

**Maine Board of Dental Practice
Board Meeting Minutes
February 8, 2019**

Convened at 9:13 a.m.

Members Present: Drs. Stephen Morse, Glen Davis, Paul Dunbar, and Todd Ray; Ms. Nancy Foster, RDH, EFDA; Ms. Tracey Jowett, RDH, IPDH, Ms, Kathryn Young, LD; and Ms. M. Lourdes Wellington, Public Member

Member Absent: Dr. Mark Zajkowski

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

Minutes – January 11, 2019: Ms. Foster made a motion to accept the minutes as presented. Dr. Davis seconded the motion. Vote 6-2 in favor. (Ms. Young and Dr. Ray abstained)

Complaint Process Presentation - Andrew Black, Assistant Attorney General: AAG Black provided a brief presentation on the complaint process for members of the Board.

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

- The Subcommittee reviewed and approved its minutes from the January 11, 2019 meeting.
- Application for Local Anesthesia Authority - Jaime Brooks, RDH: The Subcommittee's recommendation to grant Ms. Brooks the requested authority was adopted by the Board.

Dental Hygiene Renewal Application Reviews:

- Angela Dorsett, RDH – The Subcommittee's recommendation included a preliminary denial of Ms. Dorsett's application for renewal based on her conviction of a crime of dishonesty and failure to report the conviction within 10 days. The recommendation included offering the licensee a consent agreement to resolve the matter with the following terms: a warning; and license probation for a period of one (1) year during which the licensee will continue with counseling as recommended by her treating provider. The licensee will be required to submit a final report

from the provider regarding the completion of counseling. The Board adopted the Subcommittee's recommendation.

- Jessie Robinson, RDH – The Subcommittee's recommendation to grant the renewal of Ms. Robinson's dental hygiene license was adopted by the Board.
- Katherine Landry, RDH – The Subcommittee's recommendation included a preliminary denial of Ms. Landry's application for renewal based on her failure to report a conviction within 10 days. The recommendation included offering the licensee a consent agreement to resolve the matter with the following terms: a warning; and license probation for a period of one (1) year during which the licensee will enroll and comply with the Maine Medical Professionals Health Program ("MPHP") monitoring contract. Changes to the MPHP contract will require pre-approval from the Board, and the licensee will be required to submit a final report from the MPHP regarding the completion of the monitoring contract. The Board adopted the Subcommittee's recommendation.

Application for Dental Radiography License Reinstatement – Anita

Robbins: After a review and discussion of the application materials presented, Dr. Dunbar made a motion to preliminarily deny the application for dental radiography license reinstatement based on her misrepresentation of her criminal record on the application. The motion also included offering the licensee a consent agreement to resolve the matter with the following terms: an admission, a warning, a civil penalty of \$50.00 to be paid within ninety (90) days, the reporting of certain events as listed in the consent agreement within ten (10) days, and a license probation of five (5) years. Dr. Davis seconded the motion. Vote 8-0 in favor.

Application for Dentist Licensure – Nika D'Angelo, DMD: After a review and discussion of the application materials, including the applicant's disclosure of criminal conduct, Dr. Davis made a motion to grant Dr. D'Angelo a dentist license. Ms. Foster seconded the motion. Vote 8-0 in favor.

Application for Dentist Licensure – Bruce Milzman, DDS: After a review and discussion of the application materials, including additional information received from the applicant regarding his disclosure of a 2017 settlement, and information regarding his non-disclosure of criminal conduct. Dr. Davis made a motion to preliminarily deny the application based on the applicant's misrepresentation on his application for licensure. Ms. Foster seconded the motion. Vote 8-0 in favor.

Continuing Education Pre-Approval Request – Maine Dental Association – “Managing Student Loans in a Changing Landscape”: Following its review and discussion of the materials submitted, Dr. Dunbar made a motion to deny the request for pre-approval of the continuing education activity, as the course does not meet the requirements identified in Board Rule, Chapter 13. Dr. Davis seconded the motion. Vote 8-0 in favor.

Continuing Education Pre-Approval Request – Northeast Delta Dental – “Optimizing Patient Prevention”: Following its review and discussion of the materials submitted, Ms. Foster made a motion to approve the request for pre-approval of the continuing education activity. Ms. Jowett seconded the motion. Vote 8-0 in favor.

Ten Day Notification Law – Report of Criminal Conviction – Susan DellaRipa, DMD: Dr. DellaRipa submitted documentation regarding the final disposition of a criminal matter, which resulted in a conviction of Driving to Endanger. The information was accepted as an FYI.

Board Chair Report:

- Article discussion “Periodontal diagnosis in the context of the 2017 classification system of periodontal diseases and conditions – implementation in clinical practice” as published in the *British Dental Journal*, Volume 226, No. 1, January 11, 2019.
- Budget Update:
 - Out of State Travel: Dr. Davis made a motion to put a moratorium on out of state travel. Dr. Dunbar seconded the motion. Vote 8-0 in favor.
 - Investigator Position – Hiring for the vacant investigator position will be placed on hold for the time being.
- 2019 Case Management: Dr. Morse reported that one of the priorities for 2019 will be to reduce the aging case load.
- Welcome New Member Dr. Todd Ray: The Board welcomed Dr. Ray as the newest dentist member of the Board. Dr. Ray replaces Dr. Lisa Howard who completed her term December 2018.
- Subcommittee on Dental Hygienists: Pursuant to 32 M.R.S. §18327 (1)(C), Dr. Davis has been appointed by Dr. Morse, to the vacant seat on the Subcommittee on Dental Hygienists.

- Education/Outreach: Dr. Morse relayed that another priority for 2019 will be to do more education and outreach to the licensed community.

Complaint Items – Compliance Reporting:

Review of Consent Agreement Compliance Documentation – Case No. 18-73: After a review and discussion of the compliance documents submitted to the Board, which include a signed contract with the Maine Medical Professionals Health Program (“MPHP”), Ms. Foster made a motion to approve the contract as presented. Ms. Young seconded the motion. Vote 8-0 in favor.

Review of Consent Agreement Compliance Documentation (Interim Consent Agreement) – Case No. 19-6: After a review and discussion of the terms of the interim consent agreement fully executed by the parties on August 8, 2018, the Board voted to preliminarily deny the licensee’s renewal application based on the licensee’s failure to comply with the interim consent agreement. Dr. Dunbar seconded the motion. Vote 7-0 in favor. (Ms. Jowett recused) *(Dr. Davis and Ms. Young disclosed that they are currently in the process of buying a building that used to be owned by this licensee, but felt that it would not interfere with their vote.)*

Executive Director’s Report:

- Legislative Update: Board staff is wrapping up the final efforts to fully implement the latest statutory changes. Ms. Vaillancourt informed the members that Anne L. Head was unanimously confirmed at committee and by the Maine State Senate as the Commissioner of the Department of Professional and Financial Regulation. The following is a list of dentally related bills for the 129th legislative session as of this date:
 - LD519 – “An Act to Expand Adult Dental Health Insurance Coverage.”
 - LD532 – “Resolve, Directing Professional and Financial Licensing and Certification Boards to Study the Barriers to Obtaining Professional Licensure and Certification.”
 - LD558 – “An Act to Amend the Continuing Education Requirements for Prescribers of Opioid Medication.”
 - LD688 – “An Act to Set Maine Dental Provider Licensing Fees.”
- Rulemaking Update: The Rules Committee will reconvene in April or May to examine Board Rules, Chapter 14 and 21. Board staff will reach out to the anesthesia committee members and to the sedation community for their involvement in the effort.

Tufts/Community Dental AEGD Residency Presentation – Jeffrey

Walawender, DDS: Dr. Walawender provided a brief presentation for members of the Board regarding the AEGD Residency program which is in partnership with Tufts University, Community Dental, Maine Health, and Maine Medical Center.

Executive Director’s Report (Continued):

- Financial Report: The Board accepted the report as an FYI.
- Licensing Data: The Board accepted the report as an FYI.
- Update from Office of the Maine Attorney General: At its meeting on January 11, 2019, the Board had voted to refer a matter to the Criminal Division of the AG’s office. AAG Black confirmed that the appropriate division is aware of the information.
- Pending Dental Radiographer Applications – Ms. Vaillancourt reported that there are applications which remain pending following board staff’s attempt at reaching the applicants concerning outstanding items. Following the Board’s discussion, the following motions were made:
 - Dr. Davis made a motion to direct board staff to send out a thirty (30) day notice to the pending applicants, requesting that they respond, otherwise their application will be administratively closed. Dr. Dunbar seconded the motion. Vote 8-0 in favor.
 - Dr. Davis made a motion that the Board delegate to board staff, to administratively handle applications when they do not meet the timeframe for completion pursuant to 32 M.R.S. § 18341(3). Dr. Dunbar seconded the motion. Vote 8-0 in favor.
- Education/Outreach: Ms. Vaillancourt will provide a brief presentation on the licensure process to UMA dental hygiene students in April 2019.

Correspondence dated January 28, 2019 RE: New York University

Dentistry: NYU Dentistry requested clarification regarding the provisions of the licensure exemption language identified in 32 M.R.S. 18305 (2)(J). Specifically, the request was to clarify whether NYU post-graduate students participating in a charitable event in Maine were required to first obtain dentist resident licenses to practice. Following a review and discussion of the materials presented, Dr. Dunbar made a motion that as in years past, NYU post-graduate students would be required to obtain a dentist resident license in Maine to

provide dental care at the charitable event. Ms. Jowett seconded the motion. Vote 8-0 in favor.

The following items were accepted as an FYI:

- Continuing Education Approval List
- Preliminary Agenda for Upcoming Meetings
- Case Management Report

Ms. Jowett made a motion to adjourn the meeting at 1:18 p.m. Ms. Foster seconded the motion. Vote 8-0 in favor.