

**DENTISTRY EXAMINING BOARD
MINUTES
March 5, 2014**

PRESENT: Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; Leonardo Huck, DDS; Lyndsay Knoell, DDS; Sandra Linhart, RDH; Timothy McConville, DDS; Beth Welter, DDS; Wendy Pietz, DDS

STAFF: Dan Williams, Executive Director; Matthew Guidry, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Meeting and hearing were delayed due to weather.

Lyndsay Knoell, Chair, called the meeting to order at 9:00 a.m. A quorum of nine (9) members was confirmed.

RECOGNITION OF BOARD MEMBERS

MOTION: Eileen Donohoo moved, seconded by Mark Braden, to recognize Kirk Ritchie, D.D.S. for his years of service and to thank him for his dedication to the Board. Motion carried unanimously.

ADOPTION OF AGENDA

The chair moves Item D. to Item B on the Agenda. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 8 2013

Amendment of Minutes item "Board Chair Nomination" to read to be nominated by Kirk Ritchie, not Mark Braden.

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to approve the minutes of January 8, 2014 as amended. Motion carried unanimously.

CLEARINGHOUSE RULE 14-011

MOTION: Mark Braden moved, seconded by Eileen Donohoo, to accept all Clearinghouse comments for CR 14-011 relating to DE 8 Patient Dental Records. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Debra Beres, to authorize the Vice Chair to approve the Legislative Report and the amended Draft as discussed pending further research with regard to record retention for Clearinghouse Rule 14-011 creating Ch. DE 8 Patient Dental Records for submission to the Governor's Office and Legislature. Motion carried unanimously.

DELEGATION OF AUTHORITY

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Leonardo Huck moved, seconded by Eileen Donohoo, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" document. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Debra Beres, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

- MOTION:** Mark Braden moved, seconded by Leonardo Huck, to authorize Wendy Pietz to work with DSPS Staff relative to Chs. DE 1 & 2 relating to Definition of dentistry, dental specialties, etc. Motion carried unanimously.
- MOTION:** Timothy McConville moved, seconded by Leonardo Huck, to authorize Debra Beres to work with DSPS Staff and to approve the Scope Statement on Chs. DE 2, 3, 7, and 11 relating to Administration of Nitrous Oxide and Practice of Dental Hygiene for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.
- MOTION:** Braden moved, seconded by Timothy McConville, to authorize Leonardo Huck continue to work with DSPS Staff, and to approve the Scope Statement on chs. DE 2, 5 & 6 relating to Pathway to Licensure for Foreign Trained Applicants for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.
- MOTION:** Eileen Donohoo moved, seconded by Leonardo Huck, to designate Beth Welter to serve as a liaison to DSPS Staff for drafting the Scope Statement relating to the regulation of mobile dentistry for consideration at a future meeting. Motion carried unanimously.
- MOTION:** Donohoo moved, seconded by Braden, to acknowledge legal counsel's opinion that Wis. Stats. ch 447 only provides authority to issue licenses specifically provided for in this chapter. Motion carried unanimously.
- MOTION:** Eileen Donohoo moved, seconded by Timothy McConville, to request DSPS staff to draft and send a formal Board letter with the chair's approval to respond to concerns related to Specialty Licenses. This letter will be sent to any state dental association that provided testimony or inquired on the subject. Motion carried unanimously.

ADEX DENTAL EXAMINATION COMMITTEE

- MOTION:** Eileen Donohoo moved, seconded by Debra Beres, to table the discussion on CRDTS Dental Examiner appointment until a future meeting, pending further information. Motion carried unanimously.

CRDTS EXAMINERS

MOTION: Eileen Donohoo moved seconded by Debra Beres, to table the discussion related to formalizing the examiners appointment process and the related associations, pending further information at the next meeting. Motion carried unanimously.

TREATMENT OF ORAL LESIONS WITH LASERS BY DENTAL HYGIENISTS

MOTION: Eileen Donohoo moved seconded by Mark Braden, to acknowledge the Board discussion and conclusions that treatment of oral lesions by any method is not within the scope of practice of dental hygiene. Motion carried unanimously.

CLOSED SESSION

Eileen Donohoo moved seconded by Mark Braden, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Lyndsay Knoell read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Debra Beres-yes; Mark Braden-yes; Eileen Donohoo-yes; Leonardo Huck-yes; Lyndsay Knoell-yes; Sandra Linhart-yes; Timothy McConville-yes; Wendy Pietz-yes; and Beth Welter -yes. Motion carried unanimously.

The Board convened into closed session at 12:55 p.m.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Eileen Donohoo moved, seconded by Debra Beres, to accept the Findings of Fact, Conclusions of Law and Orders in the matter of disciplinary proceedings against James F. Marchigiani, D.D.S, **12DEN068** and **13DEN028**. Motion carried unanimously.

DLSC 13DEN001

Lyndsay Knoell recuses himself for the discussion and consideration of the matters related to case number 13DEN001.

MOTION: Timothy McConville moved, seconded by Beth Welter, grants the Department of Safety and Professional Services, Division of Legal Services and Compliance's Motion to Designate Hearing Official to Preside over Summary Suspension Proceeding, in 13DEN001 (J.B.) due to a conflict of interest. Motion carried unanimously.

MOTION: Timothy McConville moved, seconded by Beth Welter, to authorize the Division of Hearings and Appeals to Issue the Final Decision In This Matter 13DEN001, (J.B.) due to a conflict of interest. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Timothy McConville moved, seconded by Leonardo Huck, to issue an Administrative Warning in the matter of DLSC case number 13DEN090 (J.O.). Motion carried unanimously.

APPLICATION REVIEW(S)

MOTION: Eileen Donohoo moved, seconded by Timothy McConville, to approve the RDH application of K.M., once all requirements are met. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to defer the credentialing decision until further information has been obtained in the matter of the LA application of K.W. Motion carried unanimously.

MOTION: Debra Beres moved, seconded by Leonardo Huck, to deny the application of W.F. pursuant to Wis. Stats. § 447.07(3)(a), engaged in unprofessional conduct, and Wis Admin. Code § DE 2.04(1)(d), failed to practice dentistry in good standing for at least forty-eight(48) of the last sixty(60) months preceding his application date. Motion carried unanimously.

MONITORING

EDWARD MCGRATH – REDUCTION OF SCREENING

MOTION: Mark Braden moved, seconded by Leonardo Huck, to grant the request of Edward McGrath for a reduction of random drug and alcohol screens to forty-eight (48) urine screens per year plus one annual hair test. Motion carried unanimously.

UPDATE ON ELDER V. WISCONSIN DENTISTRY EXAMINING BOARD

Sandra Linhart recused herself from all discussion related to Update on Elder v. Wisconsin Dentistry Examining Board.

RECONVENE TO OPEN SESSION

MOTION: Eileen Donohoo moved, seconded by Beth Welter, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 3:04 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Eileen Donohoo moved, seconded by Timothy McConville, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Debra Beres moved, seconded by Leonardo Huck, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:05 p.m.