



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MICHIGAN BOARD OF DENTISTRY DECEMBER 4, 2008 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Dentistry met in regular session on December 4, 2008 at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

CALL TO ORDER

Rhonda Hennessy, D.D.S., Chairperson, called the meeting to order at 10:06 a.m.

ROLL CALL

Members Present:

Rhonda M. Hennessy, DDS, Chairperson
Lawrence M. Haber, DDS, Vice Chairperson
Lynn Beatty-Desonia, RDH
JoAnn Buchheister, CDA, RDA, BS
JoAnne A. Hodder, RDH
Deborah Manos, DDS
Charles Marinelli, DDS
Raymond Maturo, DDS
Solomon K. Pesis, DDS
Deborah E. Priestap, DDS
Rosetta Sanders, Public Member
Timothy R. Schmakel, DDS, MD
Charlene Snow, Public Member
Craig W. Spencer, DDS
Martha Swiger, RDH
Charlotte Wyche, RDH

Members Absent:

Julie Bera, RDA
Randy M. Freij, DDS
Faiz Khan, Public Member

9/25/09 11:21:03

BUREAU OF HEALTH PROFESSIONS
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Staff Present:

Rae Ramsdell, Director, Licensing Division
Amy Shell, Policy Administration Mgr, Licensing Division
Ray Garza, Director, Health Regulatory Division
(left at 11:22 a.m.)
Kiran Parag, Analyst, Enforcement Section
Michelle Wagner-Gutkowski, Assistant Attorney General
Adryne Boynton, Program Operations (left at 10:56 a.m.)
Timothy Andrews, Manager, Program Operations
(left at 10:56 a.m.)
Laurie VanBeelen, Secretary, Licensing Division

Others Present:

Jackie Balcom, RDH, Muskegon County Health Dept/MDHA
Art Noless, DDS
Bonnie Nothoff, MDHA
Lisa Boettger, MDA
Sheila Vandenbush, MDCH
Marge Beuliru, RDH, MDHA
Lisa Darrow, RDH, MDHA
Sandy Frahler, RHD, MDHA
Mandy Touich, Fraser/MAO
Mark Johnston
Tom Kochheiser, MDA
Max Hoffman, Attorney

APPROVAL OF MINUTES

MOTION by Swiger, seconded by Hodder, to approve the October 9, 2008 meeting minutes with the following corrections:

Pesis should be removed from the members present column and placed in the members absent column.

Under Committee Reports, Endorsement Committee, the first sentence should read, "Marinelli stated that the only one individual, Cathleen Gilleran, RDH, came before the Committee for endorsement without opinion as a NERB consultant."

Under Public Health Certificate Proposal, the motion should read, "**MOTION** by Marinelli, seconded by Sanders, to refer the creation of a dental health permit to the RDH and RDA Committees for review."

Under Public Comment, the first paragraph should read, "Nothoff stated that the MDHA is helpful with many hygienists who want to apply for PA 161 programs and takes calls daily from those who have an interest in PA 161. Applications are made to the State of Michigan. A workgroup within the OH coalition is looking into developing a standard form for collecting data. Nothoff stated the MDHA is concerned about collecting reliable data."

Under Public Comment, the first sentence of the second paragraph should read, "Vanderveen stated that the 3rd ADEX House of Representatives meeting was recently held."

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Haber, seconded by Wyche, to approve the agenda as presented.

MOTION PREVAILED

MAPS PRESENTATION

Mike Wissel, Manager of the Pharmacy/MAPS (Michigan Automated Prescription System) Division, presented a powerpoint and verbal report to the Board regarding the function of MAPS. He indicated that practitioners enjoy the benefit of being able to access statewide data 24 hours a day, 7 days a week to identify all controlled substances dispensed for a particular patient. He reviewed the steps necessary to report information to MAPS and indicated that the goal of the Department is to move to real time reporting. Currently the Department reports data on a bi-weekly basis. MAPS has also given the Department the ability to locate individuals who are "doctor shopping" and the Department has a system in place to notify practitioners when it appears that a patient is involved in this practice.

COMMITTEE REPORTS

Professional Behavior Committee

No report.

Anesthesia Committee

Schmakel indicated that draft 1 of the proposed rules regarding sedation is nearly complete and the committee will review same at their next meeting.

Continuing Education Committee

Hodder indicated that the Committee is considering allowing CE credits to be earned when licensees volunteer, as is currently the practice in 10 other states. The states that allow this type of credit hours will be contacted and the committee will continue discussion on this issue at their next meeting.

Additionally, see Addendum #1 for approved CE programs.

Endorsement Committee

Marinelli indicated there has been a change in the RDA testing. He will be attending a meeting on this issue in January and will report back to the Board at the February meeting.

RDA Committee

Buchheister directed the Board to the draft in members' FYI folders regarding evaluating substantially equivalent radiology programs. She asked the Board to review same and provide opinions.

RDH Committee

Hodder reported that Sheila Vandebush spoke at today's committee meeting regarding PA 161.

Rules Committee

Swiger reported that draft 10 of the proposed rules is being reviewed. Language regarding relicensure is continuing to be addressed.

Parameters of the Practice of Dentistry Special Committee

Marinelli indicated that the final draft regarding the statement on practice recommendations for the use of botox, derma fillers and neurotoxins by licensed dentists is being forwarded to the Attorney General's office for review. It is the committee's hope to bring this to the Board for a vote at the February meeting.

Sanction Monitoring Committee

Pesis stated that he, Hodder and Haber reviewed the proposed Disciplinary Subcommittee Master Resolution. Additional changes as to continuing education sanctions were provided to Ray Garza of the Department and the committee will review the resolution at their next meeting.

Chairperson's Report

Hennessy reported that she attended the NERB steering committee meeting in Washington, DC. The ADHLEX, RDH exam has been adopted and she has information relative to the specific changes available for review. Hennessy also reported that NERB will now give NERB status for those exams that are substantially equivalent in terms of scoring vs. commutative. Additionally, a subcommittee was formed to make recommendations regarding anesthesia for the hygiene exam by the year 2010.

MOTION by Hodder, seconded by Snow, to approve the committee reports as presented.

MOTION PREVAILED

NEW BUSINESS

Appointment of Dr. Joan Lewis, DDS, to serve on the Health Professional Recovery Committee

Garza explained that the previous Dentistry representative serving on the HPRC has resigned and referred the Board to information pertaining to Dr. Joan M. Lewis, DDS, MS.

MOTION by Marinelli, seconded by Hodder, to approve the appointment of Dr. Joan Lewis, DDS, MS, to serve on the Health Professional Recovery Committee on behalf of the Board of Dentistry.

MOTION PREVAILED

CE Waiver Request of Harold Mallon

Ramsdell directed the Board to the request of Dr. Harold Mallon, DDS, to waive the continuing education requirements.

Discussion was held.

MOTION by Swiger, seconded by Sanders, to grant the request of Harold L. Mallon, DDS, and waive the continuing education requirements.

Discussion was held.

A roll call vote followed: Nays: Pesis, Schmakel, Swiger, Manos, Wyche, Marinelli, Sanders, Buchheister, Maturo, Spencer, Haber, Beatty-Desonia, Priestap, Hodder, Snow, Hennessy

MOTION FAILED

MOTION by Pesis, seconded by Schmakel, to deny the continuing education waiver request of Harold L. Mallon, DDS.

A roll call vote followed: Yeas: Pesis, Schmakel, Swiger, Manos, Wyche, Marinelli, Sanders, Buchheister, Maturo, Spencer, Haber, Beatty-Desonia, Priestap, Hodder, Snow, Hennessy

MOTION PREVAILED

CODA 2009 On-Site Evaluations

Ramsdell directed the Board to the 11/03/08 letter received from the Commission on Dental Accreditation (CODA) and asked for volunteers to perform the site evaluations at Baker College of Auburn Hills and Kellogg Community College in Battle Creek. Buchheister indicated that she would be available for the site evaluation of Baker College and Hodder indicated she would be available for the site evaluation of Kellogg Community College. Wyche and Beatty-Desonia indicated they would be willing to serve as alternates if needed.

Department Update

Sanders inquired as to the status of board member per diem payments. Ramsdell stated that another section of the Department has to input the information into the data base and we will not be able to process per diem payments until that has been completed.

Ramsdell directed the Board to the disciplinary sanction information which was placed in each member's FYI folder. She asked that the members keep this in their FYI folders for each meeting and refer to it, as necessary, when deciding regulatory matters.

Shell introduced Laurie VanBeelen as the Department secretary who will now be assisting the Board.

COMMITTEE REPORTS (continued)

Allegation Review Committee

Pesis thanked those members who assisted in this process recently when he was unable to do so. He reported that 38 files were reviewed, with 18 being authorized for investigation; 18 closed; and 2 returned to the Department for more information. Pesis indicated that there are 7 files to review following today's meeting.

MOTION by Hodder, seconded by Snow, to accept the Allegation Review Committee report as presented.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Michael S. Urbanik, DDS – Proposal for Decision

MOTION by Wyche, seconded by Buchheister, to accept the Proposal for Decision and deny the application for relicensure in the matter of Michael S. Urbanik, DDS.

Discussion was held.

A roll call vote followed: Yeas: Manos, Maturo, Marinelli, Hodder, Spencer, Swiger, Snow, Pesis, Priestap, Wyche, Sanders, Buchheister, Haber, Schmakel, Beatty-Desonia, Hennessy

MOTION PREVAILED

Wendell Alan Racette, DDS – Circuit Court Opinion-Order/Reinstatement

MOTION by Maturo, seconded by Hodder, that pursuant to the Circuit Court's order, Petitioner shall be granted a limited license for a period of three years upon the Department's receipt of verification that Petitioner has successfully taken and passed, subsequent to December 4, 2008, the North East Regional Board (NERB) clinical examination and the Jurisprudence Ethics and Risk Management (JERM) examination.

The terms of limitation placed upon Petitioner's license shall be: (1) Petitioner is precluded from practicing orthodontics and (2) Petitioner's practice as a dentist shall be under the direct, on-site supervision of a licensed dentist, who shall be pre-approved by the Board Chairperson or designee. Petitioner may petition for reclassification of the limited license after three years

Petitioner is placed on probation to run concurrent with the period of limitation. The terms of probation are as follows:

Continuing Education: Petitioner shall successfully complete an additional 60 hours of Board-approved continuing education. The Board acknowledges that as part of his reinstatement application, Petitioner has completed 20 hours of continuing education at the University of Michigan. These 20 hours may apply toward the completion of the required probationary continuing education, as set forth above. Petitioner shall complete the remaining 40 hours of continuing education in each of the following areas: (a) 5 hours in anesthesia/pain management; (b) 5 hours in record keeping; (c) 5 hours in ethics/billing; and

(d) 25 hours in pediatric dentistry, which shall include pulp therapy, restorative materials, trauma, and behavior management. This continuing education shall not apply toward Petitioner's continuing education requirements for license renewal.

Supervision: Petitioner's supervising dentist shall file quarterly reports with the Department, advising of Petitioner's work performance. Petitioner shall also be subject to quarterly unannounced, random visits by a Board member at Petitioner's place of practice to review Petitioner's practice and supervised work performance.

In the event Petitioner applies for relicensure of his pediatric dental specialty certification, as a pediatric dentist, Petitioner shall comply with all requirements for this specialty certification and successfully take and pass the American Board or Michigan Pediatric specialty examination.

Discussion was held.

MOTION to amend by Haber to add a 5 hour psychology evaluation to determine if Petitioner is fit to practice, however no second was voiced.

Additional discussion was held.

A roll call vote followed: Yeas: Haber, Sanders, Wyche, Swiger, Manos, Maturo, Buchheister, Priestap, Schmakel, Spencer, Snow, Hodder, Pesis, Marinelli, Hennessy

Abstain: Beatty-Desonia

MOTION PREVAILED

PUBLIC COMMENT

Hennessy added that she has the newest additions to PA 161 and information relating to changes in the collaboration portion of the NERB exam if anyone on the Board wishes to review same. Hodder recently participated in a site visit at Wayne County Community College District and recommended that all members of the Board consider participating in future site visits.

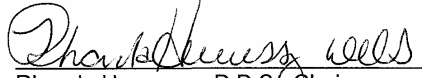
ANNOUNCEMENTS

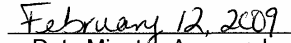
The next regularly scheduled meeting will be held February 12, 2009 at 10:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

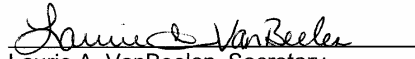
ADJOURNMENT

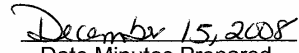
MOTION by Wyche, seconded by Maturo to adjourn at 11:54 a.m.

MOTION PREVAILED


Rhonda Hennessy, D.D.S., Chairperson


Date Minutes Approved


Laurie A. VanBeelen, Secretary


Date Minutes Prepared

ADDENDUM #1

**DENTISTRY CONTINUING EDUCATION REVIEW
December 4, 2008**

NEW SPONSOR APPLICATIONS

1. JAMES F LICHON, DDS
APPROVED SPONSOR OCTOBER 2008 THROUGH OCTOBER 2009 (1 YEAR)
2. WHIP MIX LABORATORY SERVICES
APPROVED SPONSOR OCTOBER 2008 THROUGH OCTOBER 2009 (1 YEAR)

SPONSOR APPLICATIONS - PREVIOUSLY APPROVED

3. CHARLES E HAGEN, DDS MHS
APPROVED SPONSOR NOVEMBER 2008 THROUGH NOVEMBER 2012 (4 YEARS)
4. ST BARTH DENTAL ASSOCIATION
APPROVED SPONSOR OCTOBER 2008 THROUGH OCTOBER 2009 (1 YEAR)
5. ST CLAIR DISTRICT DENTAL HYGIENE SOCIETY
APPROVED SPONSOR NOVEMBER 2008 THROUGH NOVEMBER 2012 (4 YEARS)
6. S JAY BOWMAN, DMD
APPROVED SPONSOR DECEMBER 2008 THROUGH DECEMBER 2012 (4 YEARS)