

**NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS
121 S. FRUIT ST.
CONCORD, NH 03301-2412**

MEETING MINUTES – March 7, 2016

The March 7, 2016 meeting of the New Hampshire Board of Dental Examiners was called to order at 3:00 p.m. by Charles E. Albee, DMD with the following members present:

Charles Albee, DMD, President
Marshall Baldassarre, DMD, Vice President
Tara Levesque-Vogel, DMD
Ellen Legg, RDH
Stacy Plourde, RDH
Arthur D. McKibbin, Jr. DMD
Linda Tatarczuch, MSW
Puneet Kochhar, DMD

Absent: Nilfa E. Collins, DMD

Hygienists Committee Meeting – 1:00 p.m.

Board Meeting – 3:00 p.m.

Review minutes of February 1, 2016 Board Meeting – The Board voted to approve the public and non-public minutes.

ADMINISTRATIVE

1. Use of Silver Diamine Fluoride (3 articles included) - #16-40

- Guest: Robert Keene, DMD, Dental Advisor to Alice Peck Day Hospital.

Dr. Keene asked the Board if the use of Silver Diamine Fluoride (SDF) is allowed under the Board's rules. The Board considered his question as a petition for declaratory ruling and determined that Den 402.01(a)(6) as written would include the use of SDF.

The Board voted to place a copy of Dr. Keene's remarks into the record.

2. Questions re: 2016 Checklist for Infectious Disease Control - #16-4, also Atch I

- Guest: Karen Meyer, Territory Representative, Benco Dental

The Board considered Ms. Meyer's questions and answered as indicated:

- What would initiate someone from the Board stopping into an office?
Board: A complaint filed with the Board.
 - What type of documentation is needed for the annual training to implement emergency protocols?
Board: No documentation is needed. It is an OSHA requirement.
 - For the MSDS, does it have to be a printed copy?
Board: The Board does not have jurisdiction to answer this question, it is within OSHA's purview.
 - Many offices retip their instruments, would it still be a FDA cleared medical device?
Board: The Board does not have jurisdiction to deal with instruments or medications.
 - Protective aprons – what constitutes damage?
Board: The Board does not have jurisdiction to deal with instruments or equipment.
 - If an office does not place amalgam, do they still need to have pamphlets in the office?
Board: Yes.
 - What qualifies as training in proper disinfection and sterilization of instruments?
Board: The Board directed Ms. Meyer to the CDC.
 - If an office uses cold sterile, how do offices ensure sterility?
Board: The Board directed Ms. Meyer to the CDC or OSHA.
 - Do offices need to provide proof of proper disposal for extracted teeth with amalgam and disposable traps used while removing amalgam? How about the mixing capsules for amalgam?
Board: The Board directed Ms. Meyer to the CDC guidelines.

3. Hygienists Committee

- a. Minutes of February 1, 2016 Hygienists' Committee Meeting - The Board voted to accept the minutes into the record.
- b. Hygienists Committee Comments –
 - Margaret Ray advised the Board that it had provided a recommendation regarding prescribing, administering, and dispensing a fluoride supplement, topically applied fluoride and chlorhexidine gluconate oral rinse.
 - At the Committee's request, the Board voted to put a link on its website to the CDC.

- c. EFDA Examination required by State of Ohio - #16-42 – The Board voted to table discussion on this issue until the Board has authority to write administrative rules for dental assistants.
 - d. DHC Recommendation re: Hygienist Prescriptive Authority - #16-43 – The Board voted to change RSA 317-A:12 to allow hygienists to prescribe, administer, and dispense a fluoride supplement, topically applied fluoride and chlorhexidine gluconate oral rinse.
4. Hygienists’ Association Comments – None.
5. Dental Society Comments – Executive Director Mike Auerbach advised the Board of the following:

The NH Dental Society is preparing for its Annual continuing education program, featuring Dr. Matthew Hopfensperger, on Friday, March 11th. It hopes the Board members can join it for this informative and top-quality program.

The Society continues to build toward its Annual Meeting, May 19-21, in Meredith. The event will feature CE programs for all members of the dental team as well as awards, social events and fun activities.

At last week’s hearing on HB 1423, the House Committee on Health and Human Services approved the creation of a single “policy group”, comprised predominantly of physicians and medical personnel. This group would establish recommendations – to be submitted to the various Boards – on pain medication dosages in ER, urgent care and walk-in clinic settings. NHDS successfully lobbied that an oral surgeon be included on that policy group. Executive Director Auerbach would like to ask the Board of Dental Examiners for its thoughts on this provision. The amended version would work as a supplement to SB 576, which is now law.

FYI: SB 576, now law, contains a provision requiring Continuing Education for 3 hours of Board-approved online CE or passing an online examination pertaining thereto. The language is below. The NHDS Annual Meeting includes a 3-hour course on pain management and 3 more hours of PDMP training. Although the regulatory language of SB 576 has not been introduced, the NHDS would like to know if this course would, in the Board’s opinion, satisfy this requirement. The language of the provision in question follows:

CHAPTER 2
SB 576-FN-A - FINAL VERSION
- Page 3

318-B:40 Competency Requirements. All prescribers required to register with the program who possess a United States Drug Enforcement Administration (DEA) license number shall complete 3 contact hours of free appropriate prescriber’s regulatory board-approved online continuing education or pass an online examination, in the area of pain management and addiction disorder or a combination, as a condition for initial

licensure and license renewal. Verification of successful completion of the examination or of the required continuing education shall be submitted to the prescriber's regulatory board with the licensee's application for initial licensure or renewal. A list of the prescriber's regulatory boards' approved continuing education courses and online examinations in pain management and addiction disorder, shall be available on the office of professional licensure and certification's Internet website.

6. Commission on Dental Competency Assessments (CDCA) (formerly NERB) Comments – Ms. Plourde just returned from an exam and Dr. Albee has an exam in Canada next week.
7. Board Office Comments – None.
8. Final Rule Proposal (#2015-205) for Adoption - #16-44 – The Board voted to adopt the rules package.
9. Dental Assistants/Seacoast Career School (from February meeting) - #16-3 – The Board voted not to send the email to dentists about dental assistants' qualifications, reversing its decision of last month.
10. Letter/email from Dr. Stephen Ura re: dental assistant duties - #16-45, also Atch I
11. Discussion/Review of Administrative Rule Den 302.05 - #16-46

With respect to items #16-45 and #16-46 (just above), the Board voted to have each member look at Den 302.05 and Dr. Ura's letter of February 17, 2016, and make recommendations to Dr. McKibbin by April 15, 2016. He will then report to the Board.
12. Discussion led by Dr. Albee re: RDH Prescription Insurance - See #16-47 – See minutes item 3,b.
13. Memo re: Dental Assistant Questions - #16-48 – The Board voted that the 120 hour externship will count towards the 400 hours of experience, but that she is required to take Preliminary Inspection of the Oral Cavity before she is qualified to take vital signs. See Den 401.02(g) and Den 302.05. The Board considered the question regarding vital signs as a petition for declaratory ruling and it will issue a ruling.
14. Jurisprudence Exam/ Board Member Recommendations for Questions - #16-49 – The Board voted to table this matter until its next meeting.
15. Dental Assistant Inquiry and Request for Waiver of required courses - #16-50 – The Board voted to waive the following: Preliminary Inspection of the Oral Cavity; Infection Control; Provisional Restoration; and Tooth Whitening. The Board voted to refer the questioner to Den 302.05(l) (a)-(4) and advise her that she cannot adjust intraorally.
16. Licensure of Dental Assistants - Questions from Executive Director- #16-65 (Discussion, no document) – The Board voted that, once it licenses dental assistants, a jurisprudence exam will be required and a lapsed license option will be offered.

17. Informational (emailed previously)
 - a. Member's Hearing and Comments: ADA Sedation/Anesthesia Guidelines
 - b. CODA Winter 2016 Unofficial Report of Major Actions
 - c. CODA Hearing on Standards and Q&A Session at ADEA Annual Session
 - d. CODA Implements Accreditation Process for Dental Therapy Education Programs
 - e. March 29th-Advancing Oral Health in NH-New Data, New Action
 - f. CCERP 2015 Annual Report Released

LICENSURE AND REPORTS

1. DENTIST APPLICATIONS APPROVED

Lindsay R. Decker, DMD
Gayatri G. Horowitz, DMD
Bei Li, DMD
Jungwon Shin, DDS
Charles E. Simpson, DDS
Jack H. Weaver, DDS

2. HYGIENIST APPLICATIONS APPROVED

Allison E. Duarte, RDH
Kimberly M. Hudson, RDH

3. ANESTHESIA/SEDATION

(a) Application for Moderate Sedation Unrestricted Permit

- RW - #16-51 – The Board voted to deny the permit for unrestricted moderate sedation because of inappropriate training and no documentation. See Den 304.02, (c)(3)b.2.; Den 304.02(d); Parts III and IV C of the American Dental Association 2012 "Guidelines for the Use of Sedation and General Anesthesia by Dentists"; and Part V of the American Dental Association 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students". She needs 60 hours of continuing education from an approved provider and 20 live patient experiences.

(b) Anesthesia/Sedation Committee Evaluation Chart - #16-52 – The Board voted to approve:

- Facility Inspection of Matthew Smith, DDS and Timothy Smith, DMD (Moderate Sedation Unrestricted permits for Plymouth, NH location)
- Comprehensive Evaluations of:
 - Mark Abel, DMD (General Anesthesia/Deep Sedation)
 - Mark Hochberg, DMD (General Anesthesia/Deep Sedation)
 - Rachel Madden, DMD (General Anesthesia/Deep Sedation)

4. CHART - Proposed Rule and Statute Changes - #16-53, also Atch I and II

Statutes

<u>Recommended Changes</u>	<u>Board vote</u>
▪ Add dental assistants to those the Board can license.	Yes
▪ Amend the statute to make tooth whitening (done outside of the person's home, or with any third party participating) to constitute the practice of dentistry?	No
▪ Do we need a statute or rule saying when the Board can deny licensure (similar to Board of Medicine's RSA 329:14)?	Yes
▪ Does the Board need to add language to statute re: Professionals' Health Program (similar to Board of Medicine's RSA 329:13-b)?	Yes
▪ Change the reference in RSA 317-A:17, II (g) from guidelines of ADA to guidelines of CDC?	Yes

Rules

<u>Recommended Changes</u>	<u>Board vote</u>
▪ Does the Board want to accept, for licensure by endorsement, the Canadian National Boards?	Tabled
▪ Does the Board want to require dentists to have a medical kit in their office?	No
▪ Does the Board want to add to Den 301.09 and statute that "a licensee whose mail is returned to the Board by the post office due to a wrong address shall be issued a letter of concern pursuant to RSA _____?"	Yes
▪ Does the Board want to define a "letter of concern"? (i.e., "Letter of concern" means a written letter from the Board drawing the licensee's attention to specific acts or omissions that could place the licensee at risk of future disciplinary action. A letter of concern is non-disciplinary and is sent to the licensee following a communication of alleged misconduct, complaint and/or investigation.)	Yes
▪ Does the Board want to incorporate rules regarding: <ul style="list-style-type: none"> * Infection Control; and/or * Accompanying citations? 	No
▪ Does the Board wish to add a rule adopting the ADA and/or CDC infection control guidelines and recommendations in radiographic practices?	Yes
▪ Does the Board vote to remove the current language in the rules stating that the Board pre-approves expanded duty courses?	Yes
▪ Does the Board want to amend the current rule to allow a private business (such as Seacoast) to offer an expanded duty course including an infection control course? Currently only NHTI offers these courses on a regular basis.	No

Rules (cont.)

<u>Recommended Changes</u>	<u>Board vote</u>
▪ Based on the Declaratory Ruling of 11-2-15, does the Board wish to add for clarification that, if a licensee takes online CPR/BLS-HCP, it must include a hands-on component?	Yes
▪ Does the Board wish to incorporate a rule that clarifies ownership and management of offices where the dentist owners are not involved with the practices?	Tabled
▪ Does the Board wish to add language to infection control requirements to be more specific as to what kind of course is required, if an exam is required, face-to-face component, etc.?	Yes
▪ Based on Declaratory Ruling of 6-1-15, does the Board want to add language to Den 101.01 to clarify the meaning of "actively engaged in such practice"?	Yes
▪ Based on Declaratory Ruling of 6-1-15, does the Board want to add language to Den 101.11 to clarify, under "general supervision", the meaning of "personally evaluated"?	Yes
▪ Does the Board wish to give CE credit to licensees for writing a paper in addition to presenting a paper?	No
▪ Does the Board wish to give CE credit for courses taken when initially obtaining a specialty?	Yes
▪ Does the Board want to include a new rule awarding CEU credits to Board members for being on the Board?	Yes
▪ Does the Board want a rule which would require a dentist who retires to notify the Board in writing what arrangements he/she has made re: where patient records are transferred?	Yes
▪ Based on the Declaratory Ruling of 12-7-15, does the Board want to add language for clarification of Continuing Education Units (CEU's)?	Yes
▪ Does the Board want to add to the rule that license renewals shall be done online?	Yes
▪ In accordance with SB 576, does the Board vote to add to the rules language requiring licensees (for initial licensure and license renewal) who are prescribers required to register with the PDMP to complete 3 CEU's in the area of pain management and addiction disorder?	Yes
▪ Based on the DHC recommendation, does the Board vote to add language to the rules that 2 CEUs in infection control must comply with CDC guidelines?	Yes
▪ Pursuant to HB 1423, does the Board vote to add language to Den 403.03 (b) to require dentists who are registered with the PDMP to complete online CEUs in pain management and/or addiction disorder?	Yes
▪ Does the Board vote to amend the language in Den 301.01 and Den 301.02 and license applications to accurately reflect licensing requirements and make consistent?	Yes
▪ Does the Board vote to revise the wording re: hygienists' duties to make the rules current and in accordance with ADA CODA standards?	Tabled

Rules (cont.)

<u>Recommended Changes</u>	<u>Board vote</u>
▪ Does the Board vote to add a statute and rules incorporating language re: EFDA permit application, biennial permit renewal application and fees?	Yes
▪ Does the Board wish to include a Jurisprudence Examination for dental assistants?	Yes
▪ Does the Board wish to add rules (similar to those of the Board of Medicine) justifying reasons to deny renewal of license?	Yes
▪ For clarification to Den 304.02(h)(3), does the Board vote to add the word "comprehensive" before the word "evaluation"?	Yes
▪ Does the Board vote to amend the language in Den 304.02 when general anesthesia or sedation is administered exclusively by a NH licensed anesthesiologist or registered, certified nurse anesthetist?	Yes
▪ Does the Board wish to add language to Den 304.02 that accepts PALS certification in lieu of ACLS when a dentist applies for an anesthesia or sedation permit?	Yes, only for dentists who work on pediatric patients only

5. PUBLIC HEALTH

- (a) Certified Public Health Dental Hygienists Application - #16-66 - The Board voted to approve the CPHDH application of Susanne Kuehl, RDH.

At 6:20 p.m., pursuant to RSA 91-A:3, the Board voted to go into non-public session by roll call vote because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person other than a Board member.