

**NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS
121 S. FRUIT ST., SUITE 302
CONCORD, NH 03301-2412**

**MEETING MINUTES
MONDAY, May 6, 2019**

Dental Hygienists Committee Meeting – 1:30 p.m.

Board Meeting – 3:00 p.m.

The May 6, 2019 public portion of the meeting of the New Hampshire Board of Dental Examiners was called to order at 3:00 p.m. by Tara Levesque-Vogel, DMD with the following members present:

Tara Levesque-Vogel, DMD, President
Lisa Scott, RDH
Dennis Hannon, DDS
Puneet Kochhar, DMD
Ellen Legg, RDH
Nilfa Collins, DMD
Muhenad Samaan, DMD
Linda Tatarczuch, MSW, Public Member

Absent Arthur D. McKibbin, Jr., DMD, Vice President

Attendees: Joseph Shoemaker, Director
John Cafasso, Board Administrator
Jon Lavallee, Board Counsel

Review minutes of the April 1, 2019 Board Meeting – On a motion made by Dr. Kochhar with a second by Dr. Collins, the Board voted to accept the minutes as written.

ADMINISTRATIVE

1. Dental Hygienists Committee

- (a) Minutes of April 1, 2019 Dental Hygienists Committee Meeting – On a motion made by Dr. Kochhar with a second by Dr. Samaan, the Board voted to accept the DHC minutes.
- (b) Dental Hygienists Committee (DHC) Comments – Margaret Ray, RDH, DHC Chair, informed the Board that the DHC is going to work on an informational statement to inform NH RDHs of what they need to know or obtain in order to write a prescription for fluoride or antimicrobials once SB 615 passes. For example, all RDHs will need to obtain a National Provider Identifier (NPI).

There will be refresher courses offered by NHTI Business and Training as well as the NHDHA and this information will be included. Work on this will continue at the June meeting. Margaret Ray, RDH also informed the Board that the DHC would work on clarifying some confusion as to what is needed in order to for a hygienist to perform “in-office whitening.” The rules are not clear on the issue and the DHC is going to clarify and submit their proposal to the Board. The DHC will submit a recommendation to the Board next month regarding this subject.

2. NH Dental Hygienists’ Association (NHDHA) Comments - Myra Nikitas, RDH introduced herself to the Board as the new Dental Hygienists Committee Member. Ms. Nikitas informed the Board that she was confirmed by the Governor’s Office and that she is eager and excited to work with Dental Hygienists Committee.

Myra Nikitas, RDH announced the upcoming NHDHA continuing education class: Coding 101 – Why Are CDT Codes Important to You” with LeaAnne Haney, RDH, CPHDH; Christa Keddie, RDH, BDH, CPHDH; and Stacy Plourde, RDH, MS, CPHDH discussing dental benefits/coding for reimbursement, including new CDT Codes for 2019 on Monday, May 20, 2019 from 5:30 – 8:00 p.m. at Northeast Delta Dental, One Delta Drive, Concord, NH (offers 2.0 clinical CEUs).

3. NH Dental Society (NHDS) Comments – Executive Director Mike Auerbach informed the Board of the following:

- The NHDS is gearing up for the Annual Meeting, which takes place next week, from May 16-18, 2019 at the Inn at Church Landing in Meredith. They will offer continuing education (including opioid training endorsed by this Board), social events and swearing-in of the new Board, led by incoming President Dr. Lindsey Jackson. Director Auerbach invited all Board members to attend the meeting.
- The NHDS is presently monitoring several pieces of important legislation. SB 100 would prohibit employers from requiring job applicants to check a box if they have been convicted of a crime. This “ban the box” bill would be applicable to dentists as well. SB 228 would allow for association health plans.

At 3:06 p.m the Board went into non-meeting with Board Counsel, Jon Lavallee.

At 3:25 p.m. the Board went out of a non-meeting and returned to public session.

4. Waiver of Licensure Fees - #19-94 - The Board discussed the waiver of licensure fees. Since licensure fees are set by rule and because the Board has a rule that allows someone to petition for a waiver of a rule, the Board has the authority to waive a portion of the fee. Under Part Den 215 Waiver of Substantive Rules, an individual may apply for a waiver of a fee and the Board may review that request.
5. Commission on Dental Competency Assessments (CDCA) Comments – Lisa Scott, RDH informed the Board that she recently participated in exams in Connecticut and Massachusetts while Dr. Samaan participated in an exam in Las Vegas, NV.

6. Board Office Comments –

- (a) The NH Board of Dental Examiners will have two dentist openings on the Board starting in July 2019, due to two terms ending. Board appointments are nominated by the Governor and confirmed by the Executive Council. Those interested should contact the Board office at (603) 271-4561 or email dental.board@oplc.nh.gov for further information if interested. A notice has been posted on the Board's website.

Dr. Vogel asked Mike Auerbach from the New Hampshire Dental Society if he could assist in recommending two dentists, preferably with specialties, for the two vacant Board positions.

- (b) The Board was informed that the American Association of Dental Boards (AADB) website (which is used by the Board office staff to check on applicants' disciplinary history in other states) is currently down due to hacked ransomware. The Board was notified that there was a data breach and the host company had been working to restore thousands of websites. This has slowed down the application clearinghouse process as one AADB employee is running the reports via phone request. The Board was made aware that in the interim the licensure process may see a slowdown.
7. Letter from Tina Kelley, Administrator, Board of Medical Imaging/Radiation Therapy re: RSA 328-J:25, III and exemption for dental assistants - #19-87 - Administrator Kelley informed the Board via letter that the Board of Medical Imaging and Radiation is charged with licensing all individuals performing medical imaging in the State of New Hampshire and various exemptions exist to this requirement. Administrator Kelley asked the Board to address the exemptions that apply to the dental practice by developing new rules. On a motion made by Dr. Kochhar and a second by Dr. Collins, the Board voted to send a response to the Board of Medical Imaging and Radiation alerting them that rule PART Den 302.06 (i) Dental Assistant Qualification in Specific Area was already in place to address the medical exemptions for dental assistants.
8. Dental Licensing Reform - #19-112 – Western Regional Examining Board (WREB) Guests: Andrew Albee, DMD, Outgoing President of the Greater Concord Dental Society and Michael Vermette, DMD. Dr. Albee thanked the Board for its work serving and protecting the public. He voiced his appreciation to the Board for allowing him to speak with the hope that after the new information he presented, the Board would change its position and re-vote to allow New Hampshire to accept the WREB exam. He made clear that he had no personal stake or interest in the change, other than believing it was the right thing to do for the dental profession in NH.

Dr. Albee stated that he was present on behalf of the members of the Greater Concord Dental Society, along with the support of the local Trustee of the NH Dental Society, and District Trustee of the American Dental Association. He discussed with the Board recent data in support of dental licensure reform in the interest of the public (referencing items: 1, 2, and 3 described below).

Item #1: In September of 2018, the American Dental Association issued a report “The Task Force on Assessment of Readiness for Practice.” The report presented two

challenges and priority concerns with the existing licensure process in place in most states.

Item #2: Comprehensive Policy on Dental Licensure, adopted by the American Dental Association (ADA) House of Delegates, October 22, 2018.

Item #3: Psychometric data and evidence based solutions.

Dr. Albee stated that he felt the Board's decision not to accept the WREB hurt the NH public because of basic economics. 1) NH would have less qualified dentists applying; 2) less competition, and less of a supply of dentists, which would lead to less access to dental care; and 3) with less competition in the dental field, dental care may become more expensive.

Dr. Albee informed the Board that Massachusetts, Connecticut and Rhode Island currently accept the WREB exam, and went on to explain that each state has its own requirements for the WREB and the NH Board of Dental Examiners, through their rules could have their own WREB examination requirements. Dr. Albee felt that after extensive research on the WREB, it would be in the best interest of the NH public for the Board to reconsider its position on the WREB.

Discussion ensued:

Dr. Vogel stated that accepting the CDCA examination benefits the NH public because the NH Board of Dental Examiners has a voice and opportunity to discuss any concerns or quality control issues with the CDCA examination. Dr. Albee asked why the Board would favor one agency / exam over another and questioned whether it is a conflict of interest for Dr. Vogel to sit on the Board of Directors for CDCA. Dr. Vogel responded that she did not feel sitting on the CDCA Board was a conflict and it allowed her to have a voice for the State of NH. Dr. Albee responded that there could be a voice for NH on WREB as well.

Several Board members voiced concerns that what they were told during the WREB presentation in November 2017, by WREB Representative Dr. Bruce Horn, was not the same information that Dr. Albee was presenting. Several Board members stated they were previously told that one could fail one portion of the WREB exam and still receive a passing grade. Dr. Albee made it clear to the Board that this was not the case. Board members stated that after numerous meetings and reviewed material; that was the message they received, and as a result they were concerned with the quality of the test and for the safety of the public.

Dr. Vermette added to the discussion by relaying to the Board:

- Perhaps Dr. Horn misunderstood their questions.
- If a person performs well on the first restorative section (Class 2), they are exempt from taking the second section.
- WREB does not fail procedures, but sections, so if a person fails a procedure they must retake the entire section until they pass.
- Each state has different requirements with the WREB Exam. Some states require Class 3 as well as Class 2.
- Scoring reports are detailed. 75 or higher is a passing grade for the WREB.

Mike Auerbach, Executive Director of the NH Dental Society, stated that he felt WREB should provide any new or updated information for the Board to review. Mr. Auerbach voiced concerns with the attrition of dentists in the State of NH, primarily in Northern NH and stated that a number of the feeder schools in the New England states allow the WREB. He stated he would like to see more licensees from other New England states apply for licenses in NH.

Dr. Samaan asked Dr. Albee if he had any data to support that NH had less dentists applying without utilizing the WREB. Dr. Samaan provided dental license statistics from 2017 (when NH accepted WREB) compared to 2018 (no WREB). In 2018, there was a slight increase in new dental licenses issued.

Ellen Legg, RDH, stated that the NH Board of Dental Examiner's main charge is to protect the public. Dr. Albee said that he did not feel otherwise.

On a motion made by Dr. Kochhar and a seconded by Ellen Legg, RDH, the Board voted to have a representative from WREB submit any new information to the Board for review.

9. Mobile Dental Clinics discussion - #19-88 - Tabled until the June 3, 2019 Board meeting.
10. Memo - Revisiting CEU Audit Decision - #19-89 - At the February 4th Board meeting, the Board voted, beginning in 2020, that March 31st should be the deadline for both dentists and hygienists to complete their CEUs. The Board Office requested that the Board revisit this decision should March 31 become the deadline for CEU audits for the following reasons: 1) many licensees would lapse and they would be charged a late fee and 2) lack of staff resources to complete the CEU Audits is a concern. On a motion by Dr. Kochhar and seconded by Dr. Samaan, the Board voted to table the issue until the June 3, 2019 meeting.
11. Inquiry re: Coronal Polishing Certificate - #19-111 - On April 22, 2019, Board staff received an inquiry from Jose A. Ramos, DMD, asking if he could train a new dental assistant in his office. Dr. Ramos wanted the assistant to be able to start working towards the 400 hours required to take the test for the Coronal Polishing Certification. On a motion by Lisa Scott, RDH, seconded by Ellen Legg, RDH, the Board voted to notify Dr. Ramos that his dental assistant must take the proper Coronal Polishing Course pursuant to Den 403.07.
12. Informational (emailed previously)
 - JCNDE – 2019 National Dental Examiners' Advisory Forum – June 26, 2019
 - NHTI Event Invitation – Exhibition of Student Work
 - AADB Weekly Update – April 19, 2019

LICENSURE AND REPORTS

1. DENTIST APPLICATIONS APPROVED

Thomas F. Burk, DMD
Bracken R. Godfrey, DDS
Paul R. Kalish, DMD

2. HYGIENIST APPLICATIONS APPROVED

Michelle M. Barrette, RDH
Christina J. Meuse, RDH
Eileen P. Spies, RDH
Felicia L. Thompson, RDH

3. PUBLIC HEALTH SUPERVISION

- (a) #19-90 - Application for Approval - Dental Public Health Supervision Program
– On a motion by Dr. Collins, seconded by Dr. Kochhar, the Board voted to approve the Dental Public Health Supervision Program of The Greater Nashua Dental Connection/CDC Partnership

4. DENTAL STUDENT PROGRAM REPORT

- (a) #19-91 – On a motion by Dr. Kochhar, seconded by Dr. Samaan, the Board voted to accept the Dental Externship Report from Roy Brewster, DDS, and Mielle Fox, DMD, Mountain View Dental, PA, Whitefield, NH.
- (b) #19-99 – On a motion by Dr. Kochhar, seconded by Dr. Samaan, the Board voted to accept the Dental Externship Report from Kelly Perry, DMD, Mid-State Health Center/UNE, Bristol, NH.
- (c) #19-100 – On a motion by Dr. Kochhar, seconded by Dr. Samaan, the Board voted to accept the Dental Externship Report of Neha Gupta, DMD, Harbor Care Health/Wellness/Dental Clinic, Nashua, NH.
- (d) #19-93 – On a motion by Dr. Collins, seconded by Dr. Samaan, the Board voted to accept the Dental Externship Report of Puneet Kochhar, DMD, Alliance for Dental Care, Rochester, NH. (Dr. Kochhar recused)
- (e) #19-96 – On a motion by Dr. Kochhar, seconded by Dr. Samaan, the Board voted to accept the Dental Externship Report of John Sparks, DMD, Tri County Community Action Program, Tamworth, NH.

5. ANESTHESIA/SEDATION

- (a) Anesthesia/Sedation Evaluations Chart - #19-92 - On a motion by Dr. Kochhar, seconded by Dr. Samaan, the Board voted to accept the Facility Inspection for a Moderate Sedation Unrestricted Permit for Russell Mann, DDS.

At 4:20 p.m., pursuant to RSA 91-A:3, on a motion by Dr. Kochhar, seconded by Dr. Hannon, the Board voted by roll call to go out of public session and into non-public session because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person other than a Board member.

At 6:07 p.m., on a motion by Dr. Kochhar, seconded by Ellen Legg, RDH, the Board voted by roll call to go out of non-public session.

At 6:07 p.m., the Board voted unanimously via roll call vote to seal the non-public minutes to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member, or render the proposed action ineffective.

Dr. Vogel adjourned the meeting at 6:07 pm.

Next Board Meeting: Monday, June 3, 2019 at 3:00 p.m.