

**Maine Board of Dental Practice  
Board Meeting Minutes  
May 11, 2018**

The meeting was called to order at 8:30 a.m.

**All 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. M. Lourdes Wellington, Public Member

**Also Present:** James Bowie, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Dr. Howard convened the meeting and dedicated the day to former Public Board Member, Ms. Rowan Morse, who recently passed away. Ms. Morse provided dedicated service during her term on the Board from January 2013 through January 2018. Ms. Morse will be deeply missed.

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

- The Subcommittee reviewed and approved their April minutes.
- The Subcommittee members reviewed the preliminary agenda for upcoming meetings and accepted the information as an FYI.
- The Subcommittee members also reviewed the continuing education approval list and accepted that as an FYI.
- The Subcommittee reviewed several applications and made recommendations to the Board as follows:
  - Madison Cote, RDH – Local Anesthesia Permit application. Following the Subcommittee’s review of the application and course information, they voted to recommend that the Board approve the course, and grant Ms. Cote a local anesthesia permit. Dr. Dunbar made a motion to accept the recommendation of the Subcommittee. Dr. Davis seconded the motion. Vote: 9-0 in favor.
  - Shannon Marriner, RDH – Local Anesthesia Permit Reinstatement application. Following the Subcommittee’s review of the application materials, they voted to recommend that the grant the reinstatement of Ms. Marriner’s permit, and generate a complaint for the alleged unlicensed practice. Dr. Davis made a motion to accept the Subcommittee’s recommendation. Ms. Young seconded the motion. Vote: 9-0 in favor.

**Board Chair Report:**

- Article - "The Changing Face Of Care – Socioeconomic facets of dentistry impact provision of treatment" written by Allison M. Dimatteo, MPS, *Inside Dentistry*, March 2018. The Board discussed the article and accepted it as an FYI.

*At 8:40 a.m., the Subcommittee on Denturists and Board of Dental Practice convened a Combined Meeting to conduct a review of an agenda item.*

- Request to Terminate Consent Agreement – Complaint 09-39: After a thorough review and discussion of the issues involved, Ms. Young as a member of the Subcommittee, made a motion to table the item for further discussion. Mr. Merrill seconded the motion and it passed with all Subcommittee members in favor.

Dr. Dunbar, as a member of the Board, made a motion to accept the Subcommittee recommendation to table the request. Ms. Foster seconded the motion. Vote: 9-0 in favor.

*The Board re-convened its regular meeting at 9:02 a.m.*

**Board Meeting Minutes – April 6, 2018:** Following their review, Ms. Young made a motion to accept the minutes as amended. Dr. Morse seconded the motion. Vote: 8-1 in favor, 1 abstained (Dr. Zajkowski).

**Complaints 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:** The Licensee's Motion for Stay of the Board's Decision to File Complaints in District Court was considered and reviewed by the Board with Mark F. Terison, Esq. presiding as hearing officer. The Board received and read the legal briefs filed by the parties and listened to oral arguments. Upon motion made and seconded, the Board voted unanimously to deny the Licensee's motion. (Ms. Foster, Dr. Zajkowski, and Dr. Dunbar recused.)

**Complaint 16-24:** A complaint was filed by a patient against a dentist alleging improper dental treatment. Following the Board's review and discussion of the complaint materials, Dr. Dunbar made a motion to dismiss the complaint as there was no violation of the Board's statutes or rules, but to issue a letter of guidance to the licensee. The guidance will identify that the failure to thoroughly document in a patient's record discussions with that patient regarding care may result in an incomplete record impacting the patient's care. The letter of guidance will remain on file for five years. Dr. Davis seconded the motion. Vote 8-1 in favor; 1 recused (Dr. Zajkowski, Complaint Officer).

**Complaint 17-52:** A complaint was filed by a former patient against a dentist alleging unprofessional conduct relating to dental treatment and infection control measures. Following the Board's review and discussion of the complaint materials, Ms. Foster made a motion to offer the licensee a consent agreement to resolve the complaint. The consent agreement would include an admission to unprofessional conduct regarding the failure to make a timely referral. The licensee would be required to complete six hours of continuing education relating to management of patient infection and/or medical emergencies, and cannot be used towards meeting the licensure renewal requirements. Dr. Dunbar seconded the motion. Dr. Davis made a motion to amend the original motion that the consent agreement include a warning, and that the licensee have ninety days to complete the coursework, which must be pre-approved by the Complaint Officer. Ms. Jowett seconded the amended motion. Vote: 8-1 in favor; 1 recused (Dr. Zajkowski, Complaint Officer).

**Complaint 17-66:** A complaint was filed by a former patient against a dentist alleging unprofessional conduct regarding a local anesthesia injection administered during a routine treatment causing ongoing medical conditions. Following the Board's review and discussion of the complaint materials, Ms. Foster made a motion to dismiss the complaint as there was no violation of the Dental Practice Act. Dr. Davis seconded the motion. Vote: 8-1 in favor; 1 recused (Dr. Zajkowski, Complaint Officer).

**Complaint 17-69:** A complaint was filed by a patient against a dentist alleging unprofessional conduct related to failure to provide dental care as previously identified by the patient's primary dentist. Following the Board's review and discussion of the complaint materials, Dr. Dunbar made a motion to dismiss the complaint as there was no violation of the Dental Practice Act. Ms. Foster seconded the motion. Vote: 8-1 in favor; 1 recused (Dr. Morse, Complaint Officer).

**Complaint 17-47:** A complaint was filed by the Board against a dental radiographer alleging unprofessional conduct for practicing dental radiography beyond the date of the expired license. Following the Board's review and discussion of the complaint materials, Ms. Foster 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. Dunbar seconded the motion. Vote 9-0 in favor.

**Complaint 18-20:** a complaint was filed by the Board against licensee dental radiographer alleging unprofessional conduct for practicing dental radiography beyond the date of the expired. Following the Board's review and discussion of the complaint materials, Dr. Dunbar 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. Ms. Young seconded the motion. Vote: 9-0 in favor.

**Complaint 18-3:** A complaint was filed by the Board against a dentist alleging unprofessional conduct for administering levels of sedation without first obtaining a permit from the Board. Following the Board's review and discussion of the materials presented, Ms. Foster made a motion to table the complaint and to request copies of the anesthesia records for each patient treated during the period of alleged unlicensed practice. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Informal Complaint 18-57:** Following the Board's review and discussion of documents outlining criminal conduct of a licensed dental radiographer, Ms. Foster made a motion to issue a board-generated complaint to further investigate allegations of unprofessional conduct. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Adjudicatory Hearing - Complaint 18-21:** The applicant requested that the Board consider her request to withdraw her dental radiography initial licensure application in lieu of proceeding with an adjudicatory hearing. Following the Board's review of the request, Dr. Davis made a motion to grant the applicant's request. Ms. Jowett seconded the motion. Vote: 8-1 in favor; 1 recused (Ms. Foster).

#### Applications for Review:

**Heather Dakin, Dental Radiographer - Reinstatement Application.** The Board had previously table their review of this application in order to request that the applicant obtain an assessment from the Maine Medical Professionals Health Program. Following the Board's review and discussion of the assessment information from the MPHP, and a letter from the applicant, Dr. Zajkowski made a motion to preliminarily deny the application and offer consent agreement which would require enrollment with the MPHP for a minimum of one year, including any recommendations from the MPHP with one year. Dr. Morse seconded the motion. Vote: 7-2 in favor; 2 recused (Ms. Young and Dr. Davis).

**Michael Cwiklinski, DMD, Application for Registration.** Dr. Cwiklinski filed a registration application for the purpose of obtaining clinical pediatric sedation case experiences under the direct supervision of an oral surgeon. Upon successful completion of the training, Dr. Cwiklinski will submit verification of the training to the Board to complete his Moderate Sedation Permit Level II application. Dr. Dunbar made a motion to approve the registration. Dr. Davis seconded the motion. Vote: 7-2 in favor; 2 recused (Drs. Morse and Zajkowski).

**Denise Johnston, Dental Radiographer - Renewal Application.** Following the Board's review of the renewal application, including the criminal conduct disclosure information, Dr. Dunbar made a motion to grant the license renewal and issue a letter of guidance

regarding her failure to notify the board of a criminal conviction within 10 days pursuant to 32 M.R.S. §18352, and to remind her that the Board may refuse to issue or renew a license because of the misuse of alcohol, drugs, or other substances that may result in a licensee performing services in a manner that endangers the health or safety of patients.. Ms. Jowett seconded the motion. Vote: 8-1 in favor; 1 opposed (Ms. Foster).

**Sydney Hall, Dental Radiographer - Initial Application.** Following the Board's review of the application, including the criminal conduct disclosure, Dr. Dunbar made a motion to grant a dental radiography license to Ms. Hall. Dr. Davis seconded the motion. Vote: 9-0 in favor.

**Chelsey Roy, Dental Radiographer - Initial Application.** Following the Board's review of the application, including the criminal conduct disclosure, Dr. Zajkowski made a motion to grant Ms. Roy a dental radiography license and to remind her of the reporting requirements pursuant to 32 M.R.S. §18352. Dr. Davis seconded the motion. Vote: 9-0 in favor.

**Sjoukje Stewart, Dental Radiographer - Initial Application.** Following the Board's review of the incomplete application materials, and the report from Board staff several attempts to reach the applicant have gone unanswered, Dr. Davis made a motion to preliminarily deny the application. Dr. Zajkowski seconded the motion. Vote: 9-0 in favor.

**Frederic Elbaz, DMD, Resident Dentist - Request to Withdraw Application.** Following the Board's review of the application, Dr. Davis made a motion to grant the applicant's request to withdraw his application. Dr. Dunbar seconded the motion. Vote: 9-0 in favor.

**Gary Moore, DDS, Dentist - Endorsement Application.** Following the Board's review of the application materials, Dr. Morse made a motion to grant Dr. Moore a dental license, and to send him a letter of guidance pursuant to 10 M.R.S., Chapter 901 §8003 (5) (E). The letter of guidance will inform him that pursuant to 32 M.R.S. § 18325(1)(A), the practice of fraud, deceit or misrepresentation in obtaining a license or authority from the Board is prohibited. The Board must be able to rely on information provided by an applicant, when assessing whether that applicant is qualified for licensure. Therefore, an applicant must carefully and thoroughly read and respond to all application questions.

The letter of guidance will remain on file for five years. Dr. Davis seconded the motion. Vote: 9-0 in favor.

**Richard D'Avanzo, DMD, Dentist - Endorsement Application.** Following the Board's review of the application materials, Dr. Dunbar made a motion to grant a dental license to Dr. D'Avanzo. Dr. Zajkowski seconded the motion. Vote: 9-0 in favor.

**Maryam Hariri, DDS, Dentist** – Endorsement Application. Following the Board’s review of the application materials, Ms. Foster made a motion to grant a dental license to Dr. Hariri. Dr. Davis seconded the motion. Vote: 9-0 in favor.

**Addition to Agenda:**

**Review of Radiographer Course/Examination for Licensure – Katelyn Goad: Ohio Dental Radiography Exam and Course** – Following the Board’s review of the dental radiography course and examination, Dr. Davis made a motion to approve the course and examination and grant Ms. Goad a dental radiography license. Dr. Zajkowski seconded the motion. Vote: 9-0 in favor.

*The following items were tabled to the June 2018 meeting:*

*Application for license renewal:*

- *Dr. Susan DellaRipa*
- *Dr. Jeffrey Jordan*

*Application for license reinstatement:*

- *Dr. Daniel Schechter*

**Applications for Permit:**

- **Cynthia Winne, DMD** – Dr. Winne filed a permit renewal application under the former Board Rule, Chapter 14. She is now requesting that her application be withdrawn due to her retirement. Ms. Foster made a motion to accept the licensee’s request to withdraw her renewal application. Dr. Morse seconded the motion. Vote: 9-0 in favor.

Dr. Davis made a motion to adjourn the meeting at 12:08 p.m. Dr. Morse seconded the motion. Vote: 9-0 in favor.

Respectfully Submitted,

Teneale E. Johnson  
Executive Secretary