

**Maine Board of Dental Practice  
Board Meeting Minutes  
June 15, 2018**

The meeting was called to order at 8:03 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:** Andrew Black, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

*At 8:10 a.m., the Subcommittee on Denturists and the Board of Dental Practice convened a Combined Meeting to conduct a review of agenda items.*

- Complaint 15-55: A complaint was filed by a patient alleging that that the practice did not complete their part of the process in order for her to receive prior authorization for dentures through Maine Care. Following the Subcommittee's review and discussion of the complaint materials, Mr. Merrill made a motion to recommend that the Board dismiss complaint 15-55, as there was no violation of the Dental Practice Act. Dr. Dunbar as a member of the Subcommittee seconded the motion and it passed with Ms. Young recused as the Complaint Officer.
- Complaint 16-52: A complaint was filed by a patient alleging that her dentures were not completed due to the untimely closure of the practice. Following the Subcommittee's review and discussion of the complaint materials, Mr. Merrill made a motion to recommend that the Board dismiss complaint 16-52, 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.
- Complaint 16-18: A complaint was filed by the guardian of a patient alleging that the denture services were not completed. Following the Subcommittee's review and discussion of the complaint materials, Dr. Dunbar, as a member of the Subcommittee, made a motion to recommend that the Board offer the licensee a consent agreement to resolve the complaint. The consent agreement would include an admission to violating Board Rule Chapter 4 (II) (A) (1-6); (II) (B) (1 and 2); (II) (C), and (II) (E); Board Rule Chapter 9 (M) (O) (R), and (T). As discipline for the admission, the licensee would accept a Reprimand, and agree to the following terms: 1) a total monetary penalty of \$3,000; \$1,500 for patient abandonment, and \$1,500 for record keeping to be paid within six months; 2) completion of three hours of continuing education regarding record keeping which must be pre-approved by the Complaint Officer, the hours must be

completed within six months, and cannot be used towards license renewal; 3) Submit for review 12 patient charts within one year. The licensee would submit a list of patients quarterly; Board staff would select three patients from the list each quarter, which will include patients from nursing home, and patients from private practice. Mr. Merrill seconded the motion, and it passed with Ms. Young recused as the Complaint Officer.

- Request to Terminate Consent Agreement – Complaint 09-39: After a thorough review and discussion of the issues involved, Dr. Dunbar, as a member of the Subcommittee, made a motion to offer the licensee a consent agreement which would require participation in a one-year senior monitoring contract with the Maine Medical Professionals Health Program (MPHP). The consent agreement would align with the MPHP contract and would terminate upon completion of the contract unless there was further recommendation from the MPHP. Dr. Davis as a member of the Subcommittee seconded the motion. The motion passed with Ms. Young recused.

*The Board re-convened its regular meeting at 8:46 a.m.*

**Subcommittee on Denturists Report:** Dr. Davis reported the following:

- Complaint 15-55 – The Subcommittee recommended that the Board dismiss complaint 15-55 as there was no violation of the Dental Practice Act. Dr. Davis, as a member of the Board, made a motion to accept the Subcommittee recommendation. Dr. Zajkowski seconded the motion. Vote 8-1 in favor. (Ms. Young, Complaint Officer, recused)
- Complaint 16-52 – the Subcommittee recommended that the Board dismiss complaint 16-52 as there was no violation of the Dental Practice Act. Dr. Davis, as a member of the Board, made a motion to accept the Subcommittee recommendation. Dr. Dunbar, as a member of the Board, seconded the motion. Vote 8-1 in favor (Ms. Young, Complaint Officer, recused)
- Complaint 16-18 – The Subcommittee recommended that the Board offer a consent agreement as outlined above. Dr. Davis, as a member of the Board made a motion to accept the recommendation of the Subcommittee. Dr. Dunbar, as a member of the Board seconded the motion. Vote 8-1 in favor. (Ms. Young, Complaint Officer, recused)
- Request to Amend Consent Agreement – 09-39: The Subcommittee recommended that the Board offer the licensee an amended consent agreement as outlined above. Dr. Davis, as a member of the Board, made a motion to accept

the Subcommittee recommendation. Dr. Zajkowski seconded the motion. Vote 8-1 in favor. (Ms. Young recused)

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

- The Subcommittee members approved their May 11, 2018 meeting minutes.
- Complaint 17-64: A complaint was filed by a father of a patient alleging that he had been refused a copy of the patient's record and that they had been potentially altered. Following the Subcommittee's review and discussion of the complaint materials, they recommended that the Board dismiss complaint 17-64 and issue a letter of guidance outlining the importance of patient trust and communication. Dr. Morse, as a member of the Board made a motion to accept the Subcommittee recommendation. Dr. Davis seconded the motion. Vote 8-1 in favor. (Ms. Jowett, Complaint Officer, recused)
- Complaint 18-16: A complaint was filed by a dental clinic alleging that the licensee abruptly left employment which resulted in patient abandonment. Following the Subcommittee's review of the complaint materials, they recommended that the Board dismiss the complaint as there was no violation of the Dental Practice Act. Dr. Davis made a motion to accept the Subcommittee recommendation. Dr. Zajkowski seconded the motion. Vote 8-1 in favor. (Ms. Jowett, Complaint Officer, recused)
- Allyssa Titus, RDH – Review of Nitrous Oxide and Local Anesthesia course syllabus: The Subcommittee recommended that the Board approve the course, and grant Ms. Titus her permits. Dr. Davis made a motion to accept the Subcommittee recommendations. Ms. Jowett seconded the motion. Vote 9-0 in favor.
- Allison Raymond, RDH, PHS Notification: Following their review of the information submitted by Ms. Raymond, the Subcommittee voted to recommend that the Board accept the notification submitted, and issue a letter of guidance, which would remain on file for five years, reminding Ms. Raymond of the notification requirements for Public Health Supervision. Dr. Dunbar made a motion to accept the Subcommittee recommendation. Dr. Zajkowski seconded the motion. Vote 7-2 in favor. (Ms. Young and Dr. Davis recused)

**Board Minutes - May 11, 2018:** Following their review, Dr. Morse made a motion to approve the minutes as drafted. Ms. Foster seconded the motion. Vote 9-0 in favor.

**Board Chair Report:**

- “A STATE OF DECAY – Are Older Americans Coming of Age Without Oral Healthcare?” a national report released by Oral Health America, Vol. IV. 2018. The Board briefly discussed the report and accepted it as an FYI.

**Complaint 15-12:** A complaint was filed by a former patient against a dentist alleging unprofessional conduct relating to improper dental treatment. Following the Board’s review and discussion of the complaint materials, Dr. Davis made a motion to dismiss complaint 15-12 as there was no violation of the Dental Practice Act. Dr. Dunbar seconded the motion. Vote 7-2 in favor. (Dr. Morse and Dr. Zajkowski, Complaint Officer recused)

**Complaint 15-24:** A complaint was filed by a patient against a dentist alleging unprofessional behavior related to dogs being present in the dental office, and watching television while performing dental treatment. Following the Board’s review and discussion of the complaint materials, Ms. Foster made a motion to dismiss the complaint and issue a letter of guidance relating to Board Rule Chapter 9 regarding animals in the dental practice. The letter of guidance will remain on file for five years. Dr. Morse seconded the motion. Vote 8-1 in favor. (Dr. Zajkowski, Complaint Officer, recused)

**Complaint 15-25:** A complaint was filed by a patient against a dentist alleging that there were dogs in the treatment areas of the practice. Following the Board’s review and discussion of the complaint materials, Dr. Dunbar made a motion that the same letter of guidance be issued as in complaint 15-24 above. Dr. Morse seconded the motion. Vote 8-1 in favor. (Dr. Zajkowski, Complaint Officer, recused)

**Complaint 15-26:** A complaint was filed by a patient against a dentist alleging unprofessional conduct relating to improper dental treatment. Following the Board’s review and discussion of the complaint materials, Dr. Morse made a motion that complaint 15-26 be dismissed as there was no violation of the Dental Practice Act. Dr. Davis seconded the motion. Vote 8-1 in favor. (Dr. Zajkowski, Complaint Officer, recused)

**Complaint 15-34:** A complaint was filed by a patient against a dentist alleging unprofessional conduct relating to a failed treatment plan. Following the Board’s review and discussion of the complaint materials, Dr. Davis made a motion to dismiss complaint 15-34 as there was no violation of the Dental Practice Act. Dr. Dunbar

seconded the motion. Vote 7-2 in favor. (Dr. Morse and Dr. Zajkowski, Complaint Officer, recused)

**Complaint 15-46:** A complaint was filed by a patient against a dentist alleging that the dentist had removed the wrong tooth. Following the Board's review and discussion of the complaint materials, Dr. Davis made a motion to dismiss complaint 15-46 and issue a letter of guidance to the licensee regarding proper informed consent requires a diagnosis and treatment options, and a signature of the patient and provider, and that there be better communication with patients and referring providers. Dr. Morse seconded the motion. Vote 8-1 in favor. (Dr. Zajkowski, Complaint Officer, recused)

**Complaint 15-56:** A complaint was filed by a patient against a dentist alleging unprofessional conduct relating to inappropriate treatment. Following the Board's review and discussion of the complaint materials, Dr. Dunbar made a motion to dismiss complaint 15-56 as there was no violation of the Dental Practice Act. Dr. Morse seconded the motion. Vote 8-1 in favor. (Dr. Zajkowski, Complaint Officer, recused)

**Complaint 18-3:** A complaint was filed by the Board against a dentist alleging unprofessional conduct for administering general anesthesia/deep sedation/moderate sedation services without first obtaining a permit from the Board. Following the Board's review and discussion of the complaint materials, Dr. Morse made a motion to offer the licensee a consent agreement based on the unlicensed practice. The consent agreement would include an admission to the unlicensed practice. The licensee would agree to accept a warning, and the following conditions would apply: 1) a monetary penalty of \$100 per patient for whom he provided sedation/anesthesia services without a proper permit (29 patients), which is to be paid within six months; 2) Review of patient records over a six-month period of probation once the permit has been granted. In compliance with this provision, the licensee shall submit a list of patients who received anesthesia at the new permit location. The Board also reserves the right to request additional records. Ms. Foster seconded the motion. The permit application will be granted upon the Board's receipt of a fully executed consent agreement. Vote 8-1 in favor. (Dr. Zajkowski, Complaint Officer, recused)

**Complaint 15-17:** A complaint was filed by the Board against a licensed dentist based on information it had received concerning the licensee's physical and mental condition to practice dentistry. Following the Board's review and discussion of the complaint materials, Dr. Davis made a motion to dismiss complaint 15-17. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Complaint 17-60:** A complaint was filed by a former patient against a dentist alleging unprofessional conduct relating to dental treatment. The licensee's assigned counsel submitted a letter to the Board requesting that the complaint be dismissed as his client

had passed away. Following the Board's review, Dr. Morse made a motion that complaint 17-60 be dismissed. Ms. Foster seconded the motion. Vote 9-0 in favor.

**Complaint 18-30:** 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 18-57:** A complaint was filed by the Board against a dental radiographer to further investigate criminal conduct that had been reported. The licensee has agreed to an immediate interim suspension of her dental radiographer license until such time as the Board takes final action regarding this complaint. Following the Board's discussion, Ms. Foster made a motion to table the complaint. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Consent Agreement Compliance Review - Complaint 15-5:** As a result of a consent agreement executed on October 27, 2017, the licensee was required to submit proof of completion of various continuing education courses. The licensee has submitted his compliance documentation to the Board. Following the Board's review of the information, Ms. Foster made a motion to accept and approve the compliance documentation. Dr. Morse seconded the motion. Vote 8-1 in favor. (Dr. Davis, Complaint Officer, recused)

**Request for Consent Agreement Amendment - Complaint 16-120:** As a result of a consent agreement executed on May 4, 2018, the licensee is required to submit completed Certification Forms for each location where the licensee holds a permit to administer deep sedation/general anesthesia. According to the licensee, he no longer utilizes two of the identified permits, and is requesting a modification to consent agreement accordingly. Based on the licensee's representation in the letter dated June 8, 2018, and following the Board's review and discussion, Dr. Davis made a motion to send a letter to the licensee's counsel, waiving the requirement for those two locations. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Review and Ratification of Draft Consent Agreement - Heather Dakin:** The Board considered additional revisions to a consent agreement offer that was authorized at its May 11, 2018 meeting to include the allegation of unlicensed dental radiography practice. Ms. Foster made a motion to accept the consent agreement as drafted. Dr. Zajkowski seconded the motion. Vote 7-2 in favor. (Dr. Davis and Ms. Young, recused)

**Application for Dental Radiography Licensure - Amanda Brewster:** Following the Board's review and discussion of Ms. Brewster's application for dental radiography licensure, which included documentation concerning disclosure of criminal conduct, Dr. Dunbar made a motion to table her application and request that she obtain an assessment from the Maine Medical Professionals Health Program. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Application for Renewal of Dental Radiography License - Katrina Surdick:** Following the Board's review and discussion of Ms. Surdick's application for renewal of her dental radiography license, Ms. Foster made a motion to renew her license. Ms. Jowett seconded the motion. Vote 9-0 in favor.

**Application for Reinstatement of Dentist License - Daniel Schecter, DMD:** Following the Board's review and discussion of Dr. Schecter's application materials, Dr. Zajkowski made a motion to preliminarily deny the application based on possible drug diversion, previous non-compliance with conditions placed on his license through a consent agreement, and the uncertain prognosis that was provided on an evaluation presented to the Board. Dr. Morse seconded the motion. Dr. Zajkowski amended the motion to preliminary deny based on the licensee's diagnoses and prognosis provided on an evaluation presented to the Board. Dr. Morse seconded the motion to amend. Vote 8-1 in favor. (Ms. Young recused)

**Application for Dentist Extern Registration - Mason Barker:** Following the Board's review and discussion of Mr. Barker's application materials, Dr. Davis made a motion to grant the dentist extern registration for Mr. Barker. Dr. Zajkowski seconded the motion. Vote 9-0 in favor.

**Application for Dentist License Renewal - Susan DellaRipa, DMD:** Following the Board's review of the license renewal application, including a copy of the board ordered psychological evaluation, Dr. Zajkowski made a motion to grant Dr. DellaRipa's license renewal. Dr. Davis seconded the motion. Vote 7-2 in favor. (Dr. Morse and Ms. Young, recused) The licensee will be reminded that she is to forward documentation following completion of her deferred disposition.

**Application for Dentist License Renewal - Jeffrey Jordan, DMD:** Following the Board's review and discussion of Dr. Jordan's last two license renewal applications, which included a copy of the board ordered psychological evaluation, Dr. Davis made a motion to preliminarily deny the renewal of Dr. Jordan's license. The licensee will also be offered a consent agreement in lieu of the denial, which would include entering into a behavioral contract with the Maine Medical Professionals Health Program which must be pre-approved by the Board. Dr. Dunbar seconded the motion. Vote 9-0 in favor.

**Application for Faculty Dentist License - Shaista Rashid:** Following the Board's review of the application for a faculty dentist license, Dr. Davis made a motion to grant the license to Dr. Rashid. Dr. Zajkowski seconded the motion. Vote 9-0 in favor.

**Application for Renewal of Moderate Enteral Sedation Permit - Daniel Armstrong, DMD:** Dr. Armstrong filed a permit renewal application under the former Board Rule, Chapter 14. He is now requesting that his application be withdrawn. Ms. Foster made a motion to accept Dr. Armstrong's request to withdraw his application for renewal of his moderate enteral sedation permit. Ms. Young seconded the motion. Vote 9-0 in favor.

**Application for Moderate Enteral Sedation Permit - Mijung Kim, DMD:** Dr. Kim had filed an application for a moderate enteral sedation permit under the former Board Rule, Chapter 14. Board staff was seeking clarification regarding the various life support documentation that was provided as part of the application. Following the Board's review, it clarified its expectation that any CPR, ACLS, PALS, or BLS certifications must be a hands-on training; online certifications will not be accepted.

**Application for Dentist Licensure - Zachary Reagan, DMD:** Following the Board's review of the application for dental licensure, Dr. Davis made a motion to grant the license to Dr. Reagan. Ms. Foster seconded the motion. Vote 8-1 in favor. (Dr. Howard, recused)

**Review and Consideration of Board Rule, Chapter 13 "Continuing Education":** Following the Board's review and discussion of the updated transition language, Dr. Davis made a motion to accept the wording and proceed with the required legal review before submitting to the Governor's Office for review and approval. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Review/Approval of Interim, Non-Disciplinary Consent Agreement:** Following the Board's review of the document, Dr. Davis made a motion to approve the interim consent agreement as drafted. Ms. Foster seconded the motion. Vote 7-2 in favor. (Ms. Jowett and Ms. Young, recused)

**AADB 135<sup>th</sup> Annual Meeting Announcement:** Ms. Jowett made a motion that the Board approve the travel for Ms. Foster to attend the upcoming AADB annual meeting. Ms. Young seconded the motion. Vote 8-1 in favor. (Ms. Foster)

**Adjudicatory Hearing: Application for Dental Radiography License - James S. Dixon:** Hearing Officer F. Mark Terison was present for the hearing which was noticed for this date. Although appropriately noticed, Mr. James Dixon was not present for the hearing, nor was he represented by counsel; Andrew Black, Assistant Attorney General

was present and representing the State. The purpose of the hearing was to address the preliminary denial of Mr. Dixon's application for a dental radiographer license.

Following the Board's deliberations, Dr. Davis made a motion to deny Mr. Dixon's application for a dental radiography license pursuant to 32 M.R.S. subsection 18325 (1)(F). Dr. Morse seconded the motion. Vote 8-1 in favor. (Ms. Foster, recused)

**Review and Discussion of Regional Examination Chart for Dental Licensure:** Ms. Vaillancourt had put together a chart outlining the various regional examinations for dental licensure, identifying the portions that have been deemed optional by the examining agencies. Following the Board's review and discussion, Dr. Dunbar made a motion stating that any applicant for licensure must complete all portions of an examination, including any portions deemed as optional. Dr. Morse seconded the motion. Vote 9-0 in favor.

**ADEX Meeting Announcement:** Ms. Foster made a motion that the Board approve the travel for Dr. Morse to attend the upcoming ADEX meeting. Dr. Davis seconded the motion. Vote 8-1 in favor. (Dr. Morse)

**June 7, 2018 Article Published by The Maine Wire:** Following the Board's review and discussion of the article, it was accepted as an FYI.

**Letter dated May 6, 2018 from Alton Harvey, Sr.; Letter dated June 8, 2018 from ADEX President RE: ADEX Examination:** The Board briefly discussed each letter and accepted the information as an FYI.

**Executive Director's Report:** Ms. Vaillancourt reported on the following

- **Financial Report:** Ms. Vaillancourt informed the members that a rulemaking proposal to increase licensure fees is likely within the next few months. She will present a proposed draft to the Board for review at a future meeting. The Board significantly reduced fees a few years ago, and since that time has been drawing down from its cash balance to pay its expenses.
- **Application questions:** Following the Board's review of the new application questions, Dr. Zajkowski made a motion to approve the questions as drafted. Dr. Morse seconded the motion. Vote 9-0 in favor.
- **MPHP Update/Forms:** In addition to reviewing the updated forms from the Maine Medical Professionals Health Program, Ms. Vaillancourt informed the members that the MPHP will present their annual report at an upcoming meeting.

- **Licensing Data Update:** Ms. Vaillancourt provided an overview of licensing data for the Board which was accepted as an FYI.
- **Legislative Update:** Board staff will be working to implement updated procedures as a result of legislation that passed, including sending out an informational letter to licensees.
- **Rulemaking Update:** The Rules Committee has almost completed its draft of a new chapter which will include practice standards for all licensees. The Committee will be meeting again on June 22, 2018.
- **ALMS update:** Ms. Vaillancourt reported to the Board that changes in the licensing system will be made such that licenses will be automatically sent electronically. The Board will be mailing printed licenses only to those licensees who do not have a valid email address on file with the Board. In addition, a review of templates and data revealed that license prefix data was being added into the system incorrectly. Board staff is working on correcting the data fields with the ALMS group.

**E-mail dated June 4, 2018 from Benjamin Lawlor, DDS RE: Request for Legal Recommendation:** Following the Board's review and discussion of the e-mail, the information was accepted as an FYI.

**Anonymous letter dated March 26, 2018 RE: Newspaper Advertisement:** Following the Board's review and discussion of the information, Dr. Davis made a motion to table the information in order to obtain further information from the newspaper. Dr. Morse seconded the motion. Vote 0-9 in opposition, the motion failed.

Dr. Zajkowski made a motion to generate a board complaint against the licensee based on the lack of name included in the advertisement which is an alleged violation of Board Rule, Chapter 8. Dr. Morse seconded the motion. Vote 9-0 in favor.

**Continuing Education Approval List:** Following the Board's review of the list, it was accepted as an FYI.

**Preliminary Agenda for Upcoming Meetings:** Ms. Jowett will not be present for the July meeting, and Dr. Dunbar will not be present for the October meeting.

**Complaint Management Report:** Following the Board's review of the report, the information was accepted as an FYI.

Dr. Davis made a motion to adjourn at 3:37 p.m. Ms. Jowett seconded the motion.  
Voted 9-0 in favor.

Respectfully Submitted,

Teneale E. Johnson  
Executive Secretary