

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

UNAPPROVED MINUTES OF THE
VERMONT BOARD OF DENTAL EXAMINERS
OCTOBER 14, 2015 MEETING

Present: Edward Pantzar, David Baasch, Jennie Kendall, John Lavoie, Gerald Theberge, Mimi Kevan, Randall Miller, Katherine Silloway and Dixie Vallie; Absent: Sally Buell; Office of Professional Regulation Personnel: Lora Nielsen, Diane Lafaille and Larry Novins; Others Present: Vaughn Collins, Dr. Jeffrey Crandall, and Casey Black.

1. The meeting was called to order at 9:02 a.m.
2. The minutes of the September 9, 2015 meeting were approved with minor corrections.
3. Case Manager's Report:

The Board has 30 pending cases. 1 is in intake, 1 is on appeal, 1 is on hold, 10 are ready for Investigative Team meetings, 5 the Investigative Team has recommended closing, 9 are with investigators and 3 charges have been filed.
4. Correspondence:
 - a. Natalie Remillard submitted a continuing education request for "Bridging the Divide: Medical and Dental Conference." Ms. Kendall moved, seconded by Dr. Theberge, to approve this course for 6.5 credits. Approved. The letter submitted by Natalie Remillard states that this course has been approved for dental hygienists as well. The Board wonders where this approval came from. The Board would approve this course for dental hygienists as well for 6.5 non clinical credits.
 - b. The Board received an email from Diane Dumas of the Vermont State Dental Society asking the Board to clarify if it would be outside the scope of practice for a dentist to prescribe a smoking cessation medication. The Board responds that it is not the Board's practice to answer specific legal questions regarding matters not specifically covered by its statutes and rules. It is possible that the scope of practice questions she poses are ones which the board may have to address in its adjudicatory function, that is, in the course of deciding a disciplinary complaint. The Board is set up to decide the propriety of conduct by regulated professionals. However, its authority to do so must be exercised in the course of disciplinary proceedings or a formal "declaratory judgment" proceeding. The Board makes this type of determination only after a hearing provides the benefit of fully developed facts. At the formal hearing where witnesses testify under oath the board can look at the issue in context and be assured that it has all facts necessary to make an informed decision. If the Board were to pass judgment now on the conduct she requests information about, it could be disqualified from judging the issue in an unprofessional conduct case or declaratory judgment case in the future.

The Board refers her to Section 129(a) (13) of the statutes.
5. Other
 - a. Dr. Jeffrey Crandall came to speak with the Board about licensure of foreign trained dentists as he is searching for an associate in his practice. The Board explained that in order for it to make a determination on someone's education, they would be required to apply for licensure. Once this has been done the Board will review the applicant's education and would determine if it meets the requirements as set out in Board rules. The Board would specifically be reviewing its section 601 (2) of the statute and 4.2(b) of the rules to make this determination.

The Board will review its statutes and rules to determine if any changes need to be made.
 - b. The Board's next meeting is scheduled for November 4th.
6. Public Comment

7. The Board adjourned at 10:32 a.m.

Respectfully submitted by: Diane Lafaille, Licensing Board Specialist