

**Maine Board of Dental Practice
Board Meeting Minutes
November 9, 2018**

The Meeting convened at 7:57 a.m.

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

Also Present: Andrew Black, Assistant Attorney General; James Bowie, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director; Hearing Officer F. Mark Terison, Esq.

Adjudicatory Hearing – Meghan Packard, RDH – Complaint 18-29:

An administrative hearing was held to consider Ms. Packard's appeal to the Board's preliminary denial of her dental hygiene license renewal application based upon allegations of unprofessional conduct and conviction of a crime involving dishonesty or false statement.

After evidence was presented by the parties and after the Board's deliberations, Dr. Davis made a motion finding that notwithstanding the conviction, that Ms. Packard has been sufficiently rehabilitated to warrant the public trust, and granted renewal of her dental hygiene license. Dr. Zajkowski seconded the motion. Vote 9-0 in favor.

Dr. Zajkowski made a motion that Ms. Packard's license be renewed effective today. Ms. Young seconded the motion. Vote 9-0 in favor.

Adjudicatory Hearing – David Steuer, DMD – Complaint 18-46:

An administrative hearing was held to consider whether grounds exist to impose discipline against Dr. Steuer's right to practice dentistry in Maine. Dr. Paul Dunbar and Dr. Mark Zajkowski recused from the proceeding.

After evidence was presented by the parties and after the Board's deliberations, the following motions were made:

1. The Board found that Dr. Steuer engaged in fraud, deceit or misrepresentation in connection with services within the scope of his license by fabricating a letter and submitting it to the Board as evidence in defense of a complaint, in violation of 32 M.R.S. § 18325(1)(A). Ms. Foster made a motion which Dr. Morse seconded. Vote 7-0 in favor;

2. The Board found that Dr. Steuer engaged in fraud, deceit or misrepresentation in connection with services within the scope of his license by knowingly making written and false statements to the Board that he had sent a particular letter to another dentist, in violation of 32 M.R.S. § 18325(1)(A). Dr. Davis made the motion which Ms. Jowett seconded. Vote 7-0 in favor;
3. The Board found that Dr. Steuer engaged in unprofessional conduct by fabricating a letter and submitting it to the Board as evidence in defense of a complaint, in violation of 32 M.R.S. § 18325(1)(E). Ms. Jowett made the motion which Dr. Davis seconded. Vote 7-0 in favor;
4. The Board found that Dr. Steuer engaged in unprofessional conduct by knowingly making written and false statements to the Board that he had sent a particular letter to another dentist, in violation of 32 M.R.S. § 18325(1)(E). Ms. Foster made the motion which Dr. Morse seconded. Vote 7-0 in favor; and
5. The Board found that Dr. Steuer failed to produce a requested document in his possession or under his control relevant to a pending complaint, in violation of 32 M.R.S. § 18325(1)(M). Ms. Young made the motion which Dr. Morse seconded. Vote 7-0 in favor.

The penalties imposed based on the findings are: a Reprimand, a civil penalty of \$1,500, hearing and investigation costs not to exceed \$3,000. Ms. Jowett made the motion which Dr. Davis seconded. Vote 7-0 in favor.

Ms. Foster made a motion requiring that the civil penalties and the hearing costs be remitted to the Board within six (6) months. Ms. Young seconded the motion. Vote 7-0 in favor.

Ms. Young left the meeting at 2:54 p.m. as she was recused from the following adjudicatory hearing.

Adjudicatory Hearing – Daniel P. Schecter, DMD – Complaint 18-66:

An administrative hearing was held to consider whether to reinstate Dr. Schecter's license to practice dentistry in Maine. Kathryn Young, LD recused from the proceeding.

After evidence was presented by the parties and after the Board's deliberations, the following motions were made:

1. The Board finds by a preponderance of the evidence that Dr. Schecter is in sustained recovery from the misuse of alcohol, drugs or other substances, but also finds that proof of his prior misuse is sufficient to establish by a preponderance that if he is granted reinstatement without conditions, the misuse may result in his performance of services in a manner that endangers the health or safety of patients as provided under 32 M.R.S. § 18325(B). Dr. Morse made the motion which Dr. Dunbar seconded. Vote 7-1 in favor (Dr. Zajkowski opposed).
2. The Board finds by a preponderance of the evidence that Dr. Schecter has received diagnoses of cannabis and alcohol use disorders that are now in remission, but also finds by a preponderance that if the he is granted reinstatement without conditions, the diagnoses may result in his performance of services in a manner that endangers the health or safety of patients as provided under 32 M.R.S. § 18325(C). Ms. Foster made a motion which Dr. Morse seconded. Vote 7-1 in favor (Dr. Zajkowski opposed).
3. The Board finds by a preponderance of the evidence that Dr. Schecter is in noncompliance with a consent agreement executed by the Board as provided under 32 M.R.S. § 18325(L), but also finds that reinstatement of licensure with conditions is sufficient to protect the public health and welfare. Dr. Morse made the motion which Dr. Zajkowski seconded. Vote 7-1 in favor. (Dr. Zajkowski opposed).
4. The Board finds by a preponderance of the evidence that Dr. Schecter failed to comply with conditions of probation as provided under 10 M.R.S. § 8003 (5)(A-1)(4), but also finds that reinstatement of licensure with conditions is sufficient to protect the public health and welfare. Dr. Davis made the motion which Dr. Morse seconded. Vote 7-1 in favor. (Dr. Zajkowski opposed).

The conditions imposed upon reentering practice are for a period of five years and include:

- a. Practice under the direct supervision of a Maine dentist whose license is in good standing with pre-approved by the Board;
- b. Prohibit the prescribing of any pain medication and/or Schedule II or III controlled substances;
- c. Enroll with the Maine Medical Professionals Health Program and maintain compliance as outlined in the contract;
- d. Submit patient records quarterly for the Board's review for a period of five years;

- e. Submit to unannounced board inspections regarding all aspects of his dental practice;
- f. Identify a deferment, or a plan to come into compliance with any outstanding student loan default, and report at licensure renewal;
- g. Agree to not apply for any type of sedation/anesthesia permit;
- h. Pay for the costs associated with these restrictions; and
- i. Prohibit working in a practice that dispenses pain medication and/or Scheduled II and III controlled substances.

Dr. Davis made the motion which was seconded by Dr. Morse. Vote 7-1 in favor (Dr. Zajkowski opposed).

Dr. Davis made a motion stating that the above conditions must be pre-approved by the Board prior to reinstatement of his license reinstatement. Dr. Morse seconded the motion. Vote 7-1 in favor (Dr. Zajkowski abstained).

Board Meeting Minutes – October 12, 2018: The Board agreed to table its review of the draft minutes to its next meeting.

Executive Director’s Report:

- Rule Making Update: Ms. Vaillancourt reported that there is a current rulemaking initiative put forth by the Office of Maine Care relating to dental services which the Board may want to submit written comment to. In addition, she reported that the AG’s office had reviewed and approved Board Rules, Chapter 13 submission for its legal review, and that the paperwork has been filed with the Secretary of State’s Office.
- ALMS Update: Ms. Vaillancourt provided the Board with an update on changes to the Board’s licensing system, including that a licensee can now request a copy of their license online, a license will now be e-mailed instead of printed and mailed, and the wall certificates will now be e-mailed as well.

Application for Dentist License Renewal – Catherine Bunin-Stevenson, DMD: Following the Board’s review of a letter from Dr. Bunin-Stevenson’s attorney, Dr. Morse made a motion to table the matter until the Board’s February 2019 meeting. Dr. Davis seconded the motion. Vote 7-1 in favor (Ms. Jowett recused).

Application for Dental Radiography Licensure - Sarah O’Keeffe: Following the Board’s review of the application materials, including information concerning a criminal background disclosure, Dr. Davis made a motion to grant licensure to Ms. O’Keeffe. Dr. Dunbar seconded the motion. Vote 7-1 in favor. (Dr. Zajkowski recused).

Application for Reinstatement of Dental Radiography Licensure – Lori-Lynne Wilcox-Robson: Following the Board’s review of the application materials, including information concerning a criminal background disclosure, and additional information requested regarding her treatment, Ms. Foster made a motion to preliminary deny Ms. Wilcox-Robson’s application for license reinstatement and in lieu of the denial, offer a consent agreement which would place her license on probation for a period of two years, and require that she continue treatment with her current providers, and follow any recommendations. Ms. Jowett seconded the motion. Vote 8-0 in favor.

Dr. Morse made a motion to adjourn at 8:54 p.m. Ms. Foster seconded the motion and it passed unanimously.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary