Greetings from the Outgoing Chair!

It has been a very good year working with a great group of dedicated professionals and a hard working support staff!

As most of you are probably aware, the composition of the Vermont State Board of Dental Examiners’ has been expanded to include a certified dental assistant and an additional dentist. We welcome Dixie Vallie, C.D.A. and Randy Miller, D.D.S. and thank them for their service in helping to fulfill the Board’s purpose of protecting the public’s health, safety, and welfare.

The Board, with the guidance and expertise of our Legal Counsel, Larry Novins, is nearing completion of the dental statutes update. The dividend of this time-consuming process will be a more efficient and effective Board.

Respectfully,

Edward P. Pantzar, D.D.S.

The Board Welcomes Three New Members and One Returnee

Joanne Bugbee, R.D.H.

Ms. Bugbee graduated from the University of Vermont with a degree in Dental Hygiene in 1973. This is her thirty-eighth year working in the dental field.

She feels that being on the State Board of Dental Examiners is a way for her to give back to her profession and it is an honor to work with such a great group.

She is now practicing in Danville three and a half days a week. When she is not working she likes to bike, hike, snowshoe and spend time with her family in the Northeast Kingdom.
Dixie Vallie, C.D.A., E.F.D.A.

Ms. Vallie is a 1976 graduate of Rochester School of Dental Assisting. She is a certified orthodontic assistant as well as a certified dental assistant with the Dental Assisting National Board. She became an expanded functions dental assistant in 2006.

Ms. Vallie was named dental assistant of the year in 2004. She is the past president of the Vermont Dental Assistants Association. She is currently employed by Dr. Daniel Beisiegel, an orthodontist in Colchester, Vt.

She is married to Robert J. Vallie, and they reside in Williston, Vt.

Jennie Reed, R.D.H., E.F.D.A.

Ms. Reed grew up in Vermont and decided at an early age she wanted a career in dental hygiene. She graduated in 1996 from Westbrook College in Portland, ME. In 2009 she completed the EFDA program at the Center for Technology-Essex.

Ms. Reed works in private practice, practicing dental hygiene and EFDA. She also works for the Addison Rutland Supervisory Union as a Tooth Tutor Dental Hygienist.

Randall Miller, D.D.S.

This is Dr. Miller’s second appointment to the Board of Dental Examiners. He first served on the Board from 2001 to 2006.

Dr. Miller graduated form SUNY at Buffalo School of Dental Medicine in 1983, and completed a General Practice Residency at the Medical Center in Burlington in 1984.

Dr. Miller and his wife Mary Jo have 3 children; Brian, 19, Mike 18, and Maggie, 12. He practices general dentistry with Dr. David Blanck in Burlington.

Our Public Members

Gertrude Hodge

Ms. Hodge has been a public member on a number of boards or committees including the Funeral Board, AARP, PTA and the Farm Bureau. For twenty years, she worked for the State of Vermont as Training and Information Officer in civil defense. She has five children all involved in public service jobs.

Raymond McCandless

Before Mr. McCandless became a Vermonter, he worked as a health physicist for the state of Maryland Health Department. He was also the Director of the Radiation Safety Program at the Johns Hopkins Medical Institutions. For more than thirty years, he was Director of Occupational and Radiological Health Division for the VT Department of Health. One of his responsibilities was to travel around the State to dental offices to examine x-ray machines and developers to make sure they were working correctly and safely.

Mr. McCandless has also served on several other Boards either as a regular or ad hoc member. These Boards include Chiropractic, Land Surveyors, Board of Allied Mental Health Practitioners and Radiological Technology. He has also been actively involved in town and regional planning/zoning boards and commissions.

Both Ms. Hodge and Mr. McCandless have expressed an understanding that they represent the public and often times view and judge the issues of the Board of Dental Examiners from a different angle than the professional members on the Board.

They both enjoy working with the Board of Dental Examiners and value the role they play and the friendships that have developed.
Farewell and Thank You
Linda Retchin, R.D.H.

The Board of Dental Examiners extends a heartfelt thanks to Linda Retchin, R.D.H. for her ten years of service as a Dental Hygiene member to the Board of Dental Examiners. Ms. Retchin studied hygiene at Howard University and was appointed to the Board by Governor Howard Dean in 2001 and was reappointed by Governor James Douglas in 2006. Ms. Retchin was always prepared for meetings and ready to ask the tough questions. The Board appreciated her attention to detail and willingness to serve on Board subcommittees when needed. Ms. Retchin currently works in several Northern Vermont dental offices on a per diem basis. The Board wishes her well in her new appointment as a Public Member of the Real Estate Appraisal Board.

Tribute to Rena Chernick
1926 -- 2009

MONTPELIER - Rena Chernick, simply "Rena" to all who knew and loved her, died while returning from a dental convention in Hawaii on Oct. 5. She was 83 years old. Rena was active in the world of dentistry and dental examination, setting standards and administering exams to license dentists and hygienists. In 2004, she was named by Gov. James Douglas to the Vermont Board of Dental Examiners.

Rena was engaged in many civic affairs in Montpelier and Warren, including serving as president and board member of the Central Vermont Hospital Auxiliary and member of the board of directors of the Central Vermont Hospital, to which she was deeply devoted. She was also a longtime member and former vice president of the Valley Rotary Club in Warren-Waitsfield and served on the Central Vermont Red Cross board of directors. She was a dedicated supporter of the arts and served as president of Children's Ballet of Vermont for many years, was a lifetime member of the Vermont Federation of Garden Clubs and belonged to many other arts and civic associations.

Rena pioneered the participation of dental hygienists on state and regional boards of dental examiners. She was first woman and hygienist to be appointed to the Rhode Island Board by the R.I. governor in 1976, and went on to become an executive member of the New England Board of Dental Examiners. Later, after moving to Vermont and entering into private practice, she was named to the Vermont board, becoming the first dental hygienist to serve on two state dental boards: Rhode Island and Vermont. For her work as a dental hygienist, Rena Chernick won many awards, most recently receiving the Outstanding Alumni Award from her alma mater, Forsyth School of Dental Hygiene of the Massachusetts College of Pharmacy and Health Sciences, and the Lifetime Achievement Award from the New England Board of Dental Examiners.

Rena was married to Irwin Chernick, an attorney in Providence, R.I. They bought a home in Warren in 1963. Irwin Chernick died in 1982, just as the family was moving full time to Warren. Rena continued to live in Warren until 2005 and then moved to Montpelier.

As a young widow, she soldiered on without her life's partner. She continued her professional work until the very end, working in private practice in Montpelier and Barre, attending seminars, serving on the Vermont board and representing the state of Vermont at dental meetings. Rena Chernick represented a style of professional woman who remains fully engaged and active professionally into her 80s.

Beyond her public life, Rena was known as a vibrant, compassionate and loving woman to her family and friends. At the center of her life was her family. Earlier this year she mourned the premature loss of her beloved grandson, Zdravko, known as Z. She is survived by a sister, Barbara from Burlington; three children and their spouses, Abbie Saad and her husband Essam of Somerset, N.J., Naomi Marshall and her husband Greg of Bellingham, Wash., and Marc Chernick and his wife Tulia of Takoma Park, Md. She is also survived by three grandchildren, Tatijana, Ivan, and Omar; and two step-grandchildren, Camilo and Alvaro Hernan. Published in The Burlington Free Press on October 9, 2009.
Board of Dental Examiners
Statement on the Use of Lasers by Non-Dentists
August 10, 2011

Background
The Board of Dental Examiners has been asked whether and under what conditions non-dentists may use lasers. The statutes and rules governing dental practice do not directly address laser use.

Guidance
Practitioners are reminded that current law limits the practice of non-dentists. The relevant portion of the Administrative Rules of the Board of Dental Examiners 1.11 provides:

“1.11 Permitted Practices (a) Dentists: The following tasks may be performed by licensed dentists only:

(1) Practices permitted by Chapter 13 of Title 26 including diagnosis, treatment planning and prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic or orthodontic appliances; or

(2) Surgical procedures on hard and soft tissues within or ancillary to them related to the treatment of the maxillofacial complex and any other intraoral procedure that contributes to and results in an irreversible alteration to the oral anatomy.

(3) Dentists are responsible for general supervision of dental hygienists and “direct supervision” of dental hygienists where specifically required elsewhere in these rules.

(4) Dentists are responsible for the direct supervision of dental assistants.

(b) Clarifications, Limitations on Scope of Practice, Dentists or Dental Hygienists:
Oral prophylaxis, oral debridement, periodontal descriptions and charting, including periodontal probing and placement of subgingival chemotherapeutic agents shall be performed only by a licensed dentist or dental hygienist.” (Emphasis added)

All licensees should bear in mind that 3 V.S.A. § 129a(a) which defines unprofessional conduct includes:

“(6) Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education or licensing credentials to perform them.” and,

“(13) Performing treatments or providing services which the licensee is not qualified to perform or which are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice.”

Those sections permit disciplinary action against a dentist who improperly delegates any task, and against a non dentist who provides services she or he is not qualified to render.

Practitioners are reminded that they must always use independent professional judgment in deciding if they are qualified to undertake any task.

Department of Health Survey
It is not too late to complete and return the 2011 Department of Health Survey! Though not mandatory, please take a few minutes to fill out this easy census.

This information is very useful for recruitment and retention efforts for dentists in the State of Vermont. The data also helps the Health Department in its efforts for federal loan programs and accessing our current dental provider situation in the state.

Licensees and Registrants as of July 1, 2011

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A Reminder to all Dental Professionals

Rules 5.2, 5.22 and 5.27 states that:

(a) Each dentist, whether or not holding a special endorsement provided under these rules, must submit a complete report to the Board within 30 days of any incident which occurs in the dentist’s office or outpatient facility during, or as a direct result of the administration of any anesthetic, local or general, anxiolysis, parenteral deep sedation, or parenteral conscious sedation, or sedation regardless of the route of administration, which results in a patient being transported to a hospital, hospitalization, or death.

(b) The incident report shall be submitted whether or not the patient is admitted, and whether or not the incident has the potential for life-threatening consequences. A report of an incident shall include a statement setting forth the names and credentials of those present or participating during the anesthesia, anxiolysis or sedation. Failure to comply with this reporting requirement may result in disciplinary action including loss of a special endorsement. Please take special note of this rule and your responsibility to comply.

Other Board Activities

The Board recently completed a review and update of the Dentist and Dental Hygienist Jurisprudence Examinations. The update reflects the recent changes in the Vermont State Statutes and Rules regarding the professions of dentistry, dental hygiene and dental assisting.

The Board has also been reviewing the Vermont State Statutes pertaining to the practice of dentistry, dental hygiene and dental assisting. The primary goal of this effort is to update and organize the statutes so they are easier to read and understand. The proposed changes to the statutes will also include updated language and a clarification of the laws regarding the ownership of a dental practice.

Disciplinary Actions

Complaints

What follows is a composite of some of the issues that may result in the filing of a complaint against a practitioner. Having a complaint filed against you can be extremely disruptive and upsetting. If a case alleges unprofessional conduct, as defined by the Board’s laws and rules, the Office will order an investigation.

Although many complaints do not result in disciplinary action, they are still investigated. Many of those complaints that are closed might have been avoided altogether if the practitioner had better communicated with the patient. Many insurance carriers, and states now ask if you are, or have ever been, the subject of an investigation.

If a complaint is filed and the Investigative Team finds unprofessional conduct, the Board may take disciplinary action after a hearing. We hope that you will read this carefully. It does not cover every possible scenario, but it may help you avoid common pitfalls that result in a complaint, and/or disciplinary action.

1) Poor communication. Be sure to communicate well with your patients, colleagues, and your employees.

2) Attitude. The Investigative Teams find that many cases are brought to the Office of Professional Regulation because the professional had an “attitude” that was flippant or perhaps condescending.

3) Unauthorized Practice. Working without proper registration or license to do so, or allowing unlicensed or unregistered persons to practice or allowing unendorsed individuals to take x-rays (radiographs).

4) Failure to keep written dental records justifying the course of treatment of the patient, including, patient histories, examination results and test results. (See 26 V.S.A. § 1842 and 3 V.S.A. 129a for unprofessional conduct). (Remember: If it is not in the record, it “didn’t” happen!) See below/above.
Record Keeping

The Board would like to remind all practitioners of the huge importance of thorough record keeping. It has been our experience that all too often incomplete and illegible records of patient care and communications are provided to investigate a complaint.

Each patient should have his or her own dental record which includes all patient information. On each dated occasion for an examination, records need to show the presenting complaint based on signs, not the patient’s presumed diagnosis. A thorough history and findings should be documented outlining a tentative or definitive diagnosis. Diagnostic and therapeutic plans including all tests performed and medications prescribed must be documented. Any surgical procedure should be described in adequate detail to include findings, treatment, and anesthetics used. Clear instructions are a major portion of the appointment or discharge. It is helpful to include in the records any suggestions regarding referrals to a specialist or patient waivers of recommended care. All conversations from the patient or his or her guardian/representative should be noted in the patient’s record. It is also important to record the patient’s response to the care.

Record keeping should be of the problem-oriented approach for clarity and ease in retrieval. This method recognizes that multiple problems can exist at one time, and prevents the information for each from being compiled together with another. All notes should be legible to anyone reading the notes and signed at each entry with the provider’s initials or name. All of these recommendations not only help insure good and thorough dentistry, it is also your means of support in legal matters.

Maintaining good records is also important when transferring a patient’s records to another provider. The new provider must have details about the patient’s care and treatment in order to provide the best care for the patient. Please be sure to transfer the complete patient’s record!

Actions Taken

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below. The direct link to the search page is:

http://vtprofessionals.org/opr1/searchdiscipline.htm

Disciplinary actions range from warnings, a finding of no unprofessional conduct with an administrative penalty, to revocation.

Case statistics for Fiscal year 07/01/10 through 06/30/2011:

- New Cases Received: 37
- Cases Investigated: 26
- Closed without Discipline: 14
- Charges Filed: 10
- Summary Suspension: 1
- Disciplined imposed by Stipulation: 4
- Discipline Imposed after Hearing: 2

For more statistics go to the website under Annual Report.

Reminders

1) Moving? Please be sure to notify the Board. It’s the law!! It is your responsibility to report changes of name and/or address to this Office (See 3 V.S.A. § 129a). With your User ID and Password you may update your address online or send us a fax or E-mail with the information. You must provide evidence of your name change (i.e., copy of marriage license, divorce decree, or other court documents) to the Office.

2) You must report within 30 days convictions, felonies, or other criminal offenses related to the profession 26 V.S.A. 129a (a) (11).
**Miscellaneous**

1) $20 fee for verification of your licensure status to be sent to another state.

2) $20 fee for replacement license

All fees should be made payable to the Vermont Secretary of State’s Office.

The current laws, rules, applications for licensure and registration, renewal forms, etc. are available on our Web site at www.vtprofessionals.org/opr1/dentists/

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Office Hours:
Monday through Friday - 7:45 a.m. – 4:30 p.m.

Meeting Dates – the second Wednesday of each month and are open to the public. All meetings are posted on the Office’s website at:
http://www.vtprofessionals.org/meetings/meetinglist.htm