

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

UNAPPROVED MINUTES OF THE
VERMONT BOARD OF DENTAL EXAMINERS
NOVEMBER 9, 2016 MEETING

Present: David Baasch, Gerald Theberge, Edward Pantzar, Mimi Kevan, Robert Ruhl, Randall Miller, Elizabeth Merrill, Dixie Vallie and Jennie Kendall; Absent: Sally Buell and Katherine Silloway; Office of Professional Regulation Personnel: Diane Lafaille, Carla Preston, Director Colin Benjamin and Larry Novins. Others present: Ellen Grimes, Vaughn Collins and Jenny Pitz.

1. The meeting was called to order at 9:00 a.m.
2. The minutes of the September 14, 2016 meeting were approved as written.
3. Hearings/Stipulations and Consent Orders/Removal of Conditions Orders/Closings

M2014-105 – Celine Bernier – An Order to Remove Conditions was heard. Ms. Merrill moved, seconded by Ms. Kevan, to accept the removal of conditions. Approved.

M2016-65 – John Hirce – An Order to Remove Conditions was heard. Ms. Merrill moved, seconded by Ms. Kendall, to accept the removal of conditions. The Board finds that only 3 of the 5 credits required within the Order has been completed. The Board opposed the removal of conditions. The conditions remain in effect. Approved.

Closing Reports:

2016-186 – Ms. Vallie presented this case for closure. Ms. Kendall moved, seconded by Dr. Theberge, to close this case. Approved.

2015-548 – Dr. Pantzar presented this case for closure. Dr. Theberge moved, seconded by Ms. Kendall, to close this case. Approved. Ms. Kevan abstained from voting.

Colleen Lacombe-Senecal – A Preliminary Denial Hearing was heard. The Board affirmed its preliminary decision to deny the application. Approved.

4. Case Manager's Report:

The Board has 29 pending cases. 2 are on hold, 1 is in intake, 5 the Investigative Team has recommended for closure, 1 is under investigation, 1 is set for hearing, 7 charges have been recommended and 12 are ready for Investigative Team meetings.

5. Correspondence

- a. Debora Teixeira emailed the Board asking if Tooth Tutors who apply fluoride varnish are required to submit a General Supervision Agreement to the Board and if Public Health Dental Hygienists who apply fluoride varnish working in District Health Department offices are required to submit a General Supervision Agreement to the Board.

Dr. Baasch moved, seconded by Ms. Kevin, that yes, they would be required to submit a General Supervision Agreement to the Board and added that dental assistants may not do this because they work under direct supervision. And that yes, Public Health Dental Hygienists who apply fluoride varnish working in District Health Departments are

required to submit a General Supervision Agreement to the Board. Approved. Ms. Kendall was opposed.

- b. Email from Nancy DuMont and Dr. Robert Schmidt notifying the Board that pending parental consent they plan on expanding the program in the 2016-17 school year by providing caries arresting fluoride applications to those children in their program with primary tooth decay or who are at risk for dental caries.

The Board responded that it reviewed the material and letter submitted and that the Board's practice is not to answer specific legal questions regarding matters not specifically covered by its statutes and rules. It is possible that the scope of practice questions posed 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 you request 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 them to Section 129(a) (a) (13) of the statutes.

- c. Natalie Remillard submitted a request for a continuing education course entitled, "Bridging the Divide". This was approved by the Board for both dentists and dental hygienists for 7 non clinical hours.
- d. Dr. James Booth emailed the Board regarding the renewal of Dr. Paul Davoren's dental license. Dr. Davoren will need to complete the required continuing education before renewal of his license can be considered.

6. Other

- a. Continued discussion on non ADA accredited school requirements will be discussed further at the Board's March meeting.
- b. Attorney Novins and Dr. Grimes have met to begin drafting rules regarding Bill S.20 Dental Therapists. Suggestions for draft rules will be brought to the Board at future meetings.
- c. Director Benjamin came to speak with the board about its budget. He also discussed that OPR will be getting a new platform, taking the place of e-license.

Ms. Kevan moved, seconded by Dr. Theberge, to leave fees as they are with no adjustments and discuss a fee increase in 2018. Approved.

- d. Letter from AAO re: clarification of the Board's position on a new treatment and business model was tabled.
- e. Attorney Novins will draft a proposal for dental statute Section 603 for review and consideration at the Board's December meeting.
- f. Attorney Novins notified the Board that he will be retiring at the end of December.
- g. The Board's next meeting is scheduled for December 14, 2016.

7. Public Comment

8. The Board adjourned at 12:45 p.m.

Respectfully submitted by: Diane Lafaille, Licensing Board Specialist