

**OFFICE OF PROFESSIONAL REGULATION
NATIONAL LIFE BUILDING NORTH, FLOOR 2
MONTPELIER, VT 05620-3402**

**UNAPPROVED MINUTES OF THE
VERMONT BOARD OF DENTAL EXAMINERS
NOVEMBER 14, 2012 MEETING**

Present: Katherine Silloway, Chair, John Lavoie, Raymond McCandless, Gertrude Hodge, Joanne Bugbee, Edward Pantzar, Richard Dickinson, Jennie Reed and Gerald Theberge; Absent: Dixie Vallie and Randall Miller; Office of Professional Regulation Personnel: Larry Novins, Peter Comart, Carla Preston, and Diane Lafaille. Others Present: Ellen Grimes and Liz Cote..

1. The meeting was called to order at 9:00 a.m.
2. The minutes of the October 10, 2012 meeting were approved with a correction to number 6, New Business (a) The dates should read October 1, 2013 through September 30, 2015 and October 1, 2012 through September 30, 2013.
3. The Board welcomed Dr. Theberge to the Board.
4. Hearings/Stipulations/Closing Reports/Removals/Case Manager's Report:

Case Managers Report:

Carla Preston, Case Manager, reported that the Board has 46 pending cases. 5 the I-Team has recommended to be closed, 10 cases are ready for I Team Meetings, 24 are under investigation, 3 are pending charges, 2 are set for hearing and 2 are waiting response.

2012-376 – This case was presented for closure. Dr. Dickinson moved, seconded by Ms. Reed, to close this case. Approved.

2012-415 and 2014-416 – This case was presented for closure. Ms. Reed moved, seconded by Ms. Bugbee, to close this case. Approved. Drs. Silloway and Pantzar obtained from voting.

2009-254 – Attorney Robert Simpson, Jr. submitted this case for closure. Dr. Dickinson moved, seconded by Dr. Pantzar, to close this case with added language. The Board has asked that this be placed on the agenda for the July 2013 meeting for an updated closing report. Approved.

5. New Business
 - a. Dr. Patrick Rowe emailed the Board seeking clarification about at what point a dentist has the responsibility to examine a patient seen by a hygienist practicing under general supervision in the office of a licensed dentist. The Board responded that it is unable to provide him with an opinion on the meaning of its rules or its statutes governing practice. They can only refer him to the rules of the Board. It is not the Board's practice to answer specific legal questions which it may have to address in its adjudicatory function, that is, in the course of

deciding a disciplinary complaint. It would be premature for the Board to answer his specific question without knowing the full context and background behind the question, or hearing “the other side” if there is one. It would be inappropriate for the Board to say now how it would decide this matter in the future. The Board refers him to Section 3 V.S.A. § 129a(a)(6) and 129a(a)(15).

- b. Dr. Richard Berry emailed the Board surveying the state dental boards to determine whether dentist oral and maxillofacial surgeons can diagnose and treat sleep apnea. The Board responds that the Rules and Statutes do not specifically address this issue.
 - c. Dr. Dickinson informed the Board that the ADEX examination offered by NERB will no longer require the periodontal clinical portion of the exam for dentists and that this portion of the exam will be optional. The Board requested that a letter be sent to ADEX asking if this information is correct. If so, when will this change take into effect. What if any information about the change(s) will be provided to the Boards that require the ADEX exam. Will the dental schools be informed of this change and whether or not ADEX has considered that some states require passage of the entire ADEX examination for licensure? The Vermont Board feels that the clinical periodontal testing has been a necessary prerequisite to licensure and they would like to better understand the rationale for any change in the examination.
6. The Board adjourned at 11:28 a.m.

Respectfully submitted by:
Diane Lafaille, Licensing Board Specialist