

## **AGENDA (REVISED)**

### **CONNECTICUT STATE DENTAL COMMISSION**

**Wednesday, April 11, 2007 at 1:00 PM**

**Department of Public Health**

**410 Capitol Avenue, Hartford, CT**

**Conference Room F – 2<sup>nd</sup> Floor.**

#### **CALL TO ORDER**

##### **I. MINUTES**

Review and approval of the minutes from January 17, 2007 and February 1, 2007.

##### **II. OLD BUSINESS**

- A. Michael Maroon, DMD – Petition No. 2002-0516-002-034  
*Memorandum of Decision*
- B. Licensure Matters
  - Canadian Trained Dentists
  - PGY-1
  - Supervision by Connecticut State Dental Commission

##### **III. NEW BUSINESS**

- A. Provisional License Application – Gian Pietro Schincaglia
- B. Joseph Sciarinno, DDS – Petition Nos. 2004-0928-002-083; 2006-0112-002-001  
*Proposed Memorandum of Decision*

##### **IV. LEGAL OFFICE BUSINESS**

Alan Miller, DDS – Petition No. 2006-0810-002-058  
*Presentation of Consent Order – Stanley Peck, Section Chief Legal Office, DPH*

##### **V. ASSIGN HEARING PANELISTS**

- A. Douglas Macko, DMD - Petition No. 2005-0310-002-018
- B. Michael Green, DDS – Petition No. 2005-1024-002-069
- C. Gary Lessin, DDS – Petition No. 2005-0812-002-62

#### **ADJOURN**

*The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.*

**Connecticut State Dental Commission**  
**MINUTES OF MEETING**  
**January 17, 2007**

The Connecticut State Dental Commission held a meeting on January 17, 2007, at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Second Floor, Hartford, Connecticut.

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COMMISSION MEMBERS PRESENT:    Martin J. Rutt, DDS, Chairman  
   Gerald Birmingham, DMD, MPH  
   Robert Friedman, DDS  
   Peter Katz, DMD  
   Steven Reiss, DDS  
   Barbara Ulrich

COMMISSION MEMBERS ABSENT:    Merrill Marks  
   Jeanne P. Strathearn, DDS

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Dr. Rutt called the meeting to order at 1:00 p.m.

**I.     Minutes**

The minutes of the December 6, 2006 meeting were reviewed. Dr. Friedman made a motion seconded by Dr. Katz, to approve the minutes. The motion passed unanimously.

Dr. Friedman made a motion seconded by Ms. Ulrich, to enter executive session to obtain legal advice from Assistant Attorney General Kerry Colson. The motion passed unanimously. The Commission entered executive session from 1:01 p.m. until 1:08 p.m.

**II.    New Business**

A.     Proposed Memorandum of Decision

Michael Maroon, DMD – Petition No. 2002-0516-002-034

Assistant Attorney General Kerry Colson was present to provide counsel to the Commission. Staff Attorney David Tilles was present for the Department of Public Health (DPH). Attorney Hillary Fisher Nelson was present with Dr. Maroon.

Attorney Colson advised the parties and the Commission of corrections to two typographical errors in the proposed decision.

Oral argument was heard from Attorneys Tilles and Nelson regarding the proposed decision and a DPH request for modification of the proposed order. Following argument the Commission posed questions to the parties. The proposed decision orders a one-year period of license probation with course work.

Following discussion Dr. Birmingham, a hearing panelist in this matter, provided a synopsis of his findings that respondent did not violate the standard of care and that respondent's records were exceptional.

Dr. Birmingham made a motion, seconded by Dr. Reiss, to dismiss the charges against respondent because the DPH did not meet its burden that respondent violated the standard of care. The motion passed unanimously. The proposed decision will be redrafted for presentation at the April 2007 meeting.

**III. Old Business**

A. Richard Shulman, DMD – Petition No. 20064-0928-002-081

This matter was tabled at the December 6, 2006 meeting so that additional information could be presented to the Commission. Assistant Attorney General Daniel Shapiro was present to provide counsel to the Commission

Staff Attorney David Tilles was present for the Department of Public Health. Attorney Craig Fontaine was present with Dr. Shulman.

Dr. Rutt and Dr. Reiss commented that it is their opinion that written informed consent is not required by the standard of care. They further commented that if the Commission were to adopt a Consent Order that alleges that written informed consent was not provided to a patient, the Commission would then be making a ruling that written informed consent is required by the standard of care.

Dr. Reiss made a motion, seconded by Ms. Ulrich, to reject the Consent Order in this matter. The motion passed unanimously.

B. Chapter 379 - § 20-103a

Assistant Attorney General Daniel Shapiro was present to provide counsel to the Commission. Dr. Rutt read excerpts from § 20-103a of the General Statutes. Dr. Rutt stated that the Commissioner of the Department of Public Health (DPH) is not complying with § 20-103a in that the DPH is not seeing the advice and assistance of the Commission regarding the implementation of changes to the practice of Dentistry.

Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations, DPH pointed out that the statute in question requires that the DPH seek the advice and assistance of the Commission regarding the implementation of regulations pertaining the practice of dentistry. Ms. Filippone further explained that the DPH has not sought any changes to the regulations pertaining to dental practice, however, the Legislature has approached the Department for input regarding statutory changes to dental practice.

Karen Buckley-Bates, Director of Government Relations, Department of Public Health, commented that any legislative proposals tracked and/or known to the DPH that would affect dental practice is shared with the Commission.

The Commission requested that in the future the DPH approach the Commission for advice and assistance regarding any proposed statutory and/or regulatory changes to the practice of dentistry.

C. Licensure Application Review

Jennifer Filippone explained that it is the DPH position that the Commission provides input to the DPH pertaining to the examination of dental licensure applicants but that the licensing process is a function of the DPH and is not supervised by the Commission. The DPH is awaiting comment from the Office of the Attorney General on this issue.

Stephen Carragher, Health Program Supervisor, DPH, provided an analysis of the licenses issued from 12-31-2005 through 12-31-2006. During this period twelve (12) applicants were issued licenses pursuant to the residency training provision.

Dr. Katz made a motion seconded by Dr. Friedman that the DPH limit the licenses of the twelve individuals until they submit proof of having passed the Northeast Regional Board Examination (NERB) or the Clinical Skills Examination. The motion passed unanimously.

C. Canadian Trained Dentists

Dr. Rutt commented that it is the Commission's opinion that the current residency training provision precludes applicants from Canadian Dental Schools from licensure in Connecticut. Dr. Reiss made a motion, seconded by Dr. Friedman, that the DPH seek an opinion from the Attorney General before the April 11, 2007 meeting concerning the eligibility of Canadian trained dentists for licensure in Connecticut.

D. Residency Verification Forms

Dr. Rutt commented that the residency training forms received by the DPH to date, all applicants for licensure have passed with 100% passing rate. Dr. Rutt stated that the form needs to be modified such that a supervisor's evaluation of an applicant accurately reflects the applicant's clinical competency.

Dr. Rutt also commented that the licensing statuses need to be changed such that the examination of an applicant's clinical competency is required.

Dr. Jack Mooney, President, Connecticut State Dental Association (CSDA) commented that the issue of residency training needs to be revisited and that the CSDA is willing to work with the DPH and the Commission on correcting deficiencies in the current law.

**IV. New Business - cont.**

A. Dental Hygiene Standards of Care /Dental Assistants "supervision and control"

Assistant Attorney General Daniel Shapiro was present for this discussion. Attorney Shapiro advised the Commission that it does not have disciplinary jurisdiction regarding dental hygienist or dental assistants. In cases involving charges of substandard care by a dental hygienist or dental assistant, a hearing officer who would make findings and a recommended decision to the Commissioner of the DPH would hear the case.

Regarding legislation that allows dental hygienists to administer local anesthesia, the Commission commented that the requirement for twenty hours of didactic training and eight hours of clinical training is not sufficient to ensure a hygienists competency. The Commission feels that a competency examination is necessary.

Attorney Shapiro advised the Commission that a legislative change would be necessary for implementation of an examination.

B. Proposed Scope of Practice Legislation

Jennifer Filippone explained that proposed changes to the dental scope of practice arose from meetings of between dental professionals and the DPH. The proposals are not moving forward at this time.

C. Executive Session

Dr. Rutt made motion, seconded by Dr. Reiss, to enter executive session to seek legal advice for the Assistant Attorney General. The motion passed unanimously and the Commission entered executive session from 3:35 p.m. until 3:55 p.m.

C. Proposed Legislation - NERB Examination

Dr. Rutt stated his opposition to a proposal that would preclude a member of the Commission from serving as a NERB examiner. Dr. Rutt will contact NERB for them to send a letter to the Public Health Committee concerning this issue.

D. 2007 AADE Mid-Year Meeting

Jennifer Filippone will explore whether funding is available for a member of the Commission to attend the AADE mid-year meeting.

E. Parking

The current parking structure at the DPH complex was reviewed with the Commission, Jim O'Connell, Chief Financial Office, DPH will approach management of the complex regarding the reservation of parking spaces for Commission members on meeting/hearing dates.

V. Old Business – cont.

A. Patient Protection Legislation

The Commission reviewed a letter from Stanley Peck, Section Chief, Legal Office, DPH pertaining to a legislative proposal concerning a program for health care professional, which Mr. Peck presented to the Commission at the December 2006 meeting. The Commission has also received communication from the Coalition of Health Care Professionals concerning this issue. Dr. Rutt made a motion, seconded by Dr. Birmingham, that the Commission has a meeting within the next couple of weeks to discuss the Commissions' support of legislation for a program for impaired practitioners. The motion passed unanimously. The Board Liaison's office will coordinate the scheduling of a meeting.

VI New Business - cont.

Scheduling of Hearing Panels

Dr. Rutt made motion, seconded by Dr. Katz, that this item be tabled until the April 11, 2007 meeting. The motion passed unanimously.

VII. Adjourn

Dr. Birmingham made motion, seconded by Ms. Ulrich, to adjourn the meeting. The motion passed and the meeting adjourned at 4:40 p.m.

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

**Connecticut State Dental Commission**  
**MINUTES OF MEETING**  
**February 1, 2007**

The Connecticut State Dental Commission held a meeting on February,1 2007, at the Department of Public Health, 410 Capitol Avenue, Law Library, Second Floor, Hartford, Connecticut.

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COMMISSION MEMBERS PRESENT:     Martin J. Rutt, DDS, Chairman – *via telephone*  
  Gerald Birmingham, DMD, MPH – *via telephone*  
  Robert Friedman, DDS – *via telephone*  
  Merrill Marks – *via telephone*  
  Jeanne P. Strathearn, DDS – *via telephone*

COMMISSION MEMBERS ABSENT:     Peter Katz, DMD  
  Steven Reiss, DDS  
  Barbara Ulrich

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Dr. Rutt called the meeting to order at 1:07 p.m.

**Proposed Legislation**

Department of Public Health Proposal - An Act Concerning Patient Protection and Health Care Practitioner Security Fund.

Coalition of Health Care Professionals Proposal - An Act Concerning Professional Assistance Program for Health Care Professionals

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to rescind the Commission's support of the legislation proposed by the Department of Public Health (DPH) as voted at December 6, 2006 meeting. The motion passed unanimously.

Dr. Strathearn mentioned that the DPH and the Coalition of Health Care Professionals (Coalition) will be meeting next week to begin discussions regarding a compromise bill.

Dr. Rutt stated that the Commission supports the concept of a program for impaired health care practitioners and strongly suggested that the DPH and the Coalition work together towards compromise legislation. The other Commissioners concurred with Dr. Rutt's comments. Dr. Strathearn made a motion, seconded by Dr. Friedman, to lend support to compromise legislation for a program for impaired health care practitioners. The motion passed unanimously.

Dr. Strathearn made a motion, seconded by Mr. Marks, to adjourn the meeting. The motion passed unanimously and the meeting was adjourned at 1:20 p.m.

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Jeanne P. Strathearn, DDS  
Connecticut State Dental Commission