

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

**MEETING MINUTES – June 6, 2016**

**Hygienists Committee Meeting – 1:00 p.m.**

**Board Meeting – 3:00 p.m.**

The June 6, 2016 meeting of the New Hampshire Board of Dental Examiners was called to order at 3:02 p.m. by Charles E. Albee, DMD with the following members present:

Charles Albee, DMD, President  
Stacy Plourde, RDH  
Arthur D. McKibbin, Jr., DMD  
Ellen Legg, RDH  
Linda Tatarczuch, MSW  
Puneet Kochhar, DMD (late arrival)

Absent: Nilfa Collins, DMD  
Tara Levesque-Vogel, DMD

Review minutes of May 2, 2016 Board Meeting - The Board voted to accept the public minutes as amended and voted to accept the non-public minutes.

Review minutes of the Anesthesia/Sedation Evaluation Committee's 2016 Annual Meeting - The Board voted to have its Executive Director contact Dr. Crowley:

- to ask the Committee to work on administrative rules saying that any anesthesia or sedation provider treating patients under the age of 16 shall have PALS certification, and to make a report to the Board by January of 2017;
- to ascertain the status of the new Executive Committee;
- to ask the Committee to work on administrative rules regarding itinerant anesthesia providers and what kind of inspections should be required, and to make a report to the Board by January of 2017; and
- to ask the Committee to consider the issue of providing CEU's for evaluators and the Executive Committee and to make a report to the Board by January of 2017.

The Board also voted to send a letter of appreciation and thanks to Dr. Crowley for her work on the Committee.

Dr. Kochhar arrived at the meeting at 3:15 p.m.

## ADMINISTRATIVE

1. Hygienists Committee
  - a. Minutes of May 2, 2016 Hygienists Committee Meeting – The Board voted to accept the minutes.
  - b. Hygienists Committee Comments – None.
2. Hygienists' Association Comments – None.
3. Dental Society Comments – Executive Director Mike Auerbach advised the Board of the following:
  - The NHDS Annual Meeting was a great success – nearly 450 members and guests took part in the three-day program. Just under 100 dentists and hygienists took part in the Infection Control CE course. Nearly 170 participated in the all-day pain management course, which included a tutorial on the PDMP by PDMP Program Manager Michelle Ricco Jonas.
  - The NHDS is pleased to announce the 2016-2017 NHDS Officers and Trustees: Dr. John P. Ahern, President; Dr. Manuel Sousa, President-Elect; Dr. Hugh Hawkins, 1<sup>st</sup> Vice President; Dr. Lindsey Jackson, 2<sup>nd</sup> Vice President; Dr. Ramona L'Heureux, Trustee (North Country Dental Society); Dr. Charles Thomas, Trustee (Greater Concord Dental Society); Dr. James DeLeo, Trustee (Greater Manchester Dental Society); Dr. Donald Hudson, Trustee (Monadnock Dental Society); Dr. Judith Whitcomb, Trustee (Greater Nashua Dental Society); Dr. Everett Johnson, Trustee (Lakes Region Dental Society).
  - The NHDS is pleased to be working with the Board of Dental Examiners on the ongoing opioid crisis. It has reviewed the proposed permanent rules, and has no major objections to the verbiage. It is important to emphasize, however, that acute pain in the dental setting generally does not extend beyond the 30 day mark – dentists prescribing opioids do so at the lowest possible dosage for a minimal (i.e., a few days) period. The NHDS looks forward to continuing to work with the Board and is happy to provide any insights as these rules are finalized.
4. Commission on Dental Competency Assessments (CDCA) (formerly NERB) Comments – Ms. Plourde reported that the Steering Committee, the Educators meeting and the state board presidents meeting will be held next week.
5. Board Office Comments – None.
  - Dr. Keith Batchelder addressed the Committee. He had inadvertently let his license lapse and he told the Board that he thinks the process of reinstating a license is “draconian”. He thinks RSA 317-A:16 is a “restraint on trade” and

wants to remove the requirement of having to work in New Hampshire in order to have an active license in New Hampshire. He said he would be filing a petition pursuant to Den 213.02 with the Board and also going to the legislature and the newspapers with his concerns.

6. Opioid Prescribing Rule – The Board voted to accept the opioid prescribing rules.

Dr. Albee also stated the following: The Board has struggled to find a date for the public hearing on the opioid prescribing rules which expire July 3, 2016. Given the Governor's declaration regarding the ongoing opioid crisis and the fact that a failure to have a public hearing at this time will cause a lapse in the opioid prescribing rules, the President of the Board finds there is an emergency and invokes the emergency provision in RSA 91-A, III (b), finding that the physical presence of a quorum is not reasonably practical within the period of time requiring action.

The Board also voted to designate Dr. Albee, as the Board's representative, to adopt the rules on its behalf if/when JLCAR approves the rule after the public hearing which will be held on June 9, 2016.

7. ADEX letter (May 17, 2016) re: portability of licensure - #16-112 – FYI.
8. ADEA letter (April 21, 2016) re: portability of licensure - #16-113 – FYI.
9. JCNDE letter (May 4, 2016) re: Integrated National Board Dental Exam - #16-114 – The Board voted to have the appropriate rules changes in place by 2020, to include the new Integrated National Board Dental Exam, and also to allow for the acceptance of the old National Boards I and II.
10. Inquiry re: direct supervision in the administration of local anesthesia - #16-115 – The Board voted to issue a declaratory ruling saying that whenever anesthesia is administered by a dentist or a hygienist, the dentist must remain on the premises until a patient is dismissed. See Den 302.05(w)(1)(a). (Plourde and Legg opposed).
11. Inquiry re: dental assisting program at York County Community College - #16-116 – The Board rejected the application, saying the applicant may petition the Board, pursuant to Den 302.05(b) for approval of an expanded duty course. The Board will then make a decision on her petition.
12. Inquiry re: Botox from Jae-Man Woo, DMD - #16-117 – The Board voted to answer the submitted questions as follows:
  - With appropriate training, are dentists and/or oral and maxillofacial surgeons allowed to use Botox or dermal fillers in the maxillofacial region? YES
  - If so, are they allowed to use Botox and/or fillers for cosmetic purposes? YES
  - Which area of the face are the dentists and/or OMS surgeons allowed to use Botox and/or fillers? THE ORAL CAVITY AND ASSOCIATED STRUCTURES.

13. Inquiry re: Botox from Korean Dental Association - #16-118 – The Board voted to answer the submitted questions, as set forth in item #12 above.
14. 3 Questions re: Botox from Brentwood Dental Designs - #16-119 – The Board voted to send its standard letter regarding Botox/dermal fillers.
15. Policy Advisory on use of Botox and/or Dermal Fillers - #16-120 - FYI.
16. Questions re: radiology certification - #16-121 – The Board voted that in order for dental assistants to be qualified in radiology, they must pass 2 exams – one 16-hour course with a hand-on component, and an exam, and the DANB RHS exam. See Den 302.05(h).
17. Dental Student Program Report - Goodwin Community Health (for approval) - #16-122 – The Board voted to accept the report and to send a letter of appreciation.
18. Question about Declaratory Ruling re: Silver Diamine Fluoride (SDF) - #16-135 – The Board voted to issue a declaratory ruling saying that dental assistants cannot apply silver diamine fluoride because it is not a topical fluoride; it is an antimicrobial agent. See Den 401.02. (Dr. Kochhar opposed).
19. Inquiry re: Digital Scans- #16-136 – The Board voted that digital scans, in this instance, are essentially models and do not need to be kept. See RSA 317-A:27-a.
20. Inquiry re: Treatment Order Guideline - #16-137 – The Board voted to refer the complainant to the hygienists' code of ethics which obligates her to document and report inappropriate, inadequate, or and substandard care and/or illegal activities by a health care provider to the health care authorities. She has an obligation to report unethical behavior to the Board.

## LICENSURE AND REPORTS

### 1. DENTIST APPLICATIONS APPROVED

Corey F. Decoteau, DMD  
Kristen E. Harvey, DDS  
Maher Jandali Rifai, DMD  
Ashley A. Langton, DMD

### 2. HYGIENIST APPLICATIONS APPROVED

Ann T. Archer, RDH  
Sancy K. Krefta, RDH  
Meredith L. Steady, RDH

3. ANESTHESIA/SEDATION

- Request for Anesthesia by Certified Registered Nurse Anesthetist  
- #16-123

Matthew Smith, DDS (Plymouth, NH location) - The Board voted that it is not necessary for it to approve the use of a certified nurse anesthetist to administer general anesthesia/deep sedation at the dental office. See Den 304.02(a)

Note: All votes were unanimous unless otherwise indicated.

At 5:35 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.