

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

**MEETING MINUTES
MONDAY, June 3, 2019**

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

Board Meeting – 3:00 p.m.

The June 3, 2019 public portion of the meeting of the New Hampshire Board of Dental Examiners was called to order at 3:02 p.m. by Tara Levesque-Vogel, DMD with the following members present:

Tara Levesque-Vogel, DMD, President
Arthur D. McKibbin, Jr., DMD, Vice President
Dennis Hannon, DDS
Puneet Kochhar, DMD
Ellen Legg, RDH
Nilfa Collins, DMD
Linda Tatarczuch, MSW, Public Member

Absent Muhenad Samaan, DMD
 Lisa Scott, RDH

Attendees: Joseph Shoemaker, Director
 John Cafasso, Board Administrator
 Jeanne Clement, Administrative Assistant
 JD Lavallee, Board Counsel
 Nancy Smith, Board Counsel

Review of both public and non-public minutes of the May 6, 2019 Board Meeting – On a motion made by Dr. Kochhar and a second by Dr. Collins, the Board voted to accept the minutes as written.

ADMINISTRATIVE

1. Dental Hygienists Committee

- (a) Minutes of May 6, 2019 Dental Hygienists Committee Meeting – On a motion made by Dr. Kochhar with a second by Dr. Collins, the Board voted to accept the DHC minutes.
- (b) Dental Hygienists Committee (DHC) Comments – Margaret Ray RDH, Committee Chair, announced that the Committee is working on writing update status on prescription writing for fluoride and antimicrobials for licensed NH

RDHs. The update will include National Provider ID (NPI) information and available upcoming refresher courses for prescription writing. It will be requested that the update be sent to licensed NH RDHs via email blast and posted on the NHBODE website. A recommendation will be sent to the Board in July.

- (c) Recommendation from DHC - #19-42 - Proposed rule change re: in-office tooth whitening - Den 302.05 (q) - On a motion made by Dr. Kochhar and a second by Dr. McKibbin, the Board voted to accept the proposed rule change as follows: In-office tooth whitening shall be performed under general supervision. Any hygienist graduating from a CODA accredited school of dental hygiene shall be qualified to perform in-office whitening.
2. NH Dental Hygienists' Association (NHDHA) Comments - Myra Nikitas, RDH informed the Board that the NHDHA is preparing for the ADHA Annual Conference which will be held June 21-23, 2019 in Louisville, KY with the House of Delegates convening June 23-25. NHDHA will be represented by delegates, Pam Delahanty and Jaime Murphy and alternate delegates, Anne Sleeper and Kathryn Harper.
3. NH Dental Society (NHDS) Comments – Executive Director Mike Auerbach informed the Board of the following:
 - On May 16-18, the NHDS held its Annual Meeting in Meredith. More than 350 NHDS members, exhibitors and guests took part in our program, which included our PDMP program that was CE sanctioned by the NH Board of Dental Examiners.
 - We are pleased to announce our new President, Dr. Lindsey Jackson, who assumed her role during the NHDS Annual Meeting.
 - We are already planning for the 2020 Annual Meeting, which takes place from May 14-16, 2020. We will be offering CE on the Board of Dental Examiners-required topics of opioids, infection control and emergency management, as well as BLS-HCP certification for hygienists. It is our hope that these programs will be officially sanctioned by the NH Board of Dental Examiners.
 - On behalf of the NHDS Board of Trustees, we would like to extend our appreciation to Dr. Andy McKibbin and Dr. Nilfa Collins for their service to the New Hampshire Board of Dental Examiners.
4. Commission on Dental Competency Assessments (CDCA) Comments - No comments.
5. Board Office Comments – Director Sheri Walsh informed the Board of her upcoming retirement and thanked the Board and office staff for all of their hard work.

At 3:35 p.m., pursuant to RSA 91-A:3, 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 3:49 p.m., the Board voted by roll call to go out of non-public session and back into public session.

At 4:11 p.m., the Board went into a non-meeting with Board counsel JD Lavalley and Nancy Smith.

6. Tom Broderick, Esquire, Rules Attorney - #19-115, also Atch I - Tom Broderick briefly informed the Board of the 2019 Initial Rules Proposal for the Den 400's and informed the Board that rule Den 401.03 expires August 2019 and a correction is needed, as Den 302.05 should read Den 302.06. Attorney Broderick explained to the Board that he would initially work on proposed rule changes in the Den 400's and then begin work on the Den 300s. Due to time constraints, this issue was tabled until the July 8, 2019 Board meeting.
7. Review the CEU Audit Decision - #19-89 - This issue was tabled from last month. Dental Board Administrative Assistant Jeanne Clement spoke to the Board about the CEU Audit decision that was made at the March 4, 2019 Board meeting. Discussion took place. The Board reviewed the current rule Den 403.04 (a). On a motion made by Dr. Kochhar and second by Dr. Collins, the Board voted not to make any changes CEU audit process but voted to spread out the required CEU audits throughout the calendar year.
8. Class Upload/Approval for the Dental Board Website - #19-116 - The Dental Board has received numerous inquiries to have Opioid Courses uploaded to the Board's website. Recently the Concord Dental Seminar is seeking permission to have their "Appropriate Prescribing Practice for Opioid Analgesics in the Dental Office". Currently the Dental Board website has only Opioid Courses posted on its website. Questions on who and what courses can be approved and how many continuing education credits can be allowed for each course. Den 403.06 Criteria of Acceptance (a) "the board shall not pre-approve courses".

There was discussion about the BODE's rule to not pre-approve courses. Dr. McKibbin explained that with new "required" CEUs in the specific areas of BLS-HCP, Infection Control and the Opioid/Pain Management, there was a lot of confusion on the part of the licensees. While doing the audits, Dr. McKibbin said we started to list the courses on the website so that other licensees had a guideline. Dr. McKibbin felt that this was helpful and appropriate use of the website. The Board does not want to be advertising or favoring one "private/for-profit" CE provider over another. On a motion made by Dr. Kochhar and a second by Dr. McKibbin the Board voted that the Specific Concord Seminar course would qualify to be listed on the Board website but that the course brochure could not be posted.

9. Inquiry from Steven Bookless, DDS seeking advice regarding CEU course in management of medical emergencies - #19-117 - In an email dated May 9, 2019, Dr. Bookless expressed that he would like to provide a continuing education course in the management of medical emergencies onsite at the dentist's office (as an individual not as a dental school offering). He stated that his dilemma was that he wanted to provide a course that was recognized by the Board for CEU credit, but he does not qualify for the ADA Continuing Education Recognition Program (CERP) since as a new applicant he had not offered a planned program of CDE activities for at least 12 months. Dr. Bookless was seeking advice from the Board on how to provide a course that would be acceptable for Board continuing education recognition. On a motion made by Dr. McKibbin and a second by Ellen Legg, RDH, the Board voted for Dr. Bookless to find a sponsor and refer to Den 403.07.

10. Ashley Buchanan - Requesting the Board to waive the required courses needed to take radiographs as a dental assistant in New Hampshire - #19-177 - The Board reviewed the email and a partial copy of Ms. Buchanan's transcript. The Board also reviewed a letter from Debra Albrecht, RDH, MEd, Department Head of Allied Dental Education at NHTI. Ms. Albrecht is in support of Ashley Buchanan's request to waive the Introduction to Dental Assisting (known as Preliminary Oral Inspection) and Infection Control Courses in order to obtain qualification in Dental Radiology. On a motion made by Dr. McKibbin and second by Dr. Collins, the Board voted to grant Ms. Buchanan's waiver request to be qualified for Introduction to Dental Assisting, Infection Control in the Dental Office and in Dental Radiology as described in Den 302.06 (a), (b), (c), (i) and (j) because she recently completed the first year of the NHTI's Dental Hygiene Program.
11. NH PHP Risk Management/Impairment Dental CEU Program - #19-119 - Dr. Sally Garhart thanked the Board for awarding the New Hampshire Professionals Health Program (NHPHP) with the 2020 OPLC contract for the Professionals Health Program.

Dr. Garhart expressed that she would like to see the NHPHP begin to plan a risk management/impairment educational dental two-hour CEU program with the hopes to educate dental professionals on issues such as substance abuse, addiction and unprofessional behavior. Dr. Garhart would like more dental professionals throughout New Hampshire to become aware of NHPHP as a resource for those in need of services ranging from addiction, mental health, disruptive or unprofessional behavior, physical impairment or job burnout.
12. Mobile Dental Clinic/Ownership - #19-88 (Tabled from May) - On a motion made by Dr. Kochhar and a second by Dr. McKibbin, the Board voted to issue a Declaratory Ruling to include Mobile Dental Clinics in RSA 317:A-20, I (b).
13. Remove letter/posting - #19-120 - Request to remove Dr. Ayman Jacob's letter on opioid prescribing from the Dental Board website. On a motion made by Dr. McKibbin with a second by Ellen Legg, the Board voted to remove the opioid prescribing letter from the Board's website.
14. Massachusetts Dental Board Delegated Duty Chart - #19-121 (FYI) - Dr. Vogel informed the Board that a list like the one used by Massachusetts would be helpful and that the NHBODE should consider developing a Duty Chart like this in the future.

At 4:55 p.m., pursuant to RSA 91-A:3, On a motion made by Dr. Kochhar and a second by Dr. Collins, 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 5:25 p.m., the Board voted by roll call to go out of non-public session and back into public session.

Public Apology Summary: Dr. Baldassarre read his apology letter to the Board. Dr. Baldassarre expressed how disappointed he was to have be in front of the Board especially after being an entrusted member of the Board for 10 years. Dr. Baldassarre stated that he

was there to apologize and express his deep remorse for his actions related to the incidents that brought him there today. Dr. Baldassarre apologized to the Board, to his professional colleagues, the Attorney General's office, present and former staff who were greatly troubled and inconvenienced by this matter. Dr. Baldassarre went on to apologize to his family and friends who said had suffered greatly with him consequently. He said that most importantly, he wanted to apologize to his many present and former patients who did not receive timely reimbursements for credits on their accounts. Dr. Baldassarre said that he accepted full responsibility for what had happened. He said that he was greatly pained that many of his patients did not receive the same top-notch service related to the business aspects of his oral surgery office practice.

Dr. Baldassarre expressed some relief that he was able to get the refunds back to patients once the credits were identified and that he dedicated every effort in reimbursing his patients promptly under the supervision of the Attorney General's office. He said he felt horrible and embarrassed to have issued over one thousand refund checks and that it was a devastating shock to him too learn the extend of the credits still owed despite working so hard over the years to keep up with them. He said that although long over-due he was pleased to announce that he has invested the time and resources to strengthen his office's business operations going forward.

He said that he has now completed two of the five years of required independent auditing that confirmed his full compliance with his correction obligations to date. He said that he has now hired an office manager and admitted that he displayed a short temper with staff on financial and administrative matters. He said he now appreciated that in the eyes of many of his former employees that he was a difficult person to work with.

Dr. Baldassarre said that although he cannot change what has happened that the Board has his commitment that it will not happen again. He said but as a surgeon at heart, he found some comfort through the pain by recognizing that none of the complaints pursued had anything to do with the quality of the patient care he delivered in surgery the past 38 years.

15. Informational (emailed previously)

- AADB Weekly Update – May 17, 2019
- AADB Executive Director's Report

LICENSURE AND REPORTS

1. DENTIST APPLICATIONS APPROVED

Benjamin H. Farr, DDS
Cale R. Forgues, DMD
Milton G. Zweig, DDS

2. HYGIENIST APPLICATIONS APPROVED

None at this time

3. PUBLIC HEALTH SUPERVISION –

(a) #19-122 - On a motion made by Dr. McKibbin and second by Linda Tatarczuch, the Board approved the Public Health Summary Reports and voted to send letters of appreciation to:

- Glenclyff Home Dental Clinic
- Harbor Homes Mobile Dental Van
- Wentworth Health Partners Community Dental Center

4. DENTAL STUDENT PROGRAM REPORT- On a motion by Dr. Kochhar and a second by Dr. Collins, the Board voted to accept all of the following Dental Student Externship Reports:

(a) #19-123 - Whitney Goode, DMD and Gregory Fredette, DMD
Goodwin Community Health

(b) #19-124 - Charles Schmidt, DDS,
NE/Lancaster Dental Care

(c) #19-125 – Derek Collins, DMD
UNE/Tri-Town Family Dental

5. ANESTHESIA/SEDATION

(a) #19-126 - On a motion made by Dr. McKibbin and a second by Dr. Collins, the Board voted to accept the NHASEC Annual Meeting Minutes dated April 12, 2018.

(b) #19-127 - On a motion made by Dr. Kochhar and a second by Dr. McKibbin, the Board voted to accept the NHASEC Advisory Subcommittee Meeting Minutes dated March 21, 2019.

At 5:57 p.m., pursuant to RSA 91-A:3, on a motion by Dr. McKibbin and second 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 6:50 p.m., the Board voted by roll call to go out of non-public session into public session.

At 6:50 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-

Dr. Vogel adjourned the meeting at 6:51 p.m.

Next Board Meeting: Monday, July 8, 2019 at 3:00 p.m.