

OFFICE OF PROFESSIONAL REGULATION
89 MAIN STREET, 3rd FLOOR
MONTPELIER, VT

APPROVED MINUTES OF THE
VERMONT BOARD OF DENTAL EXAMINERS
FEBRUARY 11, 2015 MEETING

Present: Jennie Kendall, David Baasch, John Lavoie, Randall Miller, Joanne Bugbee, Gerald Theberge, Katherine Silloway, Mimi Kevan, Randall Miller, and Sally Buell; Absent: Dixie Vallie and Edward Pantzar; Office of Professional Regulation Personnel: Larry Novins, Director Colin Benjamin and Diane Lafaille. Others Present: Ellen Grimes, Vaughn Collins and Leslie Hills.

1. The meeting was called to order at 9:00 a.m.
2. The minutes of the January 14, 2015 meeting were approved with a minor correction.
3. The Board welcomes Sally Buell to the Board.
4. Hearings/Stipulations/Closing Reports/Removals:
 - a. Gregory Kasten – A Preliminary Denial Hearing was heard at 9:15 a.m. Ms. Kendall moved, seconded by Dr. Lavoie, to reverse the preliminary denial and grant licensure. Approved.
 - b. Closing reports:

2013-658 and 2014-53 – Dr. Theberge presented this case for closure. Dr. Lavoie moved, seconded by Dr. Baasch, to close this case. Approved.

2014-95 – Dr. Baasch presented this case for closure. Ms. Kevan moved, seconded by Dr. Silloway, to close this case. Approved.
5. Case Manager's Report:

Ms. Preston reported that the Board has 21 pending cases. 3 are pending closing, 7 are ready for Investigative Team meetings, 4 are ready for hearing, 5 are with investigators and 2 are pending charges.
6. Other
 - a. The Board reviewed the conscious sedation application of Michael Morris. Once he has completed the requirements and submits proof of such, his application will be reviewed.
 - b. Michelle Kendall requested that the Board grant her local anesthesia privileges as she currently has this endorsement on her California license. Dr. Miller moved, seconded by Dr. Baasch, to approve adding this privilege to her dental hygiene license. Approved. Drs. Theberge and Silloway abstained from voting.
 - c. Dental Therapist Bill – The Board does not wish to take a position on this matter.
 - d. Director Benjamin came to speak with the Board about enforcement matters. He explained that Secretary Condos has determined that the attorneys currently have dual roles. That is as general counsel and as a presiding officer at hearings and that effective immediately the role of the attorney will be general counsel and that an Administrative Law Officer will now preside over any hearings.

Director Benjamin stated that any cases that involve scope of practice issues would be heard by the Board. However, if the Board chooses, cases that are not scope of practice issues, can be sent to the Administrative Law Officer (ALO) to be heard. The ALO would hear these cases and report back to the Board their findings. The Board would have the final determination on these cases, they would just not hear the cases. The Board would be able to accept the ALO's recommendation or it could not accept the recommendation. The Case Manager would determine which cases the Board would hear and which cases would go directly to the ALO.

Director Benjamin was asked what the cost of this would be. He said he would report back to the Board at its March meeting.

Ms. Kevan moved, seconded by Dr. Theberge, that the Board supports review and selection by the case manager of cases which should be heard by the Board. Unprofessional conduct cases that do not involve practice issues, scope of practice issues, determination of what the standards of practice are or should be, or the role of dentists, dental hygienists, and dental assistants may be heard by an ALO. The Board authorizes utilization of title 3 § 129(f) for those cases. Approved. Dr. Miller was opposed.

e. The Board's next meeting is scheduled for March 11th.

7. Public Comment

8. The Board adjourned at 12:03 p.m.

Respectfully submitted by: Diane Lafaille, Licensing Board Specialist