



June 5, 2023, BoDE Public Meeting Minutes

Dental Examiners Board

Jun 5, 2023 at 8:30 AM EDT

@ OPLC - 7 Eagle Square, Concord, NH 03303 - Meeting in person required

Attendance

Present:

Members: Roger Achong, John Giraldo, Puneet Kochhar, Howard Ludington, Virginia Kapetanakis Moore, Muhenad Samaan, Linda Tatarczuch

Guests: Kristy Blanchette, Bethany Cottrell, Lindsey Courtney, Liz Eaton, Chris Horne, Sam Kinstrey, Donna Long (remote), Jessica Whelehan

Absent:

Members: Jay Patel, Lisa Scott

I. Call to Order

Puneet Kochhar, Chair, called the meeting to order at 8:43 am.

II. Approval of Public Minutes

A. April 3, 2023, public session

Motion:

Approve the April 3, 2023, meeting minutes as submitted.

Motion moved by Howard Ludington and motion seconded by Roger Achong.

Motion passed; Muhenad Samaan abstained.

III. Public Appearances

A. Hearings

1. CONTINUED by Presiding Officer (pending further information) 9:30 am:
Kenneth Minasian, DMD, Lic #01488 - Disciplinary Adjudicatory Hearing
2023-DEN-001

Jessica Whelehan confirmed for the Board that the hearing had been continued, and there would be an opportunity to discuss the matter further during non-public session.

IV. OPLC and/or Board Administration Updates

A. Change to Board Counsel

Jessica Whelehan informed the Board that Attorney Sheri Phillips was no longer assigned as Board Counsel, with that position now being filled by Attorney Liz

Eaton. Jessica informed the Board that Sheri had intended to say goodbye at the May meeting, but as that meeting had been cancelled, she was unable to share her well wishes in person.

B. Bethany Cottrell and Donna Long - Press Releases and Notice of Emergency Orders

Donna Long, attending via Zoom, discussed her role as Public Information Officer, informing the Board she would be available to assist with blast communications as needed. Puneet Kochhar asked to discuss the erroneous and confusing message that was sent on Friday, June 2, 2023, noting that his office was a “second OPLC” due to the extreme wait times that licensees faced when calling OPLC. Donna responded that she was the middleman in that process, sending a message that she was told needed to be sent. Bethany Cottrell later spoken with the Board regarding this matter and took ownership of the message, explaining there was a glitch or problem in the data. The Board, noting that there always seemed to be a technology problem, expressed their unease with OPLC’s constant blaming of technology when issues arose. The Board asked that any emails that may affect them, or their licensees, be sent to the Board Administrator, to be placed on the next agenda; this is especially important if they are emails that do not go out to the active licensees, meaning the members may not already receive the email. Bethany stated she would consider adding all Board members to the notification list when emails are sent. Bethany also informed the Board that, moving forward, they would be able to consider issue press releases if they had major disciplinary hearings that they felt needed to be shared more directly with the public.

V. Old Business

A. Dental Hygiene Committee Update

1. DHC Minutes

The Board reviewed the Dental Hygiene Committee meeting minutes from April 4, 2022, and April 6, 2023. It was noted that the DHC has had two additional meetings, but due to the scheduling of the agenda release, the most recently approved meeting minutes did not make it to the Board for this meeting.

B. LBA Audit - Final Report

For discussion/planning purposes - to be on every agenda moving forward

1. Proposed changes to RSA and rules regarding dentist to hygienist process

Item tabled to the July meeting.

2. Administrative fine/disciplinary guidelines

The Board reviewed the information; Jessica and Liz Eaton noted that this would allow more clarity with regards to fines and would help address some of the issues highlighted in the LBA Audit. Puneet Kochhar stated he would take the information and draft rules to be discussed at the next meeting.

C. RSA 317-A:12-a - blanket exemption discussion (Dr. Ludington)

Howard Ludington discussed the blanket exemption and his understanding that Representative McGuire and the Committee expected the Board to take immediate action and lift the blanket exemption. It was noted that the Board was already addressing this issue by developing rules that would help the permit holders apply for an exemption and provide a framework for approving or granting exemptions. Howard Ludington asked that Lindsey Courtney join the meeting as she had been present at the last committee meeting and would be able to confirm that the Board should lift the blanket exemption immediately. Lindsey, after speaking with the Board, confirmed that their efforts to develop rules as a framework were their best course of action; she suggested the Board draft a letter to the Committee informing them of the proposed rules and their intent. Jessica Whelehan informed the Board that she did not have an update on the rules at this time but confirmed she had sent the draft to Tina Kelley in March.

Motion:

Send a letter to Representative Carol McGuire informing her of the Board's efforts to draft rules addressing the exemption, with the goal being to lift the exemption in the future, and provide a pathway for permit holders to seek exemption on an individual basis; Liz Eaton and Jessica Whelehan to draft the letter.

Motion moved by Puneet Kochhar and motion seconded by Roger Achong.

Motion passed unanimously.

VI. New Business

A. Lisa Scott - Resignation letter

Puneet Kochhar thanked Lisa Scott, who was absent, for her service to the Board and to the State of NH. Puneet also noted that Board members, although they

may be sponsored for Board appointment, do not represent any other agency or group when they are Board members.

B. Mid State Health Center summary report

Motion:

Accept the summary report as submitted.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington.

Motion passed unanimously.

C. Greater Seacoast Community Health Dental Student Program Report

Motion:

Accept the program report, while also requesting dates of the program from the Greater Seacoast Community Health Dental Student Program.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington.

Motion passed unanimously.

VII. Rules Review and other Legislative Topics

A. Update on 2023 legislation - OPLC Board Counsel

Liz Eaton informed the Board that SB147 was going to a Committee of Conference as, after crossover, there had been objection to some of the language, specifically to the language regarding repealing the ability to exempt two providers. The Board was informed that these sessions typically did not allow for public participation, so the letter they had opted to send would be their best means to communicate what they were doing with regards to the exemption. It was also noted that this delay did mean that all of the changes being sought by the Board were at risk.

VIII. Licensure Approval

A. Applications approved and pending through 4/21/23

 [A&P 3.25.23 through 5.31.23.pdf](#)

Motion:

Ratify the applications approved from March 25, 2023, through May 31, 2023.

Motion moved by Muhenad Samaan and motion seconded by Howard Ludington.

Motion passed unanimously.

B. Dentist Applications

1. Mina Fahmy, DDS, Lic #04703 - Dental Anesthesia Comprehensive Evaluation

Motion:

Approve the Comprehensive Evaluation.

Motion moved by Muhenad Samaan and motion seconded by Puneet Kochhar. Motion passed unanimously.

2. Payal Verma, DMD, Lic #04795 - Dental Anesthesia Facility Inspection

Motion:

Approve the Facility Inspection for both Peterborough and Concord OMFS locations.

Motion moved by John Girald and motion seconded by Puneet Kochhar. Motion passed unanimously.

3. Richard Rosato, DMD, Lic #03188 - Dental Anesthesia Comprehensive Evaluation

Motion:

Approve the Comprehensive Evaluation.

Motion moved by Puneet Kochhar and motion seconded by John Girald. Motion passed unanimously.

4. Greg Biron, DMD, Lic #04634 - Dental Anesthesia Comprehensive Evaluation

Motion:

Approve the Comprehensive Evaluation.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed unanimously.

5. Louis Clarizio, DDS, Lic #02155 - Dental Anesthesia Comprehensive Evaluation

Motion:

Approve the Comprehensive Evaluation.

Motion moved by Puneet Kochhar and motion seconded by John Girald. Motion passed; Linda Tatarczuch abstained.

6. Vincent Albert, DMD, Lic #03023 - Dental Anesthesia Comprehensive Evaluation

Motion:

Approve the Comprehensive Evaluation.

Motion moved by Howard Ludington and motion seconded by Puneet Kochhar. Motion passed unanimously.

7. Cameron Braasch, DMD, Lic #03982 - Dental Anesthesia Facility Inspection

Motion:

Approve the Facility Inspection for the Bedford location, noting that the inspector had selected CRNA when he should have selected Dentist.

Motion moved by Muhenad Samaan and motion seconded by John Girald.
Motion passed unanimously.

8. Ankur Kaul, DDS - initial application for licensure

Motion:

Approve the application for licensure.

Motion moved by Muhenad Samaan and motion seconded by Puneet Kochhar. Motion passed unanimously.

C. Hygienist Applications

1. Kristen Saczawa, RDH, CPHDH, Lic #03481 - Hygienist Application for Public Health Supervision and Dental Program Approval

Motion:

Approve the application for Public Health Supervision and Dental Program Approval.

Motion moved by Puneet Kochhar and motion seconded by John Girald.
Motion passed unanimously.

2. Aimee Shaughnessy, RDH, Lic #03701 - reinstatement application

Motion:

Approve the application for reinstatement.

Motion moved by Muhenad Samaan and motion seconded by Puneet Kochhar. Motion passed unanimously.

3. Emily Goonan, RDH, Lic #02938 - reinstatement application

Motion:

Approve the application for reinstatement conditionally, provided the applicant provide proof of 2 hours of CEUs in Medical Emergency Training pursuant to rule Den 403.03 (a) within 30 days of notice. The CEUs will not count towards their next renewal cycle.

Motion moved by Puneet Kochhar and motion seconded by Muhenad Samaan. Motion passed unanimously.

4. Laurianne Brown, RDH, Lic #02683 - reinstatement application

Motion:

Approve the application for reinstatement.

Motion moved by Puneet Kochhar and motion seconded by John Giraldo. Motion passed unanimously.

5. Ashley Harwood, RDH, Lic #02666 - reinstatement application

Motion:

Approve the application for reinstatement.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed unanimously.

6. Kimberly Randall, RDH, Lic #01218 - reinstatement application

Motion:

Approve the application for reinstatement conditionally, provided the applicant provide proof of 2 hours of CEUs in Medical Emergency Training pursuant to rule Den 403.03 (a) within 30 days of notice. The CEUs will not count towards their next renewal cycle.

Motion moved by Puneet Kochhar and motion seconded by Muhenad Samaan. Motion passed unanimously.

After 2 CEUs in Medical Emergencies were sent through OPLC Licensing:

Motion:

Approve the application for reinstatement.

Motion moved by Puneet Kochhar and motion seconded by John Giraldo. Motion passed unanimously.

IX. Non-Public Session

Motion:

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 moved by Virginia Moore and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 10:18 am.

X. Resume Public Session

Public session resumed at 1:53 pm.

XI. Seal the Minutes of the Non-Public Session

Motion:

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 moved by John Girald and motion seconded by Puneet Kochhar. Motion passed unanimously.

XII. Old Business (continued)

A. LBA Audit - Final Report (continued)

The Board continued addressing items highlighted in the LBA Performance Audit.

Puneet Kochhar asked the Board to keep in mind the recommendation that the Board formalize their relationship with OPLC, noting that he was not asking for any action at this time, but wanted the members to consider what that would mean.

Motion:

Develop a rule change ensuring that active license holders notify the Board within 90 days of registering with the PDMP, if required to register with the PDMP (DEA License).

Motion moved by Muhenad Samaan and motion seconded by Howard Ludington. Motion passed unanimously.

Motion:

Add the following language, "Pursuant to RSA 125:25-C do you have an ownership interest in any diagnostic or Therapeutic service(s) company(s)?" to the following rules/forms: Den 301.01, Den 301.02, Den 301.03, Den 301.04, Den 301.05, Den 301.07, and Den 301.12.

Motion moved by Muhenad Samaan and motion seconded by Puneet Kochhar.
Motion passed unanimously.

The Board discussed the Dental Assistant rules and RSAs. Jessica Whelehan and Liz Eaton noted that, contrary to what the LBA Performance Audit reported, there was language in the practice act that granted rule-making authority over specific tasks to be delegated to Dental Assistants. Muhenad Samaan will review the statute and rules related to Dental Assistants and will have proposed rules changes for the August meeting. Puneet Kochhar reminded John Girald to review the portability for military members and their spouses, and stated that he himself would be working on the fines rules, as discussed earlier in the meeting.

XIII. Adjourn meeting

Meeting adjourned at 3:32 pm.