. Dr. Morse seconded the motion. Vote: 7-0 in favor; 1 recusal (Ms. Young, Complaint Officer).

- American Denturist School – Following a thorough discussion, Dr. Davis, as a member of the Subcommittee on Denturists, made a motion to recommend that the Board approve the American Denturist School dentist program, including the externship. Mr. Merrill seconded the motion and it passed unanimously of those present.

Dr. Davis made a motion to accept the Subcommittee recommendation. Dr. Morse seconded the motion. Vote: 8-0 in favor.

Applications for Review:

Tara O'Connor, Dental Radiographer – Initial application. Following the Board's review and discussion of the application materials, Dr. Dunbar made a motion to grant Ms. O'Connor a dental radiography license. Dr. Davis seconded the motion. Vote: 8-0 in favor.

Amir W. Guirguis, DDS, Dentist License – Endorsement application. Following the Board's review of the application materials, Dr. Davis made a motion to grant a dental license to Dr. Guirguis. Dr. Morse seconded the motion. Vote: 8-0 in favor.

Lorel E. Burns, DDS, Charitable Dentist License – Initial application. Following the review and discussion of this application, Dr. Dunbar made a motion to grant a charitable dentist license to Dr. Burns. Dr. Davis seconded the motion. Vote: 8-0 in favor.

Salman Malik, DMD, MD, Charitable Dentist License – Initial application. Following the Board's review of the application, Dr. Davis made a motion to grant a charitable dentist license to Dr. Malik. Dr. Dunbar seconded the motion. Vote: 8-0 in favor.

Martha Lawrence, DDS, Dental License – Renewal application. Following the Board's review of the information, including previous dental renewal applications, Dr. Davis made a motion to grant the licensee's request to withdraw her application for license renewal. Dr. Morse seconded the motion. Vote: 8-0 in favor.

Applications for Permits:

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:

- **Jung Kim, DDS** – Dr. Dunbar made a motion to accept the licensee's request to withdraw his application. Dr. Davis seconded the motion. Vote: 8-0 in favor.
- **Michael McCoy, DMD** – Dr. Davis made a motion to accept the licensee's request to withdraw his application. Ms. Foster seconded the motion. Vote: 8-0 in favor.
- **John Lewis, DDS** – Ms. Foster made a motion to accept the licensee's request to withdraw his application. Dr. Dunbar seconded the motion. Vote: 8-0 in favor.
- **John Willis, DDS** – Dr. Dunbar made a motion to accept the licensee's request to withdraw his application. Dr. Morse seconded the motion. Vote: 8-0 in favor.
- **Daniel Armstrong, DMD** – Dr. Armstrong had also filed a renewal application under the former Board Rule, but submitted a request for clarification relating to the administration of moderate sedation. Following the Board's discussion, if Dr. Armstrong is only utilizing minimal sedation, then a permit for moderate sedation is not needed per the Board's rule. Ms. Vaillancourt will follow up with Dr. Armstrong.

Kara Achille, DMD, New Permit Request – Dr. Achille filed an application for a permit to administer moderate parenteral sedation. Following the Board's review of the

application materials, and Board Rule, Chapter 14, Dr. Dunbar made a motion to grant Dr. Achille the permit. Dr. Davis seconded the motion. Vote: 7-0 in favor, 1 recusal (Dr. Morse).

Complaint 17-63: A complaint was filed against the licensee for the alleged practice of dental radiography following the lapse of the license. Following the Board's review and discussion of the complaint, Dr. Davis made a motion to offer the licensee a consent agreement which would include the admission to practicing without a license, a warning, and a monetary penalty of \$50.00 to be paid within ninety days. Dr. Morse seconded the motion. Vote: 8-0 in favor.

Executive Director's Report:

- **Legislative Update:** Ms. Vaillancourt reported that LD 1825 was recently enacted, and is awaiting the Governor's approval. If signed, the legislation will go into effect 90 days following the adjournment of the Legislature.
- **Rulemaking Update:** Ms. Vaillancourt reported that the Board has requested that the proposed rules currently in the Governor's office be returned because of the statutory changes in LD 1825 that conflict with the proposed rule; also, proposed transition language in Board Rule, Chapter 13 needs to be updated; and there are three new Board members who will be able to provide feedback to proposed rule changes. She also reported that the Rules Committee is working on streamlining all chapters to align with the Dental Practice Act, as well as identifying a practice requirement chapter.
- **Financial Report:** The Board reviewed the financial reports and accepted the information as an FYI.
- **Initial/Renewal Application Questions:** Following the Board's review and discussion of the questions, they requested that they be reviewed again at its May meeting with further amendments.
- **Jurisprudence Examination Questions:** Following the Board's review of the amended jurisprudence examination questions, Dr. Morse made a motion to approve them as drafted. Dr. Davis seconded the motion. Vote: 8-0 in favor.

Question from Dr. Peter Drews RE: Laser Use by a Dental Hygienist: Dr. Drews submitted a written request to the Board seeking clarification regarding soft tissue curettage as part of the scope of practice of an RDH when performing a complete prophylaxis, and the use of laser technology when performing soft tissue curettage.

After a thorough discussion, the Board concluded that it cannot provide practice or legal advice; however, it would attempt to highlight and clarify its existing statutes and rules. The Board's discussion included that while it is conceivable that a dental hygienist might perform ancillary curettage while completing scaling and root planing; soft tissue curettage is a dental procedure performed predominantly to limit the progression of periodontal disease. In addition, soft tissue curettage is usually performed under local anesthesia to reduce pain and/or discomfort to a patient. There was also discussion that there are significant patient safety concerns when performing curettage in treating periodontal conditions. Those patient safety concerns are elevated when combined with the use of laser technology. Finally, the Board discussed that the topic of soft tissue curettage may be part of a dental hygiene curriculum, but it is not necessarily taught clinically or included in the clinical examinations for dental hygiene licensure.

Discussion/Review of Updates Related to Dr. Verrill's Practice Closure: Following the Board's review of additional information related to the transferring of patient records, Dr. Dunbar made a motion that that Board not file a complaint against Dr. Verrill. Dr. Davis seconded the motion. Vote: 7-1 in favor, 1 recused (Dr. Morse). Board staff will reach out to Dr. Verrill to get a clear point of contact for maintenance of patient records.

Discussion/Review of Maine's Medical Professionals Health Program Patient Discharge Information: Following the Board's review and thorough discussion of the information which included termination of a contract by a participant against the recommendation of the MPHP, Ms. Foster made a motion that the Board order the licensee to undergo a mental health evaluation by a board-certified psychiatrist. The licensee must provide names of three individuals within ten days from the date of the notice. The selection will be made by Board staff; the licensee will then have 60 days to provide the evaluation to the Board. Dr. Morse seconded the motion. Vote: 7-0 in favor; 1 recused (Ms. Young).

Dr. Dunbar made a motion that if the evaluation is not completed within sixty days, the Board authorizes staff and the AG's office to file the appropriate paperwork with District Court pursuant to 32 M.R.S. § 18323(9). Ms. Foster seconded the motion. Vote: 7-0 in favor; 1 recused (Ms. Young).

Letter dated December 20, 2017 from Joint Commission on National Dental Examinations RE: Update on Implementation of the Integrated National Board Dental Examination: The Board reviewed and discussed the information and will continue to monitor and follow the development of this topic.

CODA Proposed Standard Changes: The Board reviewed the information and accepted it as an FYI.

Dr. Davis made a motion to adjourn at 4:18 p.m. Ms. Foster seconded the motion. Vote: 8-0 in favor.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary