



# Board of Dental Examiners Public Meeting

## Minutes

Dental Examiners Board

Mar 4, 2024 at 8:30 AM EST

OPLC, 7 Eagle Square, Concord, NH 03301

### Attendance

#### Members:

Members: Puneet Kochar, DMD, Chair (PK), Mark Abel, DMD (MA), Linda Tatarczuch (LT), Angela Boyle, RDH (AB), Virginia Kapetanakis Moore, DDS (VKM), Dan De Tolla, DMD (DT)

#### Staff:

Michael Gianunzio, Board Administrator, Elizabeth Eaton, Esq., Board Counsel

#### Absent:

Jay Patel, DDS, Roger Achong, DMD, Howard Ludington, DDS

I. Call to Order 8:35 AM

II. General Comments

- A. Dr. Abel Copy of LBA Audit (Liz pointed to resources folder), permissions need to be updated
- B. Dr. Kocher, upset about the OnBoarding process of new Board Members and change of Board Administrators.

III. Approval of Public Minutes

- A. February 5, 2024, Public Meeting Minutes

#### Motion:

Upon a motion by PK with a second by MA, the Board voted to approve as amended; motion passed, DD abstained

IV. Public Comment

V. Rules Review and other Legislative Topics

- A. Update on 2023 legislation - Board Counsel, Elizabeth Eaton
  - 1. HB 1095
  - 2. Number of repeals to the practice Act. They are all duplicative at this point, meaning they are covered globally by HB 594. Board Counsel to

share information with .pdf's and specific page numbers to VKM for review.

- B. HB 1408 – changes board composition
- C. HB 1272 – changing the licensure by endorsement statute, removing the “substantially similar requirement” language.
- D. HB 1676 – sunset bill, will not move forward for this session.
- E. Plc 500's, specifically 502.08 are proposed rules to implement the PHP. Dental is not listed as a licensed healthcare provider. This speaks to the providers that can be offered to treat people in the program, not the participants themselves.
- F. Plc 313 – license by Endorsement, outlines the process and puts in rule what is determined to be substantially similar for this profession. Reviewed some of the recommendations from the Board that were accepted.
- G. Rules
  - 1. Den 200 - Final Proposal filed with Admin Rules on 2/5/2004
  - 2. Den 304 - Anesthesia rules to go to the Board in April
  - 3. Den 404 - Conditional Approval Request
    - 404.01(i)1 - are (a) and (b) pointing to the same document?  
[dental radiographic examinations 2012.pdf \(ada.org\)](#)
    - If not, where do we find the document that refers to "Recommendations in Radiographic Practices"...

Dr. Abel – we'll follow these recommendations but there are 3 other documents more recent that we should add. Dr. Abel will send the correct document(s) to Board Counsel who will forward to the Rules Coordinator.

**Motion:**

Tabled due to recommended changes from the Board. Dr. Abel to provide feedback.

The Board wants to update the maximum fine to \$3,000.

- 4. Expiring Rules - 10/7/2024
  - Assign Board Member as Liaison for Rules Support Request
    - a. Den 301.01
    - b. Den 303.03

**Motion:**

Upon a motion by PK with a second by MA, the Board voted to nominate Dr. Patel to be the assigned to work with the Rulemaking Coordinator for Den 102, 301.01, 301.02, 301.03, and 404; unanimous.

**Motion:**

Upon a motion by PK with a second by MA, the Board voted to nominate Dr. Abel to be assigned to work with the Rulemaking Coordinator on the 304 rules; unanimous.

VI. OPLC and/or Board Administration

A. CE Broker - Heather Kelley, Director of Operations and Bethany Cottrell, Division Director of Licensing and Board Administrators 9:30 am

1. Infection control and medical emergency would count for clinical CE's
2. Set up a CE Broker demo for the Board – Follow up with Heather to schedule
3. There will be a demo provided with the licensees
4. Req's
  - a. Opioids
  - b. Infection control
  - c. BLS

B. Board Travel Policy - Reminder - Informational

VII. Old Business

A. Heather Kelley - Director of Operations

1. LBA Audit - Final Report: Observation 25 & 26
  - a. Declaratory ruling for local anesthesia has been drafted and posted.
  - b. Certified Public Health Hygienist Certificate
  - c. Ensure Dental Assistant regulation does not exceed it's authority
  - d. The Board has the option to work with Clear on their rules writing in the future
  - e. Risk management – as an Agency OPLC is not quite there yet so we will have to come back to it.

- f. PDMP we will have to come back to as there is no legal authority for OPLC to help with PDMP
  - g. Are mortality reports being treated as complaints?
  - h. Board Admin to draft communication to ED&A committee to update status of what we're working on for the LBA Audit.
- 2. How is OPLC going to formalize it's relationship with the Board? A lot of the audit speaks to OPLC not providing adequate support to the Board and it's functions.
  - a. The requirement of the Agency is to go through all of it's statutes and all of it's rules. Everywhere the statute says "shall" the Agency has to confirm it is in compliance. Once this review has been complete, the Agency will provide an MOU that will outline what the agency is doing and what the Board is doing.

## VIII. New Business

### A. Public Health

#### 1. Nashua Smiles

##### **Motion:**

Upon a motion by PK with a second AB, the Board voted to accept and thank them for all the good work they've done; unanimous

### B. Anesthesia and Sedation Committee

#### 1. Status Update from Board Admin

Communication request has been submitted, email blast is forthcoming.

- C. Need to fill out project request form to operationalize no issuing local anesthesia permit. This was a declaratory ruling that they did not have statutory authority.
- D. Renewal email that was sent out recently points to the choose a board home page instead of the direct page where they can submit their renewal.

## IX. Inspections

### A. Dr. Christopher King - Inspection

##### **Motion:**

Upon a motion by PK with a second by AB, the Board voted to accept as pass, unanimous

- B. Dr. Eric Holmgren - Comprehensive Inspection

**Motion:**

**Missing page 10**

- C. Dr. Keith Kealey - Comprehensive Inspection

**Motion:**

Upon a motion by PK with a second by MA, the Board voted to accept as pass, unanimous

- D. Dr. Paul Dyrkacz - Inspection Waiver Request

The Board referred back to Licensing to confirm a date for inspection

- X. Licensure Approval

- A. Active Licenses

- XI. Hygiene Committee

- A. 301.01 & 301.02

- XII. Non-Public Session

“The Board will conduct a Non-Public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board’s executive and deliberative privileges.”

**Motion:**

Upon a motion by VKM with a second by PK the Board voted to initiate the first non-public session at 11:23, unanimous roll call vote.

**Motion:**

Upon a motion by XX with a second by XX the Board voted to initiate the first non-public session at XX:XX, unanimous roll call vote.

- XIII. Resume Public Session

**Motion:**

Upon a motion by PK with a second by LT the Board voted to resume the public session at 12:40; unanimous roll call vote

**Motion:**

Upon a motion by VKM with a second by PK the Board voted to resume the public session at 12:41; unanimous roll call vote

XIV. Seal the Minutes of the Non-Public Session

“The Board votes to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), 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.”

**Motion:**

Upon a motion by XX with a second by XX the Board voted to seal the minutes of the first non public session; unanimous roll call vote.

**Motion:**

Upon a motion by XX with a second by XX the Board voted to seal the minutes of the second non public session; unanimous roll call vote.

XV. Adjourn Meeting 12:48 PM

XVI. Next Meeting is April 3, 2024 at 8:30 AM