

**NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS  
2 INDUSTRIAL PARK DRIVE  
CONCORD, NH 03301**

**MEETING MINUTES –April 6, 2009**

The April 6, 2009 meeting of the New Hampshire Board of Dental Examiners convened at 3:00 p.m. with the following members present:

Eliot L. Paisner, DMD, President  
Neil S. Hiltunen, DMD, Vice President  
Gerald A. Smith, DMD  
Charles Albee, DMD  
Marshall Baldassarre, DMD  
Charles F. Post, DMD  
Stacy A. Plourde, RDH  
Linda M. Seedner, RDH  
Lynn Joslyn, Public Member

Absent: None

The Board approved the minutes of March 3, 2009.

**ADMINISTRATIVE**

Note: All votes were unanimous unless otherwise indicated.

1. Statutes and Rules

a. Statutory Proposals

- 1) HB 190 – Professional Assistance Program – This program was established by the NH Medical Society. It helps dentists and dental hygienists with substance abuse and behavioral problems and has been traditionally funded by dentists. State auditors and the Attorney General’s office have agreed that all groups who take part in professional assistance programs should fund them. For this reason the Board sought to amend RSA 317-A:4 to allow hygienists to contribute up to \$15 per year toward the cost of a dental professional assistance program in which hygienists take part. The NH Dental Hygienists’ Association opposed the bill stating that dentists should pay all program costs. The bill was voted inexpedient to legislate. At tonight’s board meeting dismay was expressed that approximately 1300 hygienists with active NH licenses will no longer be eligible for assistance.

- 2) SB 64-FN (amended) – This bill originally was intended to establish an independent dental hygienist board with the authority to determine qualifications for hygienists’ licensure, hygienists’ scope of practice, and hygienists’ administrative rules. It would authorize the hygienists’ board to investigate and adjudicate dental hygienists issues and assume authority over all other matters now found in the Dental Practice Act that could be related to dental hygienists, with one exception, dental hygienists would still practice under the supervision of dentists. The Board of Dental Hygienists would have authority over hygienists while dentists would be held responsible for hygienists’ performance. The Board of Dental Examiners strongly opposed SB 64.

SB 64 was then amended whereby:

- a) Two dental hygienists are to be added to the Board of Dental Examiners (Dental Board) increasing the Board size to eleven with 6 dentists, 4 hygienists and 1 public member. The Dental Board again opposes this bill because it would lead to adjudicatory hearings regarding dentists and their quality of care being heard by a board with a majority of non-dentists presiding, since Board dentists are often recused. To bring the NH Board of Dental Examiners up to the national average of 53 dental boards, which is 4 dentists to each hygienist on a dental board, New Hampshire would have to add 2 dentists not 2 hygienists;
- b) It establishes a committee to study the regulation of dental hygienists;
- c) It requires independent reports from the Board of Dental Examiners and the New Hampshire Dental Hygienists’ Association.

The President of the Board, Dr. Eliot L. Paisner, attended the House Executive Departments and Administration (ED & A) meeting on April 1, 2009. At tonight’s meeting, Dr. Paisner expressed concern over how the dental profession and the Board of Dental Examiners were portrayed by members of the Dental Hygienists’ Association in testimony before the ED & A Committee.

- a) It was disturbing to hear dental hygienists being described as the dental health “experts” as if dentists were not.
- b) Questions in the ED & A Committee asked whether there was discrimination against Board hygienists because of their profession or gender. Board members, Linda Seedner, RDH and Stacy Plourde, RDH emphatically denied that they had ever been subject to discrimination by the Board. Ms. Seedner and Ms. Plourde have vigorously pursued their charge as members of the Board to protect the public welfare. The Board is finding the public portrayals by the NH Dental Hygienists’ Association of the dental profession and the Board to be increasingly disturbing. The Board voted to seek a public meeting with the Dental Hygienists’ Association to address areas of concern.

- 3) HB 2 – This bill has many parts, one of which is the consolidation of state boards within state agencies. Although consolidation may have advantages, especially to small boards, the Board opposes the bill because of two major concerns:
  - a) The creation of a bureaucratic administrative structure to oversee the boards is more likely to increase rather than decrease costs to licensees, if the experience of other states is any indicator. About six other states have consolidated boards, most with increased costs and less efficiency.
  - b) Less efficiency would be a problem for NH citizens. Presently each board has a staff that becomes increasingly expert in matters pertaining to that board. The public reaps the benefits of direct contact with people who expertly address their concerns or who refer them to people who can. The Board could find nothing written in HB 2 that indicates this expertise will be retained and not diluted, resulting in no answers or worse, the wrong answer.

b. Rule Proposals

- 1) Rule Package 2009-I – The Board instructed its administrator to begin drafting amendments to the Board’s administrative rules on topics suggested in the last six months by the Board, professional organizations and the public. Interested parties should understand that the Board often moves slowly when adopting rules not only because the rulemaking process involves many steps, but also because the effects of rule changes must be correctly anticipated. This involves investigation, debate, input from affected people and analysis. Among the topics being considered:
  - a) The placement of sealants by hygienists. The Board would like a scientific consensus on the effects of placement of sealants over caries. To that end, the Board is seeking the conclusion of the American Dental Association Council of Scientific Affairs;
  - b) Dental hygienists duties;
  - c) Fees required by RSA 317-A;
  - d) Dermal-fillers;
  - e) Destruction of dental records;
  - f) Identification wafer;
  - g) Electronic consultation; and
  - h) Termination of doctor/patient relationships.
2. Dental Program Form – The Board made several suggestions to improve this form.
3. Botox Policy – The Board voted to approve an amended draft of a reply to the West Virginia Board of Dental Examiners regarding botox and like procedures.

4. Removal of Bonding Material – The use of rotary instruments by dental auxiliaries will be addressed in the next Board information letter.
5. Teleradiology Consults – In answer to an inquiry, radiologists may provide teleradiology consultation services to NH dentists without the consultant obtaining a New Hampshire dental license, if there is no direct contact between the consultant and the patient. This is true for other consultants, as well. Such services enhance the public welfare by providing indirect access to needed professional expertise.
6. Soft Occlusal Guards – In answer to an inquiry, hygienists may impress, construct and deliver athletic mouthguards, but not hard or soft occlusal guards.
7. Sedation – The Board addressed several issues regarding the sedation of dental patients including:
  - a. The age at which patients cease to be “pediatric” patients – age 16;
  - b. Having an anesthesia assistant designated for patient monitoring during moderate sedation; and
  - c. The use of a night-before-procedure drug as separate from a day-of-procedure drug when meeting the moderate sedation requirements of Den 304.02 (d) and (e).
8. Tooth Whitening – The issue of whether commercial teeth whitening services fall within the scope of the practice of dentistry, as defined in RSA 317-A:20, has not been addressed by the Board. The Board is gathering relevant information from states which are dealing with the same issue. The Board has asked the Administrative Prosecutions Unit of the Consumer Protection Agency to assist in the investigation. The Board is concerned about public safety being compromised by businesses which the public may perceive as being conducted by dental professionals, where there are none.
9. Mercury Free Dentistry – In answer to inquiries from another state dental board, pursuant to RSA 317-A:17 (j) and the Code of Ethics, part 5.A. REPRESENTATION OF CARE, and based on current science, dentists shall not recommend or suggest the removal of amalgam (silver) fillings from the non-allergic patient for the alleged purpose of removing toxic substances from the body. In answer to a second question, the Board voted that a dentist would not be in violation if he/she advertised “mercury free dentistry”.

10. Informational
  - a. NERB Meeting
  - b. National Board
  - c. Southern Regional
  - d. AADE/DANB
  - e. ADEX
  - f. Affiliated Monitors
  - g. Dental Hygiene
  - h. Browns

## **QUALIFICATION AND LICENSURE**

### 1. ANESTHESIA/SEDATION EVALUATIONS

The Board voted to accept the evaluations of the following practitioners as being successfully completed:

Rocco Addante, DMD  
David Greene, DMD and Jose Torio, DMD  
Robert Provencher, Jr., DDS  
Mark Scura, DMD and Patrick Vaughan, DDS

### 2. ANESTHESIA/SEDATION PERMIT APPLICATIONS

Note: Facility, equipment and drugs as related to anesthesia/sedation will be evaluated prior to issuance of an initial permit.

Paul Mathew, DDS – Needs to meet ADA 3 live experiences requirement for restricted moderate sedation permit.  
Kimberly Meyer, DMD – Needs further documentation of 3 live experiences for restricted moderate sedation permit.  
Harvey Weener, DDS – The Board voted to approve Dr. Weener’s application for a restricted moderate sedation permit.  
Paul Thompson, DDS – The Board voted to approve his application for a restricted moderate sedation permit.  
Kevin Boulard, DMD – The Board voted to approve Dr. Boulard’s application for an unrestricted moderate sedation permit.

3. HYGIENIST APPLICATIONS APPROVED

Kristen E. Sweet, RDH  
Jeanine W. Eaton, RDH  
Jessica M. Godbout, RDH  
Rachel T. Perrin, RDH  
Pamela H. Hamel, RDH

4. DENTAL APPLICATIONS APPROVED

Brant C. Jones, DMD  
Ashleigh F. Jones, DMD  
Julia A. Barnard, DMD  
Christopher J. Root, DMD  
James L. Pelletier, DDS  
Gregory C. Joseph, DMD  
Douglas H. MacGilpin, DDS  
Sridhar Meda, DMD