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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF DENTISTRY &amp; DENTAL HYGIENE</b>
<b>DATE AND TIME:</b>	<b>Thursday, March 27, 2014 at 3:00 p.m.</b>
<b>PLACE:</b>	<b>Cannon Building, Second-Floor Conference Room A 861 Silver Lake Boulevard, Dover, DE 19904</b>
<b>APPROVED:</b>	<b>May 15, 2014</b>

### **MEMBERS PRESENT**

John Lenz, DDS, Professional Member, President  
Lucinda Bunting, DMD, Professional Member  
Sharon Welsh, DDS, Professional Member  
Carol Argo, RDH, Professional Hygiene Member  
Buffy Parker, RDH, Hygiene Advisory Member  
Mary Trinkle, RDH, Hygiene Advisory Member  
Nathaniel Gibbs, Public Member  
June Ewing, Public Member

### **MEMBERS ABSENT**

Brian McAllister, DDS, Professional Member, Secretary  
Thomas A. Mercer, DMD, Professional Member  
Debra Bruhl, RDH, Hygiene Advisory Member  
Cheryl Calicott-Trawick, Public Member

### **DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Amanda McAtee, Administrative Specialist II  
Jennifer Singh, Deputy Attorney General

### **PUBLIC PRESENT**

Kyle Green  
Sarah Smith

### **CALL TO ORDER**

Dr. Lenz called the meeting to order at 3:10 p.m.

### **PUBLIC HEARING, RULES AND REGULATIONS - 3:00 P.M.**

**BOARD PRESENT:** John Lenz, DDS, Lucinda Bunting, DMD, Sharon Welsh, DDS,  
Carol Argo, RDH, Buffy Parker, RDH, Mary Trinkle, RDH,  
Nathaniel Gibbs, June Ewing

**PUBLIC PRESENT:** Kyle Green and Sarah Smith

**PURPOSE:** The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 Del. C. 1106(a)(1), proposes to amend its regulations.. The proposed changes identify when a successful practical clinical examination score expires thus requiring a new applicant to re-take the exam. The changes also eliminate language from regulation 10 which is redundant with the statute.

**PRESIDING:** John Lenz, DDS, Professional Member, President

**DIVISION STAFF:** Amanda McAtee, Administrative Specialist II

**BOARD COUNSEL:** Jennifer Singh, Deputy Attorney General

**COURT REPORTER:** Gloria M. D'Amore, Wilcox and Fetzer

The hearing began at 3:00 p.m. Ms. Singh stated that the purpose of the hearing was to receive public comment regarding the Board's proposed Rules and Regulations. Ms. Singh advised that the notification of the public hearing was published in the Register of Regulations on March 1, 2014 and two newspapers on March 7, 2014. Ms. Singh marked the News Journal affidavit of publication as Board exhibit one and the State News affidavit of publication as Board exhibit two.

Ms. Singh confirmed that no public comment had been received by the Board office. With there being no public comment, Ms. Singh thanked the court reporter and advised the Board that the public would have an additional fifteen days after this hearing date to make comments. The Board would deliberate on any public comments received at its next Board meeting on May 15, 2014.

The hearing adjourned at 3:12 p.m.

#### **Introduction of New Board Members and Division Staff**

Professional Member, Sharon Welsh, D.D.S.

Professional Member, Carol Argo, RDH

Hygiene Advisory Committee, Mary Trinkle, RDH

Division Director, David C. Mangler, MS, RN

Deputy Director, Gayle Lynn MacAfee, MS

Dr. Lenz welcomed the new Board members. Ms. MacAfee introduced herself for the Board and stated that Mr. Mangler was not able to attend the meeting but had taken Mr. Collins place as the Director of the Division of Professional Regulation.

#### **Executive Session**

Informal Meeting with Exam Candidate – D3 4:00 p.m.

Informal Meeting with Exam Candidate – D4 4:15 p.m.

The examiners met with exam candidates D3 and D4 separately in executive session that began at 4:05 p.m. and ended at 4:35 p.m.

#### **REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the minutes of the January 16, 2014 Board meeting. Mr. Gibbs made a motion, seconded by Dr. Bunting, to approve the minutes as presented. By unanimous vote, the motion carried.

## **UNFINISHED BUSINESS**

### **Discussion on the Acceptance of AGD Transcripts for Continuing Education**

Dr. Lenz stated that the Academy of General Dentistry (AGD) reviewed continuing education in the same manner as the Board. The Board reviewed the sample transcript sent in by the AGD. After discussion and review, Ms. Ewing made a motion, seconded by Dr. Bunting, to approve acceptance of AGD transcripts for continuing education. By unanimous vote, the motion carried.

## **NEW BUSINESS**

### **RATIFICATION OF LICENSES/PERMITS ISSUED BY DPR SINCE LAST BOARD MEETING**

#### **Dentists**

Dr. Bunting made a motion, seconded by Mr. Gibbs, to ratify the dental license of Robert A. Delie. By unanimous vote, the motion carried.

#### **Dental Hygienists**

Ms. Parker made a motion, seconded by Dr. Bunting, to ratify the dental hygiene licensure of:

Bonnie Lynn Foster

Rachel N. Smith

Summer H. McMenamain

Shannon M. Klagholz

Linda D. Warras

Kimberly R. Jayaram

Lois M. Delano

Heather R. Cipriotti

Tiara M. Tillman

By unanimous vote, the motion carried.

#### **Restricted Permit I – None**

#### **Restricted Permit II – None**

#### **Unrestricted Permit – None**

### **Review of Applications for Licensure**

#### **Lois Burgisser, dental hygiene applicant**

Ms. Singh stated that when Lois Burgisser submitted her reciprocity application she had a malpractice case pending against her but it had since been settled. Ms. Singh stated that Ms. Burgisser submitted a letter from her attorney that stated that the case had been settled and that it was a nuisance case. Ms. Singh stated that under the Board's unprofessional code there was a basis to deny Ms. Burgisser's application and it was up to the Board to either issue the license or propose to deny the license. After discussion and review, Dr. Bunting made a motion, seconded by Ms. Trinkle, to grant dental hygiene licensure by reciprocity to Lois Burgisser. By unanimous vote, the motion carried.

### **Review and Consideration of Consent Agreement for Dr. Keith Nguyen**

The Board reviewed and discussed the consent agreement Dr. Keith Nguyen. Ms. Singh stated that the Board was to decide whether to accept the consent agreement as a whole or reject it as a whole. The Board could not modify it in any way. Dr. Welsh questioned if Dr. Nguyen knowingly employed a hygienist that was not licensed. Ms. Singh stated that the consent agreement confirmed that he knowingly employed a hygienist without a license. Dr. Bunting felt that the discipline was not adequate. After discussion, Dr. Bunting made a motion, seconded by Dr. Welsh, to reject the consent agreement for Dr. Nguyen. The motion carried by majority with Ms. Ewing opposed.

Ms. Singh stated that she would contact the prosecutor and explain the Board's opposition to the consent agreement.

Discussion of International Dental Students and 24 Del. C. 1122(a)(1)

Dr. Lenz stated that he had received a question concerning a dentist that graduated from a non-coda approved school in Mexico, and he went on to CODA approved GPR and periodontal training. Dr. Lenz questioned if the DPR and periodontal training trumped the dental school or would the Board require him to go back to dental school at a coda approved school in order to be eligible for licensure in the State of Delaware. Ms. Singh stated that the ADA approved all the schools in the United States and Canada and that Mexico was not included and that periodontal training was a specialty degree.

Ms. Singh stated that under 1122A(1) an applicant had to receive a degree in dentistry from an accredited dental college or university accredited by the Commission on Dental Accreditation of the American Dental Association.

Dr. Welsh stated that the ADA has been strict about CODA approved schools. Dr. Welsh stated that she could contact the ADA panel and ascertain if they had an instance where this had occurred. Ms. Singh stated that if the Board wanted to consider accepting a non-coda approved school, they would have to change the statute. Ms. Singh stated that it was also a requirement for a dentist for reciprocity. Dr. Lenz stated with licensure by reciprocity the only thing they were bypassing was the residency. Ms. Singh stated that if the Board had a dentist that went to a non-CODA approved school and practiced in another state for a number of years and then moved here because of a military spouse that they would not be eligible for licensure under the current statute.

Ms. McAtee stated that she would have the topic on the next agenda so that Dr. Welsh could contact the ADA.

Discussion of Renewal and Post Renewal Audit

Ms. McAtee explained that the audit for the 2014 renewal would be a post renewal audit. Ms. McAtee questioned the Board the percentage of licensees they wished to audit. Dr. Lenz stated that the Board wished to audit five percent of its total licensees plus one hundred percent of all late renewals.

Discussion of § 1132A Limited license — Director or chairperson of a hospital dental or hospital oral and maxillofacial surgery residency program

Ms. McAtee stated that the Division had received another limited license application from Christiana Hospital and wanted to know how the Board felt about their current statute under 1132A. Ms. Singh stated that 1132A seemed to imply a singular director and that the Christiana Hospital residency program had several. Ms. Singh questioned if the Board would like more information and/or documentation from Christiana to outline the applicant's position in the residency program. Dr. Lenz stated that they were in an educational setting and if they would like to come out into private practice that they would have to apply for licensure. Dr. Lenz stated that a letter should be submitted that verified and explained the position.

Review Hearing Officer Recommendations – none

Dentist Appeal Hearing Recommendation – none

Continuing Education Approval

Waiver Request for Lecture Courses – Cynthia Minsk, D.M.D.

Ms. Singh read Rule 6.7.1 for the Board:

6.7.1 An exception will be granted to any dentist who can demonstrate to the Board an acceptable cause as to why he/she should be relieved of this obligation. Exemptions will be

granted only in unusual or extraordinary circumstances. Licensees must petition the Board for exemptions. Should the Board deny the request, the licensee must complete the requirements. Examples of circumstances for which the Board might grant exemptions include prolonged illness, extended absence from the country, or the like.

Dr. Welsh stated that if Dr. Minsk was able to practice then she should be able to take the live courses. Dr. Welsh explained that the live lecture courses that were sponsored by the Delaware State Dental Society provided ample breaks. Dr. Welsh questioned if Dr. Minsk was on disability or if she was actively practicing. Ms. McAtee stated that the letter did not supply that information. The Board was sympathetic to Dr. Minsk's situation however the general consensus was that shorter courses were available that Dr. Minsk could have taken to complete the requirement. After discussion, Dr. Welsh made a motion, seconded by Ms. Argo, to deny the continuing education waiver request of Cynthia Minsk, D.M.D. By unanimous vote, the motion carried.

Ronald Baker Rawlins II, DMD, MS

Align Technology Inc.

Class II Corrections and Open Bite Corrections with Invisalign

How to Treat Anterior Open Bites with Invisalign ...

Teen Treatment for Predictability, Efficiency, and Profitability

You Ain't Teen Nothing Yet

New York Invisalign Ortho Expo

Dr. Bunting made a motion, seconded by Ms. Ewing, to approve the Align Technology credits for Ronald Baker Rawlins II, DMD, MS. By unanimous vote, the motion carried.

Rebekah Bartow

Garces Dental Group/Garces Foundation - Community Health Days

Dr. Bunting stated that Dr. McAllister had reviewed the continuing education submissions and had stated that it was great to volunteer however; the volunteer hours did not fit under the allowable courses for CPE credit under the Board's Rules and Regulations. Ms. Singh stated that Rule 6.9.4.2 under self-study there was a maximum of five hours permitted if the Board determined that it could fit under self-study. After discussion, Ms. Parker made a motion, seconded by Ms. Argo, to deny Rebekah Bartow's CPE request for volunteer hours with Garces Dental Group/Garces Foundation - Community Health Days. The motion carried by majority with Ms. Trinkle opposed.

Lani Nelson-Zlupko, LNZ Consulting

Managing Work-Life Stress

Communication in the Workplace

Ms. Parker made a motion, seconded by Ms. Ewing, to approve the courses submitted by Lani Nelson-Zlupko of LNZ Consulting. By unanimous vote, the motion carried.

Kathryn Krajewski

Institute for Natural Resources - Brain Injury: Stroke, Alzheimer's, & Head Trauma

Dr. Welsh made a motion, seconded by Ms. Parker, to approve the course Institute for Natural Resources - Brain Injury: Stroke, Alzheimer's, & Head Trauma submitted for CPE credit by Kathryn Krajewski. The motion carried by majority vote with Ms. Argo abstaining from vote.

## **COMPLAINT UPDATES**

### **New Complaints**

09-02-14

09-03-14

09-04-14

09-05-14

09-06-14

09-07-14

Dr. Lenz stated that the Board had received six new complaints.

### **Dismissed by the Division of Professional Regulation**

09-10-13

Dr. Lenz stated that complaint 09-10-13 had been dismissed by the Division of Professional Regulation.

## **DISCIPLINE AND COMPLIANCE – None**

## **CORRESPONDENCE**

### **Question Regarding Soft Tissue Diode Laser Peireo & Hygiene Procedure**

Ms. Singh read the definition of dental hygiene as defined in the statute for the Board:

§ 1101 (10) "Practice of dental hygiene" shall mean the removal of calculus deposits, plaque and stains from all surfaces of the teeth, and making instrumental examinations of the oral cavity, and assembling all necessary information for use by the dentist in diagnosis and treatment planning, and the performance of such prophylactic or preventive measures in the case of teeth, including the application of chemicals to the teeth and periodontal tissues, designed and approved for the prevention of dental caries and/or periodontal disease, as the Board may authorize; but the "practice of dental hygiene" shall not include any other operation on the teeth or tissues of the mouth.

Ms. Singh stated that if laser use was allowed it would have to fall under that definition. Ms. Singh stated that the Board could consider a regulation to further clarify the definition of dental hygiene practice. Dr. Welsh stated that there were different types of lasers, the treatment was still new, and the American Academy of Periodontology was still not certain regarding the outcomes of the technique. Dr. Lenz stated that the way the law was written the application of chemicals was covered but it did not cover the use of a lasers. Ms. Trinkle stated that she agreed with what Dr. Welsh stated. Ms. Trinkle stated that 31 other states allowed hygienists to use lasers. Ms. Singh questioned the Board if laser use fell under the definition of dental hygiene under the statute, since it did not seem to her that it was an application of a chemical. Dr. Lenz stated that he used a laser frequently and there stood to be a lot of damage to be done with laser misuse. Ms. Argo stated that education needed to support the use as well. Dr. Lenz stated that it was outside the scope of dental hygiene. Ms. Singh stated that if the Board wanted to allow laser use in the future the statute would need to be changed.

### **Question Regarding Obstructive Sleep Apnea Referrals/Orders**

Dr. Lenz stated that if he personally felt that a patient had a medical issue such as high blood pressure or sleep apnea that he would refer that patient to see a physician for treatment. Ms. Singh stated that the statute covered this topic under scope of practice. Dr. Welsh stated that in order to make an appliance the patient had to have a diagnosis from a physician.

## **OTHER BUSINESS BEFORE THE BOARD**

Ms. Parker stated that she wanted to discuss the topic of preceptorship at the May 15, 2014 meeting. Ms. McAtee stated that she would have the topic on the agenda for discussion.

Dr. Bunting stated that the exam calibration would be held at her office on May 2, 2014 at 9:00 a.m. Ms. McAtee stated that she would send out a reminder to the Board members.

**PUBLIC COMMENT**

There was no public comment.

**NEXT MEETING**

The next meeting will be May 15, 2014 at 3:00 p.m. in Conference Room A located on the second floor of the Cannon building at 861 Silver Lake Boulevard, Dover, DE.

**ADJOURNMENT**

There being no further business to discuss, Mr. Gibbs made a motion, seconded by Ms. Ewing, to adjourn the meeting at 5:28 p.m. By unanimous vote, the motion to adjourn carried.

Respectfully Submitted,



Amanda McAtee  
Administrative Assistant II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*