

**Maine Board of Dental Practice
Board Meeting Minutes
September 14, 2018**

The meeting convened at 8:57 a.m.

Members Present: Drs. Stephen Morse; Paul Dunbar; Mark Zajkowski; Ms. Nancy Foster, RDH, EFDA; Ms. Tracey Jowett, RDH, IPDH; Ms. Kathryn Young, LD; Ms. M. Lourdes Wellington, Public Member

Members Absent: Drs. Lisa Howard and Glen Davis

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

Minutes - August 17, 2018: Following their review, Ms. Young made a motion to accept the minutes as amended. Dr. Zajkowski seconded the motion. Vote 7-0 in favor.

Subcommittee on Dental Hygienists Report:

- Ms. Grenier reported that the Subcommittee on Dental Hygienists had reviewed and approved its minutes of August 17, 2018. She also reported that they reviewed the continuing education approval list and the preliminary agenda for upcoming meetings which was accepted as an FYI.
- Ms. Grenier reported that the Subcommittee reviewed an application for dental hygiene licensure for Ms. Wilmary Spencer. Following their review of the application material, the Subcommittee recommended that the Board grant Ms. Spencer a dental hygiene license, with a reminder of the reporting requirements pursuant to 32 M.R.S. § 18352. Dr. Dunbar made a motion to accept the recommendation of the Subcommittee. Ms. Foster seconded the motion. Vote 7-0 in favor.
- Ms. Grenier reported that the Subcommittee reviewed a criminal conviction submitted pursuant to 32 M.R.S. § 18352 from Ms. Chelsie Thibault, RDH. Following their review and discussion of the materials, including information that should have been disclosed to the Board earlier, the Subcommittee voted to recommend that the Board initiate a complaint for the alleged failure to timely report conviction(s), the practice of fraud, deceit or misrepresentation in obtaining a license or authority from the board, and misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients. Ms. Young

made a motion to accept the Subcommittee recommendation. Dr. Zajkowski seconded the motion. Vote 7-0 in favor.

The Subcommittee also recommended that a letter be sent to Ms. Thibault, referring her for an assessment with the Maine Medical Professionals Health Program. Ms. Foster made a motion to accept the Subcommittee recommendation. Ms. Jowett seconded the motion. Vote 7-0 in favor.

Department of Professional and Financial Regulation - Remarks by Anne L. Head, Commissioner: Commissioner Head provided guidance to the Board regarding its current financial obligations, the state's budget process, and considerations when proposing changes in a licensing board's fee structure. She recognized the Board for their commitment to improvements, and reiterated the support of her office and the administration for the hard work they are doing.

Maine Dental Hygienists 'Association (MDHA) - Introductions with Beth DePalma, RDH, IPDH, President: Ms. DePalma introduced herself to the Board, and identified the work she will be doing with the MDHA. She is looking forward to working with the Board.

Board Vice Chair Report:

- **2019 Board Meeting Dates:** The Board selected the following dates for 2019: January 11, February 8, March 15, April 5, May 10, June 14, July 19, August 16, September 13, October 11, November 8, and December 6.

Maine Medical Professionals Health Program (MPHP)- 2017 Annual Report Presentation, Guy Cousins, LCSW, LADC, CCS: Mr. Cousins, Director of the MPHP, provided an overview/update on the organizational changes that have occurred at the MPHP. MPHP staff highlighted some of the work which included updates to the peer monitoring guidelines/forms, a new worksite report, a new monitoring platform, outreach efforts, as well as a testimonial from a participant.

Reconsideration of Consent Agreement - Complaint 16-118: Board staff placed the matter on the agenda after discussion with its legal counsel that the allegations related to non-disclosure be noticed to the licensee separate from the proposed consent agreement. Following the Board's review and discussion, Dr. Zajkowski made a motion to initiate a complaint alleging that that the licensed failed to disclose information on her license renewal application. Ms. Young seconded the motion. Vote 7-0 in favor.

Review and Approval of Maintenance Agreement – Complaint 15-7: Following the Board’s review of the MPHP maintenance agreement, Dr. Zajkowski made a motion to approve the contract as submitted. Ms. Foster seconded the motion. Vote 7-0 in favor

Application for Dental Licensure – Donald J. Gass, Jr., DDS: Following the Board’s review of the application materials, including a disclosure regarding licensing board action and a civil lawsuit, Dr. Zajkowski made a motion to grant a dental license to Dr. Gass. Dr. Dunbar seconded the motion. Vote 7-0 in favor.

Application for Dental Radiography Licensure – Kathryn L. Perrin: Following the Board’s review of the application materials, including information concerning a criminal background disclosure, Dr. Dunbar made a motion to grant a dental radiography license to Ms. Perrin. Ms. Jowett seconded the motion. Vote 7-0 in favor.

Application for Dental Radiography Licensure – Brianna Walsh: Following the Board’s review of the application materials, including information concerning a criminal background disclosure, Ms. Young made a motion to grant a dental radiography license to Ms. Walsh, along with a notification that she report the disposition of the case following its conclusion, and a reminder of the reporting requirements pursuant to 32 M.R.S. §18352. Dr. Zajkowski seconded the motion. Vote 7-0 in favor.

Application for Dentist Faculty Licensure – Jyoti Sonkar: Following their review of the application materials, Dr. Zajkowski made a motion to grant a dentist faculty license to Dr. Sonkar. Ms. Foster seconded the motion. Vote 7-0 in favor.

Correspondence Regarding Board Rules, Chapter 7: The Board reviewed correspondence it had received regarding a draft proposal to revise its fee structure. The Board will continue to work closely with the Commissioner’s office and the Governor’s office in identifying a financial plan that will stabilize the Board’s operating budget. The Board recognizes that the work that lies ahead in the coming months to stabilize the Board’s finances will be difficult. However, the Board remains committed to sharing information with stakeholders as it becomes available.

American Board of Dental Examiners (ADEX) Meeting Report – Dr. Stephen Morse: Dr. Morse recently attended an ADEX meeting and provided an overview of topics covered. Discussion of the WREB examination was held, including a distinction made with the examination testing occupational tasks versus scopes of practice as it related to the scaling/periodontal portion of the examination. There will be ongoing discussions and/or proposed changes to the complex system of regional examinations and the testing agencies. The Board may consider inviting in a guest speaker to address issues related to content areas of the regional examinations.

The following items were reviewed and accepted as an FYI:

AADB Mid-Year Meeting Materials
Continuing Education Approval List
Preliminary Agenda for Upcoming Meetings
Case Management Reports

Executive Director's Report:

- Legislative Update: Ms. Vaillancourt reported that staff is working on the final implementation of enacted legislation from the last session. She will update the Board on a regular basis once the 129th First Regular Session convenes.
- Rulemaking Update: Ms. Vaillancourt reported that the Rules Committee will be resuming its meetings later this spring, and will review Board Rules, Chapter 14 and Chapter 21.
- Licensing Data Update: Ms. Vaillancourt provided an overview of licensing data for the Board which was accepted as an FYI.

Rulemaking Hearing – Board Rules, Chapter 13 “Continuing Education”: The rulemaking hearing began at 1:01 p.m. The following testimony was provided:

- Dr. Michelle Mazur-Kary – Representing the Maine Dental Association (MDA):
 - The MDA requests that the rule be more clear on the definition of “dental practice”. They feel that there is potential for interpretation that practice management courses will be acceptable which is not clinically related;
 - The MDA is opposed to the fact that all continuing education coursework can be completed online; and
 - The MDA is unsure as to why Section VI is needed since category I and II will be no longer required.
- Ms. Beth DePalma – Representing the Maine Dental Hygiene Association (MDHA):
 - The MDHA feels that the wording is not strict enough on who can provide continuing education, and wants the Board to acknowledge that the wording has dangerous consequences; and
 - The MDHA feels that there should be wording in place that prevents someone from using the same course content more than once during a licensing cycle.

The rulemaking hearing ended at 1:14 p.m.

Rulemaking Items: The Board reviewed and discussed the draft changes made to the following rules. Once the changes that were discussed have been made, the chapters will be presented to the Board for their review:

Chapter 1 "Definitions"

Chapter 2 "Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities"

Chapter 3 "Qualifications for Expanded Function Dental Assistant Licensure"

Chapter 4 "Rules Relating to the Practice of Denturism"

Chapter 5 "Qualifications for Denturist Licensure"

Chapter 6 "Rules for Radiation Barriers"

Chapter 8 "Advertising"

Chapter 9 "Unprofessional Conduct"

Chapter 10 "Qualification for Dental Radiography Licensure"

Chapter 11 "Qualifications for Licensure by Endorsement; Requirements for Renewal, Late renewal, and Reinstatement of Licenses and Authorities"

Chapter 12 "Qualifications for Dentist Licensure"

Chapter 15 "Mortality or Significant Health Incidents in a Dental Office"

Chapter 16 "Rules for Independent Practice Dental Hygienists to Process Dental Radiographs"

Chapter 18 "Qualifications for Initial and Renewal of Registrations"

Chapter 19 "Practice Requirements"

Ms. Young made a motion to adjourn at 5:31 p.m. Ms. Jowett seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary