



December 5, 2022, BoDE Public Meeting

Minutes

Dental Examiners Board

Dec 5, 2022 at 8:30 AM EST

@ OPLC - 7 Eagle Square, Concord, NH 03303 - Meeting in person required - Public Attendance available via Zoom <https://us02web.zoom.us/j/87485332355?pwd=di9idW10MElqOXROWldrZkp4eUkxZz09>

Attendance

Present:

Members: Puneet Kochhar, Roger Achong, Virginia Kapetanakis Moore, Howard Ludington, Jay Patel, Lisa Scott, John Giraldo, Linda Tatarczuch

Guests: Mark Abel, Jessica Whelehan - Board Administrator, Shana Warriner - Board Administrator, Mike Auerbach, Tommy Burk, Sheri Phillips - Board Counsel, Liz Eaton - Board Counsel, Nik Frye - Hearings Examiner, Chandler Jones, Peter Reich (remote), Dwayne Thibeault

Absent:

Members: Muhenad Samaan

Puneet Kochhar called the meeting to order at 8:39 am.

Roger Achong arrived at 11:43 am.

- I. Approval of November 7, 2022, Public Minutes

Motion:

Approve the minutes as submitted.

Motion moved by Howard Ludington and motion seconded by John Giraldo. Motion passed unanimously.

- II. NH Dental Society Update - Mike Auerbach

Mike Auerbach provided the following update:

- The NHDS is launching an initiative to build new bridges between New Hampshire dentists and dental students at all five New England dental schools. We will be visiting the ASDA District 1 Annual Meeting in Connecticut in February and hosting on-campus lunch and learns at each individual program. This initiative will help address an important aspect of the workforce shortage by presenting opportunities for associate dentist recruitment.

- NHDS President Dr. Brenda Berkal and I will be meeting with NHTI later this week to discuss issues on which we can work collaboratively to address the ongoing dental assistant and dental hygiene shortage in New Hampshire.
- We are currently working with the state and New Hampshire oral health stakeholders to generate interest in and circulate information about the new adult dental Medicaid benefit. The framework, including the fee schedule, are currently in development.
- As you may have heard, Massachusetts voters on November 7 overwhelmingly voted in favor of a Medical Loss Ratio ballot initiative that requires dental benefits companies to spend 83 percent of income from premiums on patient care. The NHDS is carefully monitoring the rulemaking process and are coordinating with ADA on potential future legislation.
- Finally, the NHDS is preparing to send a team to Boston in January for Yankee Dental Congress. During this three-day event, NHDS will as usual offer a meeting place for Members and fellow dental professionals at our NHDS Lounge. We will also host dental students and dental hygiene and assisting students to promote networking and recruitment with NH dentists.

III. ASEC Discussion - NHANA Position Statement

The Board reviewed the NHANA Position Statement regarding 2-provider Anesthesia.

IV. ASEC Discussion - Anesthesia Requirements/Exemption Requirements

Dr. Howard Ludington presented a list of requirements he felt the Board should consider before issuing an exemption to RSA 317-A:12 XII-a (g) (1), which requires two providers (one dedicated anesthesia provider and one dental provider) for patients under the age of 13. The Board currently has a blanket "exemption" in place, issued in 2019, and Dr. Ludington, arguing that the blanket exemption should be lifted, has prepared the list as a means for licensees to obtain an exemption. Puneet Kochhar noted that this list would actually make it very difficult for the exemption to be obtained at all; Dr. Ludington replied that it may, and he was fine with that outcome. Feedback from guests Mark Abel, Peter Reich, Chandler Jones, and Dwayne Thibeault was taken. Sheri Phillips noted that, before any drastic changes, such as the lifting of the current exemption, be considered, she would like the opportunity to consult with some of her peers about what the legal ramifications of lifting the exemption would be. She noted that it may mean that the exemption could not be lifted for some or all who were currently operating under the exemption, or it may be as simple as providing those currently

exempted with a timeline; the Board agreed to table this discussion until the February meeting, allowing Sheri time to research the matter.

V. Heather Kelley, OPLC, ClassMarker/Prometric discussion

Heather Kelley met with the Board to inform them that Executive Director Lindsey Courtney was asking that they cease using ClassMarker for the jurisprudence exam by the end of December 2022. Heather also noted that the contracts with Prometric were delayed. Puneet Kochhar asked how long the process for securing another vendor for the jurisprudence exam would take; Heather responded that it would be several months before a new vendor was secured. The Board noted that they were not comfortable with the possibility that new applicants may not have to do the jurisprudence exam, especially following the recent results of the LBA Audit. Heather asked Board Administrator Jessica Whelehan if she would be able to locate the questions that ClassMarker was using, and a paper, or email copy of the jurisprudence, to be scored by OPLC staff, could be used in the interim. Jessica advised she would look into the matter and see what she could find.

VI. Message to licensees regarding unprofessional behavior - responses received

The Board reviewed the various responses received to the message sent to all licensees.

VII. Fred Salvatoriello - CEU update

Motion:

Accept the submitted CEUs as completion of the requirements set forth in the Order dated 11/14/2022.

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

VIII. Scott Bobbitt - CEU update

Motion:

Accept the submitted CEUs as completion of the requirements set forth in the Order dated 11/14/2022.

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

IX. Sophana Hem - CEU Update

Motion:

Accept the submitted CEUs as completion of the requirements set forth in the Order dated 11/14/2022.

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

X. Richard Farina, DMD - Summary Report Form

Motion:

Accept the summary report.

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

XI. Jonathan Bean - Opioid course approval

Motion:

Inform Dr. Bean and his office that the materials placed before the Board, consisting of certificates of completion of the course, are insufficient to approve this course.

Motion moved by Puneet Kochhar and motion seconded by Lisa Scott. Motion passed unanimously.

XII. List of Dentist Applications Approved and Pending

Motion:

Ratify the list as submitted.

Motion moved by Lisa Scott and motion seconded by Howard Ludington. Motion passed unanimously.

XIII. John Giral, DMD - Inactive to Active - waiver request

Motion:

Accept the waiver request, allowing Dr. Giral until 12/31/2022 to submit the remaining CEU requirements, while approving his status change from Inactive to Active.

Motion moved by Howard Ludington and motion seconded by Lisa Scott. Motion passed; John Giral recused.

XIV. Rudolph Lantelme, DDS - Initial Application for Licensure and waiver request

The Board was unable to take action on this application as the application was not complete (the applicant failed to indicate whether they were applying by examination or endorsement); likewise, the Board was unable to take action on the waiver request.

XV. Tushar Udeshi, DDS - Initial Application for Licensure

Motion:

Approve the application for licensure.

Motion moved by Puneet Kochhar and motion seconded by Jay Patel. Motion passed unanimously.

XVI. Jessica Peterson, DDS - Botox

Motion:

Accept the certificate as submitted.

Motion moved by Virginia Kapetanakis Moore and motion seconded by Puneet Kochhar. Motion passed; Howard Ludington abstained.

XVII. Nadine Bedair, DMD - Botox and Filler

Motion:

Accept the certificates as submitted.

Motion moved by Puneet Kochhar and motion seconded by Jay Patel. Motion passed; Howard Ludington abstained.

XVIII. Paul Epstein, DMD, Lic #01583 (lapsed) - Reinstatement Application and waiver request

Motion:

Accept the waiver request and approve the reinstatement to inactive.

Motion moved by Puneet Kochhar and motion seconded by Lisa Scott. Motion passed unanimously.

XIX. List of Hygienist Applications Approved and Pending

Motion:

Ratify the list as submitted.

Motion moved by Lisa Scott and motion seconded by John Giraldo. Motion passed unanimously.

XX. Miranda Bouchard - RDH Application

Motion:

Deny waiver requesting Local Anesthesia permit be issued for failure to meet the requirements in rule Den 302.05 (i) (3) and (4) and Den 302.05 (k) (3); approve RDH licensure, and Nitrous Oxide permit.

Motion moved by Virginia Kapetanakis Moore and motion seconded by Lisa Scott. Motion passed unanimously.

XXI. Ginger Connors - RDH Application and Waiver request

Motion:

Deny the waiver request and approve the application.

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

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 Howard Ludington and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 10:47 am.

Public session resumed at 12:41 pm.

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

XXII. Jason Lee, DMD, Lic #04536 - Hearing Continued; Proposed Settlement Agreement

Motion:

Approve the proposed Settlement Agreement, closing the case.

Motion moved by Puneet Kochhar and motion seconded by Jay Patel. Motion passed unanimously.

XXIII. 2:30 pm: Peter Thomas, DMD, Lic #01186 - Show Cause Hearing

A hearing, officiated by Attorney Nikolas Frye, was held for Dr. Peter Thomas regarding his CEU Audit, and a failure to submit the required 3 hours of pain management/addiction disorder training.

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 Jay Patel and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 2:52 pm.

Public session resumed at 3:10 pm.

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 Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously.

Motion:

Accept the newly submitted CEUs as completion of the CEU Audit requirements; all CEUs submitted for the Audit are not to be used in the next renewal period.

Motion moved by Lisa Scott and motion seconded by Puneet Kochhar. Motion passed unanimously.

XXIV. 3:11 pm: AJ Homicz, DDS, Lic #01216 - Show Cause Hearing

A hearing, officiated by Attorney Nikolas Frye, was held for Dr. AJ Homicz regarding his CEU Audit, and a failure to submit the required 3 hours of pain management/addiction disorder training.

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 Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 3:24 pm.

Public session resumed at 3:27 pm.

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 Lisa Scott and motion seconded by Puneet Kochhar. Motion passed unanimously.

Motion:

Accept the newly submitted CEUs as completion of the CEU Audit requirements; all CEUs submitted for the Audit are not to be used in the next renewal period.

Motion moved by Puneet Kochhar and motion seconded by Jay Patel. Motion passed; Puneet Kochhar recused.

XXV. 3:30 pm: Francis Quaratiello, DMD, Lic #01183 - Show Cause Hearing

A hearing, officiated by Attorney Nikolas Frye, was held for Dr. Francis Quaratiello regarding his CEU Audit, and a failure to submit the required medical emergencies training and BLS-HCP training. Dr. Quaratiello did not attend the hearing in-person or remotely, instead sending a note that he was unable to attend. No motion to continue was submitted.

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 Kapetanakis Moore and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 3:41 pm.

Public session resumed at 3:50 pm.

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 Linda Tatarczuch and motion seconded by Puneet Kochhar. Motion passed unanimously.

Motion:

Suspend Dr. Quaratiello's license until such time as he submits proof of completion of the requirements set forth in rule Den 403.03 (b).

Motion moved by Howard Ludington and motion seconded by Puneet Kochhar. Motion passed; Roger Achong opposed.

Puneet Kochhar adjourned the meeting at 3:51 pm.