

**NH BOARD OF DENTAL EXAMINERS**

**121 S. FRUIT STREET, SUITE 302**

**CONCORD, NH 03301-2412**

**MONDAY, FEBRUARY 3, 2020**

**PUBLIC BOARD MEETING MINUTES**

The February 3, 2020, public portion of the meeting of the New Hampshire Board of Dental Examiners was called to order at 3:10 p.m. by Puneet Kochhar, DMD with the following members present:

Puneet Kochhar, DMD, President (PK)  
Dennis Hannon, DDS, Vice President (DH)  
Muhenad Samaan, DMD (MS)  
Jay Patel, DDS (JP)  
Lisa Scott, RDH (LS)  
Ellen Legg, RDH (EL)  
Linda Tatarczuch, MSW, Public Member (LT)  
Roger Achong, DMD (RA)

Not Present: Tara Levesque Vogel, DMD (TV)

Attendees: Christine Senko, Rebecca Ricard, Esq.

1. **Review of Public Minutes – January 6, 2020** - Upon motion by RA and seconded by JP, the Board voted unanimously to accept the minutes as written. LT abstained.
2. **Update Dental Hygienist Committee** -
  - a. Minutes from the January 6, 2020 meeting – Upon motion by EL and seconded by MS, the Board voted unanimously to accept the minutes as submitted. LT abstained.
  - b. Report from Committee – Myra Nixon, RDH reported that the committee is working on verbiage for communicating the NPI requirement. The Committee is also waiting for the process appointing Jessica Card, RDH to the committee to be completed
3. **NH Dental Hygienists' Association (NHDHA) Comments** – Myra Nikitas, RDH, President, NHDHA reported on the following activities:
  - a. Conference will be held Thursday, February 20, “Are you in Compliance? How to Achieve Success with Infection Control and OSHA” 6:00-8:00 p.m. at the Delta Dental Conference Center, Concord NH.
  - b. Conference will be held, Saturday, March 28, “From Pockets to Pathogens”, at the Derryfield Country Club in Manchester, NH.
  - c. The Association continues to work on the website to assure it is user friendly.

4. **Dental Society Update** – Mike Auerbach, Executive Director, NH Dental Society, provided the following comments:
  - a. We have just returned from Yankee. Our President, Dr. Jackson, and I met with leaders from all over New England to discuss issues like the dental assistant shortage, third party payors and dental recruitment to rural areas.
  - b. NHDS is carefully monitoring SB 593, which prohibits certain medical practitioners from identifying as specialists (such as anesthetists vs. anesthesiologists) without an MD. In light of the overlaps with dental specialties (such oral surgeons and dental anesthesiologists), we are working with Senator Sherman, the bill’s author, to cut out dental from this legislation.
  - c. The NHDS Board is actively soliciting our Members to share with us any reports of malocclusion or similar issue associated with so-called “do-it-yourself” dentistry. We previously mentioned an office in Manchester that patients utilized before experiencing an adverse outcome. Our dentists are also seeing patients who have similar conditions, having used an online dental service and sending their impressions out of state. We are presently aware of five cases in New Hampshire. The NHDS is very concerned about patient safety.
  
5. **Commission on Dental Competency Assessment (CDCA) Update** – Lisa Scott, RDH attended the steering committee meeting and reported no new information was shared. Dr. Hannon attended the President Council and reported that teledentistry is a topic of discussion in all forums and that no one has the perfect solution. It was noted that the NH Delegates to the CDCA are: Jay Patel, DDS, Lisa Scott, RDH and Camillia Paras, RDH.
  
6. **Board Administrative Office Report** – Chris Senko, Administrator, provided the following comments and updates:
  - a. **Scam Alert #20-49** - Activity of scam calls being made to providers in the Nashua area was recently reported. The caller was claiming to be an investigator with the Board and was able to spoof the Board’s office number. A message will be posted on the website to informing licensees.
  - b. **Investigator Proposed Scope of Work and Evaluation - #20-50** – Information regarding the contract process for an Independent Contractor to serve as an Investigator was presented. Once the RFP process is advertised, and proposals are received, the Board will review and evaluate the applicants. Members expressed very strong concern that there has already been an investigator hired, Margaret Ray, RDH. Chris reported that there is no current contract for any investigator and that such a role would need a contract. Chris agreed to contact Ms. Ray and explain the process to her.
  
7. **Draft Initial Rule for Proposal for DHHS Survey – Adopt Den 301.03 (f) - #20-46** – It was noted that this rule was previously approved by the Board in May 2018, however the deadlines to file the approval were missed and the Board is required to vote on it. The Division of Public Health Services is collecting key practice and capacity data from all licensed providers. Members asked to see the survey. It was noted that the rules include an opt-out option for providers who do not want to participate. It was also noted that date of birth is one of the data points that will be collected as it along with the license number provides unique identification.

Upon motion made by MS and seconded by JP, the Board voted unanimously to Adopt Den 301.03 (f).

8. **Standing Orders - #20-32** – The Board is required to review Standing Orders on a regular basis and additionally there are some Orders the APU recommends the Board implement. The following were presented:
- Upon request by provider and received through the administrative office of the Board, the Presiding Officer may grant a provider an extension of time, pursuant to 207.02(g), to respond to complaints.
  - Authorizing members of the APU to share information with law enforcement and working in conjunction with law enforcement.
  - Authorizing members of the APU to issue subpoenas for documents and appearances for interviews for investigations that have been referred to the APU.
  - Authorizing the OPLC employee acting as the Administrator or Director of the Board (i.e. the Board's authorized representative) to sign voluntary surrenders and preliminary agreements (not to practice or for practice restrictions) as soon as these documents (signed by the licensees) are filed by the APU.

Upon motion made by EL and seconded by LS, the Board voted unanimously to approve the Standing Orders as submitted.

9. **Mohamed Butt, DMD - #20-45** – Deliberations following Show Cause Hearing (1/6/20) - Motion was made by EL and seconded by MS to grant Dr. Butt a license to practice dentistry in NH. LT abstained.  
Discussion: members discussed his application, his testimony and that of his witness, Dr. Howard Pactovis. It was noted that he complied with Massachusetts Dental Board conditions and that there will be different oversight on his practice. Members expressed concern over his judgment in business decisions as well as his lack of acknowledgement and lack of accountability for employing a non-licensed dentist. However, based in part on the evidence presented by Dr. Butt through his counsel and witness, the Board voted to issue Dr. Butt a New Hampshire license (7 in favor, EL opposed, LT abstain).
10. **Continuance of Hearing – Blake Wullbrandt, DDS** – It was reported that the Hearing will continue on March 27, 2020 at 9:00 am, based on a quorum of members present during that time.
11. **Inquiry from the American Academy of Dental Sleep Medicine - #20-33** - A request for information was received from the American Academy of Dental Sleep Medicine asking for verification of the scope of practice to dispense portable unattended cardiorespiratory monitors, or home sleep apnea tests for the use of positioning oral appliances. Dr. Patel indicated that sleep centers in hospitals may dispense these monitors. He also reported that the information obtained from the hospital sleep center is very important in creating or adjusting the oral appliance. It was also noted that training courses are available.

Members agreed to respond to the request indicating that NH Statutes and Administrative Rules governing the practice of dentistry do not address monitors and therefore the Board is unable to comment on the questions submitted.

12. **Mary Pierce, DMD - #20-34** – Opioid Prescribing Course - It was noted that Dr. Pierce is requesting approval for a course to meet the opioid continuing education requirement. It was noted she already took the course. Upon motion made by MS and seconded by JP, the Board voted unanimously to approve the course.

13. **Teledentistry - #20-35** – Dr. Kochhar indicated that the Board will continue to work on development of rules to address teledentistry. Members discussed the importance of an established patient/provider relationship and standard of care being the same as if the patient were in the office. The Board administrative office will research rules from other states and place on portal.
14. **Real ID - #19-268** – Members continued this discussion from the November meeting. Discussion ensued regarding whether or not a Real ID should be used instead of a passport as identification. Concern was expressed for women who may have had name changes. Members agreed to allow a Real ID as an option. Members agreed to develop rules to address this option.
15. **Inquiry from Sadru Khabani, DMD - #20-48** – Dr. Khabani is inquiring about his license status. He is seeking clarification as to whether he needs an active or inactive license. He does not practice in the state of NH. He receives biopsy specimens from practicing dentists and oral surgeons for microscopic analysis in Massachusetts. Members discussed this request at length. The relationship to telemedicine and consulting was discussed. Dr. Patel noted that he could be considered seeing the patient through the lab sample. However, the referring doctor has to do the treatment plan and treatment. Linda Tatarczuch indicated that the Board of Medicine licenses the teleradiologists. Dr. Samaan indicated that this relationship is provider to provider and not patient to provider. It was also noted that NH does not have a dental school and most oral pathology is referred outside of the state. Concern was expressed that if an active license would be required, then all out of state providers referred to for similar tests would need to be licensed. Linda Tatarczuch indicated that a certifying body is needed to attest to qualifications of who you are sending samples to and should be licensed.

Upon motion made by RA and seconded by JP, the Board voted, 7 in favor, LT opposed to inform Dr. Khabani he does not need an active NH license.

At 4:40 p.m. the Board voted by roll call to recess the public meeting for the purposes of consulting with legal counsel. At 5:15 p.m., the Board voted by roll call to resume public session.

## 16. **LICENSURE AND REPORTS**

### **A. DENTIST APPLICATIONS APPROVED**

Judley Alphonse, DMD  
Joshua D. Gailey, DMD  
Jason W. Lee, DMD  
Lihsih A. Tang, DMD

Dr. Samaan reported that he continues to approve the applications when they are complete and forwarded from OPLC. Upon motion made by PK and seconded by DH, the Board voted unanimously to approve the applications as presented.

### **B. HYGIENIST APPLICATIONS APPROVED**

Darlene J. Alvarez, RDH  
Danielle M. Miller, RDH

Lisa Scott reported that she continues to approve the applications when they are complete and forwarded from OPLC. Upon motion made by LS, and seconded by DH, the Board voted unanimously to approve the applications as presented.

C. PUBLIC HEALTH SUPERVISION

- (a) Public Health Summary Reports Chart (#20-36) – Upon motion made by LS and seconded by MS, the Board voted unanimously to accept the reports and send appreciation letters:
- Granite State Dental Program
  - Senior Center Oral Health Project
  - The WIC Pay for Prevention Program
- (b) Letter from Coos County Family Health Services seeking Board's permission to re-initiate program (#20-37) – It was noted that no action was needed on this request.

D. ANESTHESIA/SEDATION

Anesthesia/Sedation Evaluation Chart (#20-38) - Comprehensive Evaluation for General Anesthesia/Deep Sedation permit: Donald Gass, Jr., DDS - Upon motion made by LS and seconded by DH, the Board voted unanimously to approve the permit for Dr. Gass.

At 5:20 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 6:00 p.m., the Board voted by roll call to go out of non-public meeting and into public session.

Dr. Kochhar adjourned the meeting at 6:02 p.m.