

**Maine Board of Dental Practice
Board Meeting Minutes
October 12, 2018**

The meeting convened at 9:02 a.m.

Members Present: Drs. Lisa Howard; Stephen Morse; and Glen Davis; Ms. Nancy Foster, RDH, EFDA; Ms. Tracey Jowett, RDH, IPDH; and M. Lourdes Wellington, Public Member

Members Absent: Drs. Paul Dunbar and Mark Zajkowski, and Ms. Kathryn Young, LD

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

Minutes – September 14, 2018: Following their review, Dr. Morse made a motion to approve the draft minutes. Ms. Foster seconded the motion. Vote 4-2 in favor. (Drs. Howard and Davis recused)

Subcommittee on Dental Hygienists Report:

- Ms. Foster reported that the Subcommittee on Dental Hygienists had reviewed and approved its minutes of September 14, 2018.
- Ms. Foster reported that the Subcommittee reviewed an application for a local anesthesia permit for Ms. Barbara Hanson, RDH. Following their review of the application material, and determining that the course information meets the qualifications, the Subcommittee recommended that the Board grant Ms. Hanson a local anesthesia permit upon proof of successful completion of the examination. Dr. Davis made a motion to accept the recommendation of the Subcommittee. Ms. Jowett seconded the motion. Vote 6-0 in favor.
- Ms. Foster reported that the Subcommittee reviewed an application for renewal of a local anesthesia permit for Ms. Meghan Packard, RDH. Following their review and discussion of the materials, the Subcommittee recommended that the Board table its review of the renewal pending the Board's scheduled administrative proceedings with regards to Ms. Packard's dental hygiene license renewal. Dr. Davis made a motion to accept the recommendation of the Subcommittee. Ms. Jowett seconded the motion. Vote 6-0 in favor.

- Ms. Foster reported that the Subcommittee reviewed a notification from Ms. Liza Hight, RDH stating that she had provided public health supervision services on eleven dates without first submitting notification to the Board. Following their review and discussion of the information, the Subcommittee recommended that the Board issue Ms. Hight a letter of guidance which would remain on file for five years regarding her obligations of providing services under public health supervision as outlined in Board Rules, Chapter 2. Ms. Jowett made a motion to accept the recommendation of the Subcommittee. Dr. Davis seconded the motion. Vote 6-0 in favor.

- Ms. Foster reported that the Subcommittee had reviewed compliance reporting information from Ms. Jennifer Mulholland, RDH. Ms. Mulholland had entered a consent agreement with the Board as a result of failing to meet the 2013-2014 continuing education requirements for renewal of her license. The agreement required that she complete thirty continuing education credits. Following their review and discussion of the documentation, the Subcommittee recommended that the Board approve the compliance documentation. Ms. Jowett made a motion to accept the Subcommittee recommendation, but to also issue Ms. Mulholland a letter of guidance to remain on file for five years, reminding her of her responsibilities to respond timely to requests from the Board. Ms. Foster seconded the motion. Vote 6-0 in favor.

- Ms. Foster reported that the Subcommittee had reviewed compliance reporting information from Ms. Stephanie Mains, RDH. Following their review and discussion of the documentation, the Subcommittee recommended that the Board offer a consent agreement based on non-compliance with the Decision and Order and failure to respond to the Board. The agreement would include a warning; a civil penalty of \$250.00 to be paid within 60 days; completion of 3.5 continuing education credits within sixty days. Credits must be pre-approved by the Board, and can be either category 1 or 2. Dr. Davis made a motion to accept the Subcommittee recommendation. Ms. Jowett seconded the motion. Vote 6-0 in favor.

Complaint 18-32: A complaint was filed by a patient's mother alleging that the patient had swallowed a crown during treatment, and that the doctor had caused a laceration under the patient's tongue during treatment. Following the Board's review and discussion of the complaint materials, Dr. Morse made a motion to dismiss complaint 18-32 as there was no violation of the Dental

Practice Act. Ms. Foster seconded the motion. Vote 5-1 in favor. (Dr. Davis recused as Complaint Officer)

Review and Approval of Practice Monitor – Complaint 14-35: Following the Board’s review of the consent agreement, and request for review and approval of a practice monitor for Dr. Russell Collett, Ms. Foster made a motion to approve the following licensed dentists in ranking order: Dr. David Pier, Dr. Johnathan Goss, and Dr. Douglas Laliberte upon written confirmation of understanding their responsibilities as an agent of the Board. The motion includes delegation to the Board Chair to review and approve any additional practice monitors submitted to expedite the approval. Dr. Morse seconded the motion. Vote 6-0 in favor.

Application for Dental Radiography License Reinstatement- Lori-Lynne Wilcox-Robson: At 9:39 a.m., Dr. Morse made a motion to enter executive session pursuant to 1 M.R.S. Section 405 (6)(F) so that that the Board could discuss information related to Ms. Wilcox-Robson’s application for license reinstatement which is confidential pursuant to 22 M.R.S. § 1711-C(2). The motion was seconded by Dr. Howard and it passed unanimously. Dr. Howard made a motion to come out of executive session at 9:53 a.m. The motion was seconded by Dr. Morse and it passed unanimously. Following the Board’s review of the application materials, including information concerning a criminal background disclosure, Ms. Foster made a motion to table the application and request further information from the applicant, and from the treating provider. Dr. Morse seconded the motion. Vote 6-0 in favor.

Executive Director’s Report:

- Legislative Update: Ms. Vaillancourt reported that staff is working on implementation of enacted legislation from the last session. She will provide an update to Members on a regular basis once the 129th First Regular Session convenes.
- Rules Committee 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.
- Financial Report: Ms. Vaillancourt provided an overview of the monthly financial report for the Board which was accepted as an FYI.
- Licensing Data Update: Ms. Vaillancourt provided an overview of licensing data for the Board which was accepted as an FYI.

- **Maine Oral Health Coalition Meeting Update:** Ms. Vaillancourt recently attended a meeting of the Maine Oral Health Coalition which included a PowerPoint presentation on “Teledentistry”. The Board requested that the presenter attend its January or February meeting to go over the information.
- **Medical Professionals Health Program Quarterly Meeting Update:** Ms. Vaillancourt reported that the MPHP and various Board Administrators are working on revisions to its worksite monitor/peer monitor reporting forms.
- **Outreach Updates:** Ms. Vaillancourt reported that she participated in a panel discussion along with the Executive Director of the Maine Dental Association and the MDA lobbyist, Ann Mitchell as part of Dr. Dombroski’s policy curriculum for 2nd year dental students at the University of New England Outreach Updates: Ms. Vaillancourt recently attended a southern Maine dentist study club and delivered a PowerPoint presentation that included a review and discussion of the Board’s legislative, rulemaking, licensure, and complaint processes.
- **Outreach Updates:** Ms. Vaillancourt and Dr. Morse have been invited to participate in a panel discussion by a 4th year dental student at the University of New England regarding ethical dilemmas on November 7th.
- **Local Anesthesia Examination:** Ms. Vaillancourt gave a brief overview of the Board’s local anesthesia examination and requested further discussion with the members during rulemaking discussions. The Board concluded that its local anesthesia examination proctored by board staff will not be necessary moving forward. Similar to the qualifications of a nitrous oxide analgesia authority, a candidate can qualify for the authority two ways: 1. Successful completion of a board-approved course that includes an examination; or 2. Successful completion of a board-approved course and a board-approved examination such as the CDCA.
- **Appointment to the Subcommittee on Denturists:** Ms. Vaillancourt reported that there was a recent appointment to the Subcommittee on Denturists. Mr. Gareth Coward has been appointed to replace Mr. John Merrill on the Subcommittee who has served more than ten years.
- **Silver Diamine Fluoride (SDF) Update:** Ms. Vaillancourt briefly discussed the application and use of Silver Diamine Fluoride as approved by the FDA and its uses off label, and requested further discussion with the members during the review of Board Rules, Chapter 19.

Board Chair Report: Review of article published in The Journal of the American Dental Association, September 2018, Volume 149, Issue 9, “Systematic Review: To What Extent Are Impacted Canines Associated With Root Resorption of the Adjacent Tooth? A Systematic Review with Meta-analysis”. The Board briefly discussed the article and accepted it as an FYI.

Draft Response to Public Comment – Board Rules, Chapter 13 “Continuing Education”: As a result of the public hearing held on September 14, 2018, Ms. Vaillancourt drafted the Board’s response to public comments received relating to proposed Board Rules, Chapter 13. Following the Board’s review and discussion of each comment received, along with the draft, Dr. Davis made a motion to accept the Basis Statement and Response to Comments document. Dr. Morse seconded the motion. Vote 6-0 in favor.

Dr. Davis made a motion to adopt Board Rules, Chapter 13 as drafted. Dr. Morse seconded the motion. Vote 6-0 in favor.

Addition – ACLS for Dentists: The Board reviewed correspondence it had received regarding an upcoming ACLS course offering. Following the Board’s discussion, the information presented was accepted as an FYI.

Clarification of Board’s Statutory Authority: Dr. Morse made a motion to enter executive session at 11:37 a.m. pursuant to 1 M.R.S. Section 405 (6)(E) so that the Board could consult with its attorney concerning the legal rights and duties of the Board with respect to local anesthesia and nitrous oxide permits. Dr. Davis seconded the motion and it passed unanimously. Dr. Morse made a motion to come out of executive session at 12:08 p.m. Dr. Davis seconded the motion and it passed unanimously.

Ms. Foster made a motion to authorize board staff to administratively transition local anesthesia and nitrous oxide analgesia permits into practice authorities as part of the dental hygiene licensure in accordance with the statutory changes in the Dental Practice Act. Dr. Morse seconded the motion. Vote 6-0 in favor.

Rulemaking Items: The Board reviewed and discussed the draft changes made to the following rules. Once the additional 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 “Qualifications 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 Registrations”
Chapter 19 “Practice Requirements”

- Revisit OSHA/CDC/Nitrous – The Board agreed to revisit this topic.
- Silver diamine fluoride (SDF) – The Board agreed to discuss this topic further and to invite a speaker to a future Board meeting.

135th Annual American Association of Dental Boards (AADB) Meeting Report – Nancy Foster, RDH, EFDA: Ms. Foster recently attended an AADB meeting and provided the Board with an overview of topics covered.

The following items were reviewed and accepted as an FYI:

Preliminary Agenda for Upcoming Meetings
Case Management Report:

Addition – ADA Subscription: Ms. Vaillancourt requested that the Board authorize a regular subscription to the American Dental Association Journal to keep apprised on current topics. The Board authorized the request.

Dr. Davis made a motion to adjourn the meeting at 1:24 p.m. Ms. Jowett seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary