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New Hampshire Board of Dental Examiners

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October 8, 2013

Her Excellency Governor Margaret Wood Hassan
And the Honorable Council
State House
107 North Main Street
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

Please accept the attached Biennial Report for FY 2012 – FY 2013 of the Board of Dental Examiners, submitted pursuant to RSA 317-A:5. The report includes the Board's mission and major functions, organizational chart, personnel data, licensee, complaint and discipline statistics as well as significant legislation and accomplishments during the biennium 2012-2013.

Respectfully submitted,

Constance N. Stratton
Administrator

CNS/jtc

Attachments

New Hampshire
Board of Dental Examiners
Biennial Report
For Fiscal Years 2012-2013

GOVERNOR

Margaret Wood Hassan

EXECUTIVE COUNCILORS

District No. 1 - Raymond S. Burton

District No. 2 – Colin Van Ostern

District No. 3 - Christopher T. Sununu

District No. 4 – Christopher C. Pappas

District No. 5 – Debora B. Pignatelli

BOARD OF DENTAL EXAMINERS

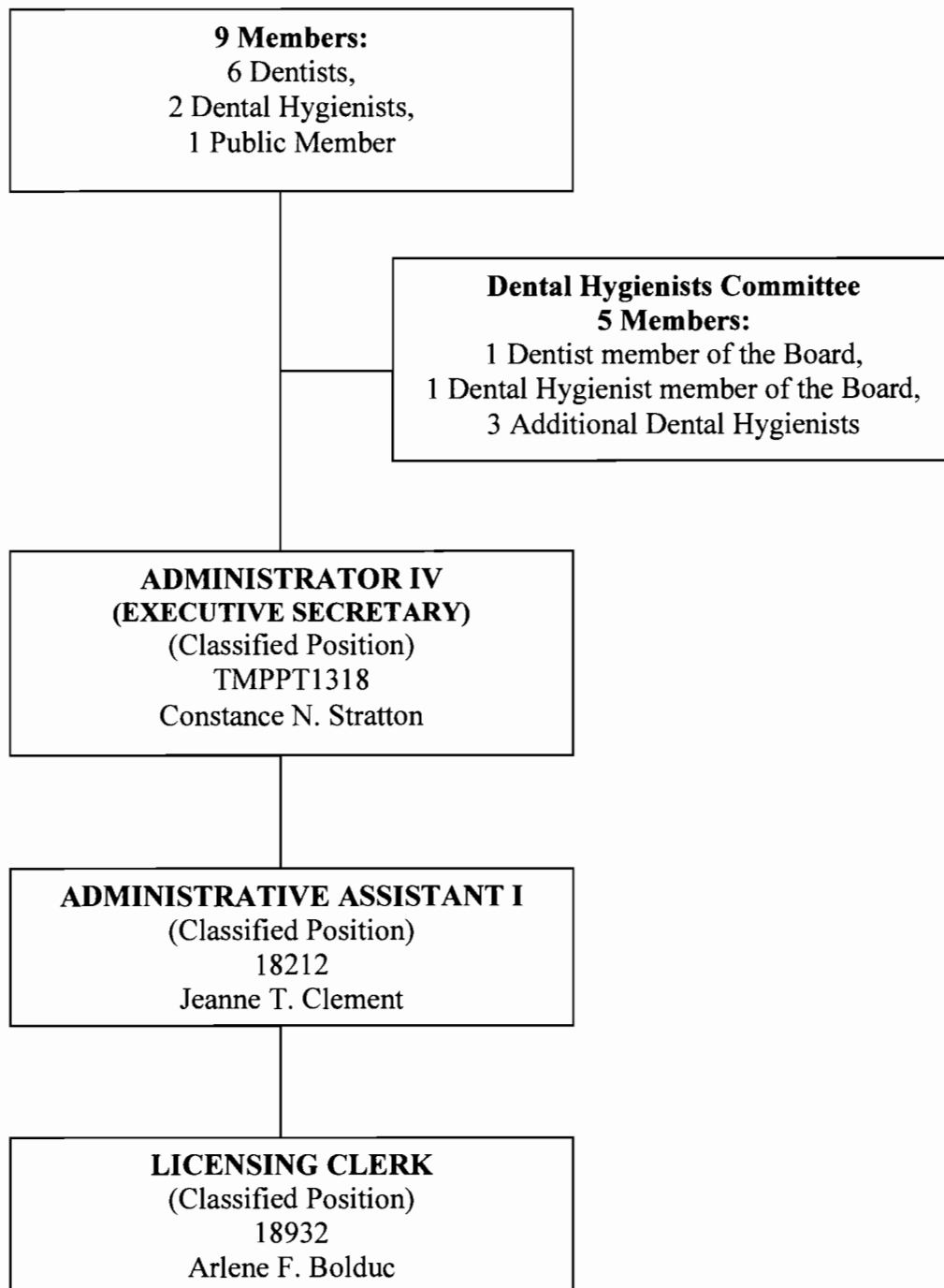
President, Stacy A. Plourde, RDH

Submitted October 8, 2013

Pursuant to RSA 317-A:5

Organizational Chart

NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS



Personnel Data

NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS

The NH Board of Dental Examiners consists of nine members: six dentists, two dental hygienists, and one public member, appointed by the Governor with approval of the Executive Council for a term of five years.

Stacy Plourde, RDH, President	08/23/2006		07/26/2018
Charles E. Albee, DMD, Vice President	08/12/2008		07/15/2018
Nilfa E. Collins, DMD	09/09/2009	07/26/2014	
Carolyn Hartnett, RDH	09/09/2009	07/15/2014	
Arthur D. McKibbin, Jr., DMD	09/09/2009	07/15/2014	
A. Joseph Williams, III, DDS	07/15/2010	07/15/2015	
Marshall Baldassarre, DMD	08/12/2011		08/12/2016
Lynn Joslyn, Public Member	09/17/2008		08/12/2016
Tara Levesque-Vogel, DMD	06/20/2012	07/15/2017	

NEW HAMPSHIRE BOARD OF DENTAL EXAMINERS

Biennial Report – FY 2012-FY 2013

The NH Board of Dental Examiners (Board), established in 1891 (name officially changed in 1971), is responsible for the protection of the public by ensuring that New Hampshire dentists and dental hygienists adhere to RSA 317-A (the Dental Practice Act) and the dental administrative rules.

FUNCTIONS

The Board has four major functions:

1. To examine, register and license applicants whom it finds to be qualified to practice dentistry and dental hygiene;
2. To ensure that all licensees are in compliance with the Dental Practice Act (RSA 317-A), and the New Hampshire Code of Administrative Rules;
3. To undertake adjudicatory proceedings and, when appropriate, disciplinary action regarding licensees;
4. To make, amend and adopt reasonable rules and regulations governing the conduct of dentists, dental hygienists and dental assistants.

A. Registered Practitioners

The Board closely reviews the qualifications of each applicant before examination and licensure.

The Board receives feedback on the professional performance of dental practitioners from the National Practitioner Data Bank, The American Association of Dental Boards, other state dental boards, the New Hampshire Dental Society, law enforcement agencies, dentists and dental hygienists, and the public-at-large, usually patients. In addition, each licensee is required to pursue professional continuing education, the amount and quality of which is monitored by the Board.

June 30, 2012	Dentists	Hygienists	Total
Active	1,003	1,474	2,477
Inactive	<u>252</u>	<u>224</u>	<u>476</u>
	1,255	1,698	2,953
 June 30, 2013	 Dentists	 Hygienists	 Total
Active	1,088	1,369	2,457
Inactive	<u>250</u>	<u>261</u>	<u>511</u>
	1,338	1,630	2,968

B. Complaints

The Board reviews all written complaints. Those complaints which may involve a violation of the Dental Practice Act are referred to the Administrative Prosecution Unit (APU) of the Consumer Protection Bureau of the NH Attorney General's Office for investigation. The APU submits a Report of Investigation to the Board at which time the Board may recommend a course of discipline.

In FY 12 and FY 13 the Board completed a total of 106 investigations alleging violations of the Dental Practice Act (RSA 317-A). Unless there are other issues or fraud or dishonesty, the Board must dismiss fee complaints because the Board has no authority regarding fees. When appropriate, the Board advises complainants that the Peer Review Committee of the NH Dental Society provides fee mediation services.

The number of complaints received by the Board has been increasing due to consumers becoming more aware and actively involved in their dental care and also because of the advent of dental management service organizations. These are the subject of many complaints, especially those involving billing. Investigations are ongoing.

C. Board Actions (one complaint may result in multiple actions)

	FY 12	FY 13
License revoked or suspended	7	4
Fines	5	2
Reprimands	7	4
Directed Care/Counseling	3	2
Directives	0	4
Further Training	5	3
Letters of Concern	4	8
Peer Review Suggested	0	0
Licensure Denied	0	0
Investigated – no probable cause, no further action required	55	51

D. Receipts and Expenditures

	FY 12	FY 13
Revenues *	\$ 436,342	\$ 323,015
Expenditures	\$ 251,605	\$ 265,175
Required to meet 125%	\$ 314,506	\$ 331,469
Excess of revenue over 125%	\$ 121,836	(\$ 8,454)

* Dentist licensure fees are higher than those of hygienists. Dentists renew their licenses in even years, hygienists in odd years. Therefore, revenue is always significantly higher in even years.

E. Disbursements to Other State Agencies

	FY 12	FY 13
Class 027	\$ 1,186	\$ 2,954
Class 049		
Pharmacy Board	20,639	20,088
APU	27,280	27,480
H&HS	<u>250</u>	<u>250</u>
	\$ 49,355	\$ 50,772

F. Significant Legislation

FY 2012

✚ Certified Public Health Hygienist

RSA 317-A:21-e (SB 284), effective June 11, 2012, establishes a certified public health dental hygienist in New Hampshire. Pursuant to this statute, a dental hygienist licensed under this chapter may obtain a certification to practice as a certified public health dental hygienist by submitting an application to the board in writing and completing additional educational and training requirements as required by the board. RSA 317-A:21-e sets forth the conduct a certified public health dental hygienist may engage in and gives the board rulemaking authority relative to public health dental hygienist certification.

✚ Professional Misconduct

RSA 317-A:17, II (b)(3) was added, effective July 1, 2012, to include the practice of fraud or untruthfulness in obtaining educational credentials, examinations scores, or professional licensure as professional misconduct, pursuant to RSA 317-A:17.

FY 2013

✚ ADHA Code of Ethics (Dental Hygienists)

RSA 317-A:17, II (j) was added, enacted May 16, 2013 and effective July 15, 2013, to include as professional misconduct a knowing or willful violation of any provision of RSA 317-A, any substantive rule or order of the dental board, any federal, state, or local controlled drug law or other federal, state, or local laws or regulations pertaining to

(1) the practice of dentistry, and the Principles of Ethics and Code of Professional Conduct of the American Dental Association as reviewed and approved, in whole or in part, by the board; or

- (2) the practice of dental hygiene, and the code of ethics of the American Dental Hygienists' Association, as reviewed and approved, in whole or in part, by the board.

G. Major Accomplishments

✚ CEU's Awarded to Expert Reviewer/Consultant

Administrative rule Den 403.07 (i) was added to provide that a licensee who has an active New Hampshire dental or dental hygiene license, who is not a member of the Board, and who serves as an expert consultant for the Administrative Prosecutions Unit (APU) of the Consumer Protection Bureau of the New Hampshire Attorney General's Office, shall be credited with one clinical continuing education unit (CEU) for every 3 hours engaged as a consultant, up to 10 CEU's per biennium.

✚ EFDA (Expanded Function Dental Auxiliary)

The Board created an Ad Hoc Committee to study whether an Expanded Function Dental Auxiliary (EFDA) program should be established in New Hampshire. Numerous other states, including New Hampshire's neighboring states of Vermont and Maine, already had such a program. The Committee determined that EFDA would improve access to dental care for individuals in New Hampshire. The Board unanimously approved an EFDA program for New Hampshire, through rules to be promulgated by the Board. Administrative rule Den 302.05 was amended, effective May 7, 2013, to provide that any dental hygienist, or certified or graduate dental assistant as defined in Administrative rule Den 401.02, shall be considered qualified to place, contour and adjust direct restorative materials within the oral cavity after successfully completing an expanded function dental auxiliary (EFDA) course in dental restorations. Administrative rule Den 302.05 also sets forth the prerequisites for the direct dental restorations course, specifics of the EFDA course requirements, and registration and renewal requirements for Expanded Function Dental Auxiliary.

✚ Advisory Committee for Prescription Drug Monitoring Program

With the passage of SB 286, Charles E. Albee, DMD, currently the Vice President of the New Hampshire Board of Dental Examiners, was appointed to represent the Board on the Advisory Committee for Prescription Drug Monitoring Program. He will work very closely with the Board of Pharmacy to develop criteria for collecting, reporting and analyzing the data, relative to the development, implementation, and operation of the program. He will also participate in rule making recommendations to help combat prescription drug abuse.

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