

**Maine Board of Dental Practice
Board Meeting Minutes
July 13, 2018**

The meeting convened at 8:30 a.m.

Members Present: Dr. Lisa Howard; Dr. Stephen Morse; Dr. Glen Davis; Dr. Paul Dunbar; Dr. Mark Zajkowski; Ms. Nancy Foster, RDH, EFDA; and Ms. Kathryn Young, LD

Members Absent: Ms. Tracey Jowett, RDH; Ms. M. Lourdes Wellington, Public Member

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

Review and Consideration of Board Rule, Chapter 13 “Continuing Education”: Ms. Vaillancourt reported that she had spoken with the Secretary of State’s Office and learned due to the length of time since Chapter 13 had been originally filed, the Board would need to re-start the rule-making process for this chapter. AAG Bowie and Ms. Vaillancourt went over the previously approved changes, along with some typographical changes; and the Board requested that in-service training sessions be limited to ten (10) credit hours per biennium. Following the Board’s review and discussion, Dr. Morse made a motion to accept the draft as amended, and to formally propose Board Rules, Chapter 13. Ms. Young seconded the motion. Vote 7-0 in favor.

Adjudicatory Hearing – Complaint 17-23 – David R. Steuer, DMD: Hearing Officer F. Mark Terison, Esquire was the presiding officer for the hearing. Assistant Attorney General Andrew Black was present and representing the State, and Attorney Robert Hayes was present representing the licensee. Hearing Officer Terison reported to the Board that he had received a joint request to continue the hearing, and that the parties were ready to present the Board members with a possible resolution to complaint 17-23 in lieu of going forward with the hearing. AAG Black presented the Board with a consent agreement whereby the licensee would admit to violations of the Dental Practice Act, and as discipline, accept a formal reprimand, and agree to voluntarily surrender his Maine dental license effective August 13, 2018. The licensee will also agree to not re-apply for licensure in Maine for a minimum of five (5) years. Following the Board’s review of the draft, Dr. Davis made a motion to accept the consent agreement as presented. Dr. Morse seconded the motion. Vote 5-2 in favor (Dr. Zajkowski opposed/Dr. Dunbar recused as Complaint Officer)

Review of Decision and Order – Complaint 18-22 – James Dixon: Following their review of the draft decision and order, Dr. Zajkowski made a motion to accept the order as written. Ms. Young seconded the motion. Vote 6-1 in favor. (Ms. Foster recused)

Subcommittee on Dental Hygienists Report: Ms. Ann-Marie Grenier provided the following report to the Board:

- Ms. Grenier reported that she may not be at the October 2018 meeting.
- Ms. Grenier reported that the Subcommittee on Dental Hygienists reviewed applications for dental hygiene licensure, nitrous oxide permit, and local anesthesia permit for Ms. Megan Devlin. Following their review of the application materials, which included two disclosures, the Subcommittee recommended that the Board grant the license and permits to Ms. Devlin. Dr. Dunbar made a motion to accept the recommendation of the Subcommittee. Dr. Morse seconded the motion. Vote 7-0 in favor.

Minutes – June 15, 2018: Following their review, Dr. Morse made a motion to approve the June 15, 2018 minutes. Ms. Foster seconded the motion. Vote 7-0 in favor.

Board Chair Report:

- Research report release by The Journal of Dental Hygiene, Vol. 92, No. 3, June 2018 “Interest in Dental Hygiene Therapy: A study of dental hygienists in Maine”. The Board briefly discussed the report and accepted it as an FYI.

Executive Director’s Report:

- Legislative update: Board staff will be working to implement updated procedures as a result of recently enacted legislation, including sending out an informational letter to licensees.
- Rulemaking update: The Rules Committee is in hopes to finish its draft of a new chapter which will include practice standards for all licensees at its meeting next week in hopes to present a draft to the Board at its August meeting.
- Financial update: Ms. Vaillancourt will be working with the Commissioner’s Office in identifying a proposed fee increase for the Board’s consideration given the projected cash balance at the end of FY19. The Board reduced fees in 2012, but the adjustment was too aggressive resulting in the Board’s current fiscal situation.

- Licensing update: Ms. Vaillancourt provided an overview of licensing data for the Board which was accepted as an FYI.

Applications for Review:

Application for Dental Extern Registration - Avery Bingham: Following their review of the application materials, including information concerning a criminal background disclosure, Dr. Zajkowski made a motion to grant the registration for Ms. Bingham. Dr. Dunbar seconded the motion. Vote 7-0 in favor.

Application for Dental Faculty License - Adepitan Owosho: Following their review of the application materials, Dr. Morse made a motion to grant a dental faculty license to Dr. Owosho. Dr. Zajkowski seconded the motion. Vote 7-0 in favor.

Application for Dental Radiography License - Amanda Brewster: Following their review of the application materials, along with a report from the Maine Medical Professionals Health Program, Dr. Dunbar made a motion to grant Ms. Brewster a dental radiography license, and recommend that she voluntarily enroll with the program. Ms. Young seconded the motion. Vote 7-0 in favor.

Application for Dental Radiography License - Gina Wilt: Ms. Wilt filed an application for reinstatement of her dental radiography license. Ms. Wilt answered “no” to the criminal background question, but upon review of the SBI report the applicant has had four arrests/convictions. These arrests/convictions were not previously reported to the Board on either her initial application or subsequent renewal applications. Following their review of the application materials, Dr. Dunbar made a motion to preliminarily deny the application based on her non-disclosure of the arrests/convictions. The applicant will be offered a consent agreement in lieu of the denial which would include admission to not disclosing the information, payment of a fifty (\$50.00) monetary penalty, and Dr. Morse seconded the motion. Vote 7-0 in favor.

Application for Expanded Function Dental Assistant License - Amanda Field: Following the Board’s review of the application materials, including criminal background disclosure information, Dr. Zajkowski made a motion to grant an expanded function dental assistant license to Ms. Field. Dr. Dunbar seconded the motion. Ms. Field will be sent a reminder of the reporting requirements pursuant to 32 M.R.S. §18352, and provided with resources for the Maine Medical Professionals Health Program. Vote 7-0 in favor.

Request to Withdraw Application for Deep Sedation/General Anesthesia - Pankaj Thakker, DDS, MD: Following their review of the request, Dr. Dunbar made a motion to accept Dr. Thakker's request to withdraw his application. Dr. Morse seconded the motion. Vote 7-0 in favor.

Application for Renewal of Deep Sedation/General Anesthesia Permit - Russell Collett, DDS (DSA51): Following their review of the application materials, including a criminal background disclosure, Dr. Zajkowski made a motion to approve the renewal. Dr. Davis seconded the motion. Vote 7-0 in favor.

Request to Amend Consent Agreement - Dr. Nelson Henry - Complaint Nos. 06-21, 11-21, and 12-31: Following their review, Dr. Zajkowski made a motion to deny the request based on Dr. Henry's non-compliance with previous disciplinary actions. Dr. Davis seconded the motion. Vote 7-0 in favor.

Addition to Agenda:

Consumer Complaint Memo dated July 12, 2018: The Board received a call alleging unsupervised practice of dental assistants in an orthodontic practice. In addition, there was an allegation of dogs being present in the office, and reports of unsanitary conditions as a result.

Dr. Dunbar made a motion to initiate a complaint against the licensee alleging unsupervised practice of dental assistants, and allowing animals in the dental practice. The licensee will be asked for the names of the dental assistants, and the dates on which they provided services without supervision. Dr. Zajkowski seconded the motion. Vote 7-0 in favor.

Upon further inquiry, the Board received information that another dentist was alleged to have dogs in an orthodontic practice setting. The licensee admitted to the dogs being in the practice, and the information was presented to the Board. Dr. Zajkowski made a motion to send a letter of guidance to Dr. Anthony Liberatore relating to Board Rules, Chapter 9 regarding animals in the dental practice. The letter of guidance will remain on file for five years. Ms. Foster seconded the motion. Vote 7-0 in favor.

The following agenda items were reviewed and accepted as FYI's:

Thank you note from Commissioner Anne Head.
Continuing education approval list.
Preliminary agenda for upcoming meetings.
Case management reports.

Ms. Foster made a motion to adjourn at 11:08 a.m. Ms. Young seconded the motion.
Vote 7-0 in favor.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary